

OLIVENHAIN MUNICIPAL WATER DISTRICT



LEGISLATIVE & REGULATORY REVIEW

2022 – 2023

THIRD EDITION



2022–2023 LEGISLATIVE & REGULATORY REVIEW

1966 Olivenhain Road
Encinitas, CA 92024
760-753-6466

For more information on this report or OMWD's public affairs program, contact Brian Sodeman at bsodeman@olivenhain.com.

TABLE OF CONTENTS

<u>Section</u>	<u>Page</u>
Mission.....	4
Leadership.....	5
<i>Organization</i>	6
Introduction.....	7
Review of 2022.....	8
Legislative & Regulatory Outreach	
<i>Formal Correspondence</i>	10
<i>Collaboration</i>	13
Anticipated Issues in 2023.....	20
Legislative Guidelines.....	21
Legislative Representatives.....	44
Public Affairs Team.....	48

MISSION

Olivenhain Municipal Water District is a public agency providing water, wastewater services, recycled water, hydroelectricity, and operation of Elfin Forest Recreational Reserve. Organized in 1959, OMWD currently serves approximately 87,000 customers over 48 square miles in northern San Diego County.

Olivenhain Municipal Water District is committed to serving present and future customers with safe, reliable, high-quality water while exceeding all regulatory requirements in a cost-effective and environmentally responsive manner.

OMWD is dedicated to providing recycled water, wastewater treatment, and hydroelectricity in the most cost-effective, environmentally responsive, and service-oriented manner.

OMWD is devoted to the safe operation of Elfin Forest Recreational Reserve and providing all users with a unique recreational, educational, and environmental experience.

OMWD is committed to pursuing alternative and/or renewable resources with the most sustainable, efficient, and cost-effective approach.

OMWD is steadfast in complying with policies and procedures that adhere to local, state, and federal guidelines for national security and disaster preparedness.



LEADERSHIP

OMWD is governed by a five-member Board of Directors elected for staggered four-year terms, with each director being elected from a specific geographic area of OMWD's service area. Current directors are as follows:

Olivenhain Municipal Water District
Board of Directors



Christy Guerin, President

Term of Office: 2020-2024 Division 3



Matthew R. Hahn, Vice President

Term of Office: 2022-2026 Division 4



Neal Meyers, Treasurer

Term of Office: 2022-2024 Division 5



Lawrence A. Watt, Secretary

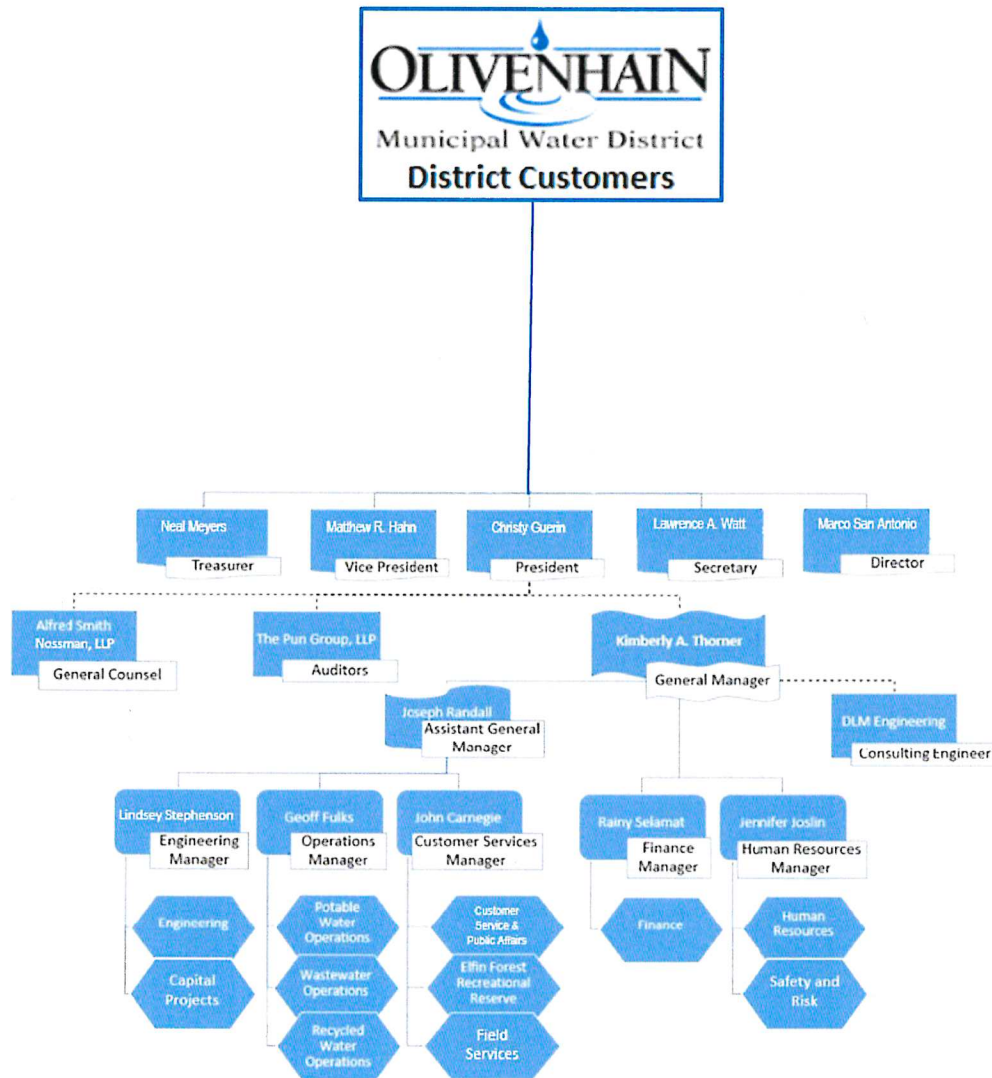
Term of Office: 2020-2024 Division 2



Marco San Antonio, Director

Term of Office: 2022-2026 Division 1

2023 Organizational Chart



INTRODUCTION

LEGISLATIVE ENGAGEMENT

Olivenhain Municipal Water District has established itself as a regional leader by engaging federal and state leaders on a wide array of legislative and regulatory issues. Many of OMWD's priorities are outlined through its legislative guidelines, which offer a framework to evaluate the impact of legislation upon OMWD and its customers. In addition to the staff analysis, OMWD has contracted professional representation at the federal and state level. On behalf of the North San Diego Water Reuse Coalition, BlueWater Strategies, LLC, provides legislative and regulatory advice and assistance with federal agencies, United States House of Representatives, and United State Senate. Nossaman, LLP, provides OMWD with legislative and regulatory relations services at the state level.

LEGISLATIVE & REGULATORY REVIEW

The 2022–2023 Legislative & Regulatory Review provides an overview of legislative and regulatory activities to customers, interested parties, and the OMWD Board of Directors.

This report is comprised of three main components, beginning with an overview of legislative and regulatory outreach conducted by OMWD staff in calendar year 2022. This section begins with a summary of major developments impacting legislation during the year. The summary is followed with an outline of official legislative and regulatory correspondence sent by OMWD on key issues facing our customers, along with a summary of collaborative advocacy conducted by staff.

After a review of the past year, this report offers a general outline of policy and regulatory issues that are anticipated in calendar year 2023. This assessment is formulated through staff analysis, with information from professional representatives.

Finally, the report concludes with OMWD's Legislative Guidelines, which were approved at the December 14, 2022 Board of Directors meeting. OMWD staff uses these guidelines to take action on pressing issues, provide regulatory comments, and take positions on pending legislation.

REVIEW OF 2022

SUMMARY

California Drought

The drought-related State of Emergency that Governor Newsom had declared in 2021 remained in effect throughout 2022. The emergency declaration directed water agencies throughout the state to activate their Water Shortage Contingency Plans to preserve water supplies.

OMWD had already activated Level 1 of its Water Shortage Contingency Plan in 2016. At the Level 1 condition, customers were encouraged to take voluntary actions to reduce water waste, such as promptly fixing leaks, stopping runoff from inefficient irrigation, irrigating only during night and early morning hours, and avoiding washing down paved surfaces.

In 2022, State Water Resources Control Board required that all urban water suppliers in California implement new actions outlined in their Water Shortage Contingency Plan, and OMWD strongly encouraged the following water-saving measures:

- Restrict outdoor irrigation to no more than three days per week, with odd-numbered houses irrigating on Sunday, Tuesday, and Thursday and even-numbered houses irrigating on Monday, Wednesday, and Saturday
- Restrict outdoor irrigation to no more than 10 minutes per irrigation station for systems not using water-efficient devices
- Repair leaks within 72 hours of notification by OMWD
- Discontinue use of ornamental fountains or water features that use potable water

In addition, the SWRCB prohibited irrigation by commercial customers of turf that is solely ornamental, subject to certain exceptions.

COVID-19 Pandemic

The spread of the COVID-19 virus worldwide caused millions of deaths, widespread economic disruption, and significant forms of government intervention. The Governor's emergency COVID-19 order was still in effect through 2022.

California's Gubernatorial Election

The 2022 California gubernatorial election was held on November 8, 2022, with the statewide top-two primary election taking place on June 7, 2022. Incumbent Governor Gavin Newsom ran and won reelection to a second term after surviving a recall election in 2021 during his first term.

OMWD'S LEGISLATIVE & REGULATORY OUTREACH

On nearly a daily basis, OMWD's Public Affairs team communicates and works with San Diego County Water Authority, Metropolitan Water District of Southern California, neighboring agencies, elected representatives, advocacy organizations, along with state and federal agencies on a wide array of issues. These communications are made through formal correspondence and collaborative meetings.

Formal Correspondence

On occasion, OMWD provides formal comments on proposed regulatory frameworks and takes positions on proposed legislation and policies. The list below provides an at-a-glance "snapshot" of the formal legislative correspondence OMWD produced in 2022:

January 27, 2022 Comments provided to members of the United States Senate regarding PFAS Action Act of 2021.

March 11, 2022 Position letter provided to the California State Senate opposing unless amended SB 1157 regarding proposed indoor water use standards recommended by the Department of Water Resources and State Water Resources Control Board.

March 14, 2022 Comments provided to the California State Governor, members of the California State Senate, and the California State Assembly to request the inclusion of \$750 million in grant funds for recycled water as part of the Drought Resilience and Response package, and revise the budget language.

March 15, 2022 Comments provided to members of the San Diego County Board of Supervisors regarding the American Rescue Plan Act's Coronavirus Local Fiscal Recovery Fund.

18

In 2022, OMWD produced 18 comments on proposed regulatory frameworks and positions on proposed legislation and policies.

March 18, 2022	Position letter of support provided to member of the California State Assembly in support of AB 2142, which would exempt rebates for turf replacement programs from California gross income taxes.
March 31, 2022	Position letter of support provided to member of the California State Assembly in support of AB 2247, which would require manufacturers of PFAS or products containing PFAS, to disclose the presence of PFAS in those products in a publicly accessible database.
May 3, 2022	Comment letter to member of the California State Water Resources Control Board regarding proposed conservation emergency regulations.
May 19, 2022	Comment letter to members of the California State Water Resources Control Board advocating for the inclusion of a “Stress Test” approach in the Emergency Regulation for Urban Water Conservation.
June 1, 2022	Comment letter to the California State Governor regarding the need for investments in adapting water systems to new hydrologic realities affecting water supply and supply reliability.
June 20, 2022	Position letter to member of the California State Senate, Environmental Quality Committee, in support of AB 2247, which would require manufacturers of PFAS or products containing PFAS, to disclose the presence of PFAS in those products in a publicly accessible database.
June 21, 2022	Position letter to member of the California State Senate, Senate Appropriations Committee, supporting SB 2142, which would exempt rebates for turf replacement programs from California gross income taxes.
July 25, 2022	Position letter to member of the California State Senate opposing unless amended, SB 222 regarding the proposed water rate assistance program.
August 24, 2022	Position letter provided to the California State Governor requesting signature on AB 2142, reinstating an exemption for turf replacement rebates from gross income in California, aligning it with other permanently exempt water efficiency rebates.

- August 29, 2022** Comments provided to members of the California Air Resources Control Board regarding the draft Advanced Clean Fleets Regulations, specifically, the Public Fleet Requirements.
- September 2, 2022** Position letter provided to the California State Governor requesting veto on SB 1157, which would lower indoor water use efficiency standards but would not balance water supply benefits with affordability ramifications.
- September 9, 2022** Position letter provided to the California State Governor requesting veto on SB 222 regarding the proposed water rate assistance program due to funding and administration concerns.
- September 9, 2022** Position letter provided to the California State Governor requesting signature on AB 2247 which would require manufacturers of PFAS or products containing PFAS, to disclose the presence of PFAS in those products in a publicly accessible database.
- October 10, 2022** Comment letter provided to the California State Water Resources Control Board regarding the proposed water loss performance standards revised regulations.

Legislative and Regulatory Collaboration

OMWD collaborates extensively with partners and stakeholders throughout California. Staff participates in multiple meetings to advocate for OMWD customers on a wide range of issues from water reuse to governance of water resources in the San Diego region. The list below provides an overview of the meetings and agencies OMWD has worked within 2022:

Association of California Water Agencies

ACWA Fall Conference & Exhibition

ACWA conferences offer comprehensive and relevant analyses of issues surrounding the reliable delivery of safe water to millions of Californians.



363

In 2022, OMWD participated in over 363 meetings or workgroups with partners and stakeholders.

ACWA Region 10

OMWD's General Manager, Kimberly A. Thorner hosted and moderated a panel on conversations on leading for a resilient water future. Facing historic shortages on the Colorado River, the panel shared how climate change is impacting current and future diversions, the status of current shortage management plans and negotiations to develop new operating rules and salinity management challenges.

ACWA Monday Morning Lobby Group Meeting

Nossaman, LLP participates in these meetings that include lobbyists representing the water industry from all over California.

ACWA Regulatory Committees: Water Management, Water Quality, Energy and Groundwater

Nossaman, LLP regulatory subconsultants participate in these regulatory meetings on behalf of OMWD.

AWWA California-Nevada Section

The American Waterworks Association is an international, nonprofit, scientific and educational society dedicated to providing total water solutions assuring the effective management of water. OMWD holds a membership with the AWWA California-Nevada Section. OMWD's General Manager, Kimberly A. Thorner provided a presentation for AWWA, San Diego Women in

Water (leading a discussion about dilemmas facing women in leadership in the water sector, as well as the double bind dilemma for women.)

Women in Water Symposium

The Women in Water Symposium (in partnership with Cuyamaca College) is a multi-day, online conference offering workshops for students, water industry professionals, and those exploring careers in water and wastewater. General Manager, Kimberly A. Thorner provided a presentation on the water industry and how the work environment may evolve as a result of COVID-19.

California Special Districts Association

CSDA Special Districts Annual Conference

This annual conference highlights in-depth topics on issues that special districts are facing through presentations and panel discussions. General Manager Thorner and a member of OMWD's Board of Directors attended this year's conference.

CSDA San Diego Chapter Quarterly Meeting

These quarterly meetings are attended by CSDA members, including OMWD, other special districts, and representatives of industry. Meetings discuss upcoming legislation, regulatory changes, and conversations on good governance and improving core local services through professional development, advocacy, and other services for special districts.

CSDA Special District Leadership Academy

Provides the knowledge base to perform essential governance responsibilities and is designed for both new and experienced special district board members. Modules include courses on Governance Foundations, Setting Direction/Community Leadership, Board's Role in Human Resources, and the Board's Role in Finance and Fiscal Accountability.

CSDA Special District Leadership Foundation

In 2022, OMWD was reaccredited with the Platinum District of Distinction Award (one of the most prestigious local government awards in the state of California). This award validates OMWD's commitment to good governance, and to ethical and sound operating practices.

Council of Water Utilities San Diego County

COWU is a monthly forum for regional San Diego water utility agencies. Meetings are designed to inform participants and share information relevant to water and related agencies. These monthly collaborative meetings have also included notable guest speakers from the water industry.

County of San Diego

Department of Environmental Health and Quality - Recycled Water Program & Recycled Water Purveyors

San Diego County Department of Health and Quality recycled water staff meets biannually with San Diego's large recycled water system purveyors and OMWD staff. Discussions primarily focus on recycled water use management processes and procedures to protect the public from potential health risks associated with cross-connections of recycled water and drinking water supplies. Meetings also facilitate discussion on preventing health risks from direct contact with recycled water.

Cross-Connection Control Advisory Committee of San Diego

As a nonprofit, the Cross-Connection Control Advisory Committee is a collaborative effort between stakeholders concerned with a safe and healthy water supply. The Advisory Committee exists to protect the public health by increasing awareness of the best cross connection control and backflow prevention methods. OMWD staff participates in biannual meetings of the Advisory Committee, working to prevent dangerous backflow into potable water systems.

Department of Water Resources

Standards, Methodologies, and Performance Measures Work Group

OMWD's staff partakes in quarterly meetings of the working group, which takes data of landscaping area measurements to determine how it will be utilized by agencies and organizations throughout California.

Local Agency Formation Commission – San Diego

Special Districts Advisory Committee

OMWD's General Manager, Kimberly A. Thorner, serves as Chair of San Diego LAFCO's Special Districts Advisory Committee. The Committee is tasked with providing feedback – including recommendations – on germane topics to assist LAFCO in fulfilling its regulatory and planning functions.

Ad Hoc Advisory Committee – Rainbow Municipal Water District & Fallbrook Public Utility District Reorganization Proposals

San Diego LAFCO is processing two related proposals separately filed by the Rainbow Municipal Water District and Fallbrook Public Utility District. These proposals request LAFCO approval for each agency to separately and concurrently detach from the San Diego County Water Authority and annex to the Eastern Municipal Water District, in Riverside County, for purposes of changing wholesale water suppliers. OMWD is represented on the Ad Hoc Committee by General Manager Kimberly A. Thorner.

North San Diego Water Reuse Coalition

The NSDWRC consists of nine water and wastewater agencies collaborating and taking inventory of where there is a supply of wastewater and a demand for recycled water for irrigation, industrial, or potable uses. The Coalition periodically meets with legislators, works with BlueWater Strategies to assist in securing grant funding, and makes advocacy trips when possible.

San Diego County Water Authority

Board of Directors

SDCWA is governed by a 36-member board of directors representing the 24 member agencies in San Diego County, one of which is OMWD. The board of directors establishes and administers policies for SDCWA at its monthly meetings. OMWD's board unanimously appointed General Manager Kimberly A. Thorner as its representative to the SDCWA Board of Directors at its November 18, 2020 meeting and she served through 2022. The OMWD board of directors appointed Director Meyers as its representative to the SDCWA Board of Directors in 2023.



Administrative and Finance Committee

The committee is responsible for administrative and finance matters, including: rates, fees, charges, other sources of revenue, budget, and investments. Administrative responsibilities include human resources, employer-employee relations, information technology, insurance, risk management, and other matters of general business operations. OMWD's representative to SDCWA, General Manager Kimberly A. Thorner, served on the Administrative and Finance Committee during her appointment.

Audit Committee

The Audit Committee is responsible for independent oversight of the annual financial reporting process, including the selection of, and communication with the Water Authority's outside audit firms. OMWD's representative to SDCWA, General Manager Kimberly A. Thorner, served on the Audit Committee through her appointment.

Project Labor Agreements Work Group

General Manager Kimberly A. Thorner, served on the Project Labor Agreement Work Group, responsible for designing a labor agreement to govern most of SDCWA's future construction

contracts, ensuring projects deliver a range of community and worker benefits, while continuing to be built to the highest standards.

Engineering and Operations Committee

This committee meets for matters of design, construction, replacement, maintenance, and operation of the Water Authority's facilities, property, and equipment, including: administration of the Capital Improvement Program, administration of the Aqueduct Protection Program, right of way acquisition and management, system and facility security, water quality, and other matters relating to facility operations. OMWD's representative to SDCWA, General Manager Kimberly A. Thorner, served on the Engineering and Operations Committee.

Financial Strategy Work Group

General Manager Kimberly A. Thorner, served on the Financial Strategy Work Group, which aims to evaluate and enhance prudent financial practices, policies, and opportunities in collaboration with member agencies.

Joint Public Information Council

SDCWA hosts monthly JPIC meetings with representatives from its member agencies, including OMWD. Representatives to these collaborative meetings discuss ongoing regional water topics focused, outreach initiatives, and a focus on conservation issues.

Member Agency Managers Meeting

This meeting is held monthly to discuss and coordinate upcoming SDCWA topics and their impact on member agencies.

Member Agency Managers / Member Agency Finance Officers Work Group

This work group meets to discuss and coordinate rate design and its impact on member agencies.

Member Agency Legislative Liaisons Meeting

Hosted by SDCWA's Director of Government Relations, this meeting discusses water legislation and updates from Sacramento. OMWD staff and Nossaman, LLP participate in the meetings, which are held monthly. The Legislative Liaisons Meeting also strives to set up yearly meetings with select legislators.

San Diego Integrated Regional Water Management Group/Regional Advisory Committee

The Regional Advisory Committee to San Diego IRWM plays a critical role in shaping and developing such key elements of the IRWM Plan as goals and objectives, long-term targets, the proposed institutional structure, and project prioritization. The Regional Advisory Committee currently meets on a bi-monthly basis to provide guidance on upcoming IRWM planning and funding application activities. OMWD is represented by General Manager Kimberly A. Thorner, with Assistant General Manager Joey Randall serving as an alternate member.

San Diego North Economic Development Council

OMWD participates in SDNEDC's quarterly meetings with the mission of building a stronger North County economy through regional collaboration and leadership. SDNEDC facilitates public and private sectors working together as community partners to sustain and strategically grow the economic base of northern San Diego County. OMWD is represented by Assistant General Manager Joey Randall serving on the Board.

WateReuse Association

California Board of Trustees

WateReuse is a trade association that focuses on advancing laws, policy, and funding to increase water reuse. The California section is governed by the Board of Trustees and is actively engaged in working with appointed and elected officials to pass legislation and develop regulations that will accelerate the implementation of both non-potable and potable reuse. OMWD's General Manager Kimberly A. Thorner is an officer of the Board of Trustees, serving as Secretary, and also serves on the Executive Committee. WateReuse California Board of Trustees and Executive Committee meet monthly.

WateReuse Executive Committee

General Manager Kimberly A. Thorner serves on the Executive Committee which meets and plans all Association agendas and activities.

WateReuse CA Legislative and Regulatory Committee

The Legislative and Regulatory Committee reviews, analyzes, and recommends positions on state legislation that affects the goals and objectives of the Section and its membership. Policy framework and the annual agenda for advocacy are established through the group.

California Communications Collaborative Group

The group provides a forum to discuss and collaborate on potable water reuse communications. Participants meet quarterly to learn about current challenges facing reuse communications, discuss tools and resources, and network with colleagues.

San Diego Regional Chapter

The San Diego Regional Chapter of the WateReuse Association provides a quarterly forum for the exchange of information to promote the beneficial use of recycled water in the San Diego region. OMWD Engineering Manager Lindsey Stephenson serves as Board President, and also participates in monthly board meetings. Members of the San Diego Regional Chapter include recycled water purveyors, recycled water customers, regulatory agencies, engineering and consulting firms, and equipment vendors.

WaterReuse Symposium

The annual WaterReuse Symposium provides a virtual online event to attendees about water reuse policy, technology, operations, research, and public acceptance. Presenters and exhibitors include elected officials, academic researchers, public officials, and industry leaders. Attendees also participate in several session groups with experts to advance the goals of WaterReuse.

Urban Water Institute

OMWD participates in the annual conferences (2021 conference virtual due to COVID-19). The group provides non-partisan information to the water industry with an emphasis on water economics, management, and resource policies as they affect consumers and the general economy.

Solve the Water Crisis

Solve the Water Crisis seeks to raise awareness among California policymakers and leaders on the ongoing water supply crisis impacting residents, economic growth, community health, the environment, and the future generation of Californians. OMWD's General Manager Kimberly A. Thorner serves as an officer on the Steering Committee as well as the Board of Directors which are comprised of 7 to 10 General Managers representing each California region. General Manager Thorner has presented to the Editorial Board of the San Diego Union Tribune on Solving the Water Crisis, provides input on collateral development, and participates in weekly meetings.

League of Women Voters

General Manager Kimberly A. Thorner provided a presentation to the League of Women Voters Water Group on OMWD, future projects, the North County Reuse Coalition and the drought.

State Water Resources Control Board Meetings

The State Water Resources Control Board held meetings regarding emergency regulations to prohibit wasteful water use practices in 2022 to save water and preserve California's water supply. OMWD Public Affairs Supervisor Brian Sodeman participated in these meetings and provided testimony on a draft proposed emergency regulation for water conservation.

State Legislature Committee Hearings

Nossaman, LLP conveyed OMWD's legislative positions on proposed Bills through testimony at approximately 24 Committee hearings throughout the year.

Rancho Santa Fe Public Information Committee

General Manager Kimberly A. Thorner provided a presentation to the Rancho Santa Fe Public Information Committee on Drought Infrastructure.

ANTICIPATED ISSUES IN 2023

SUMMARY

OMWD has developed a general outlook regarding anticipated legislation and legislative/regulatory areas of focus expected in 2023. This assessment is formulated through staff analysis, with information from professional representatives.

STATE OF CALIFORNIA

- Drought emergency regulations and response
- Cross-connection and backflow protection control policy
- Direct Potable Reuse
- Recycled water regulations
- Continued discussions about water use efficiency standards and making conservation a way of life:
 - Water Loss
 - Indoor Water Efficiency Standard
 - Outdoor Water Use Standard
 - CII Dedicated Irrigation Meter Standard
 - Annual Water Supply and Demand Assessment
- Water affordability
- Natural resource protection and restoration
- Dams and water storage
- Climate change resilience
- Public meetings and the Brown Act
- Cybersecurity
- New legislator(s) outreach and education

FEDERAL GOVERNMENT

- Colorado River Crisis
- COVID-19 relief and key provisions of the omnibus infrastructure bill
- California projects and policy initiatives have heightened voices, as Californians control the Speakership of the House and Vice Presidency
- New member(s) of San Diego's congressional delegation will be contacted and informed of projects and needed policy changes

LEGISLATIVE GUIDELINES

INTRODUCTION

Olivenhain Municipal Water District is a multi-purpose public agency established in 1959. OMWD provides water, wastewater, recycled water, and recreation management services to its customers in northern San Diego County.

OMWD faces water supply uncertainty in addition to minimal growth necessitating the acquisition and development of water treatment and supply opportunities, infrastructure expansion and improvements, and enhanced customer services. OMWD also operates in an environment of escalating costs, increased regulatory compliance, customer demands for continuously improving services, and competition for resources.

In this dynamic environment, OMWD strives to accomplish its mission of providing safe, reliable water, wastewater, and recycled water services to its customers in a cost-efficient and environmentally responsible manner. To support the accomplishment of this objective, OMWD has developed a legislative program to represent its interests and those of its customers in Sacramento and Washington, DC. OMWD is fully committed to proactive legislative action in a rapidly changing water supply environment.

These guidelines provide direction to staff as to how to respond to state and federal legislation that may impact OMWD. The guidelines may also be applied as appropriate to administrative or regulatory issues of concern. Legislation that meets or fails to meet the principles set forth in these guidelines may be supported or opposed accordingly. These guidelines permit staff to act expeditiously between board meetings on issues that fall within the guidelines; such actions are then reported to the board at their next meeting. Staff will not act upon legislation with potentially complicated, cost-prohibitive, or indeterminate implications without guidance from the board. Concepts for new legislation may be presented to the board for action in the event that OMWD seeks sponsorship of a bill.

OMWD will also use the monthly Legislative Report to inform the board and generate discussion of legislative, regulatory, or administrative items of significance.

LEGISLATIVE PROGRAM

- Staff will maintain a current list of bills or proposed legislation that may affect OMWD and its customers
- Staff will prepare regular updates accessible to the Board of Directors, the General Manager, and the executive team
- Staff will represent OMWD before state and federal legislative and administrative bodies
- Staff will defend, sponsor, or promote legislation that serves OMWD and its customers

LEGISLATIVE ADVOCATE

OMWD's current state legislative advocate is Nossaman, LLP. The firm's scope of work includes but is not limited to reporting to the board and staff on legislation, budget action, and regulatory action that may affect OMWD; making recommendations to OMWD regarding strategy on when to engage on issues impacting OMWD; conveying the positions of OMWD through direct advocacy with Sacramento decision-makers; ensuring that OMWD is part of all discussion and negotiation before legislation and regulatory issues are finalized; facilitating meetings for OMWD with legislators/regulatory decision makers; and assisting OMWD in educating local and state policymakers/regulators on the development of local water supply projects within OMWD's service territory.

In the role of state legislative advocate, Nossaman, LLP's scope also includes identifying grant opportunities for the priority projects of OMWD; providing strategy on drafting and coordinating the preparation of grant applications for state funding and/or Integrated Regional Water Management opportunities; meeting with relevant state agency staff to review the scope of projects and review the components necessary to submit successful grant applications; coordinating support for grant applications from local government partners, local organizations, political leaders, and community groups; providing direct advocacy for grant projects with SWRCB members and/or executive staff; providing availability to meet with regional partners, district leadership, board members, or the community to educate and advocate for grant projects; and providing other services as determined by mutual agreement that will lead to OMWD receiving state financial assistance for construction of a project.

In addition, OMWD's current federal legislative advocate is BlueWater Strategies, LLC. The firm's scope of work is to assist OMWD and its North San Diego Water Reuse Coalition partners with federal lobbying and government relations services.

GUIDELINES FOR POLICY ON LEGISLATION

OMWD's Legislative Guidelines for the current legislative session shall be applied at the direction of the General Manager as relevant legislation arises. Actions taken by staff shall be reported to the board, citing the guideline(s) with which the action complies.

I. Imported water supply – it shall be OMWD's policy to support legislation that:

1. Provides for development of a comprehensive state water plan that balances California's competing water needs in an equitable "fair share" approach that balances costs amongst regions and results in a reliable and affordable supply of high-quality water for the San Diego region.
2. Provides conveyance and storage facilities that are cost-effective, improve the reliability and quality of the San Diego region's water supplies, and protect the Sacramento-San Joaquin Delta's ecosystem.
3. Investigates and provides financial support to projects designed to mitigate potential negative impacts of climate change on water supply reliability.
4. Authorizes and appropriates the federal share of funding for the long-term Sacramento-San Joaquin Delta solution.
5. Provides the ongoing state share of funding for the long-term Sacramento-San Joaquin Delta solution.
6. Provides state funding for aquatic toxicity monitoring in the Sacramento-San Joaquin Delta. Such legislation should not place a surcharge on water supply exports nor should it substantively reduce funding for other measures that protect the environment and public health.
7. Supports implementation and funding of the California Colorado River Water Use Plan, including the Lower Colorado River Multi-Species Conservation Program.
8. Provides funding for Colorado River salinity control projects and other water quality management efforts.
9. Encourages and facilitates voluntary water transfers consistent with other OMWD policies and agreements.
10. Provides appropriate protection or mitigation for the environment, groundwater basins, water-rights holders, and third-party impacts within the district transferring water.

11. Streamlines the permitting and approval process for implementing transfers that will improve water management.
12. Encourages efficient use of existing facilities to advance voluntary transfers of water.
13. Provides an appropriate level of accountability and cost control over Metropolitan Water District of Southern California and San Diego County Water Authority spending. When time permits, legislation on this issue is to be brought to the board before any action is taken.
14. Requires Metropolitan Water District of Southern California and the San Diego County Water Authority to refund or credit to their member agencies revenues collected from them that result in reserve balances greater than the maximum reserve levels established pursuant to state legislation.
15. Promotes the sustainability of the Colorado River through the development of water supply storage in order to provide flexibility with annual transfer volumes and support drought contingency planning.
16. Provides federal and/or state authorization, resources to manage, and appropriations of funding to implement, Salton Sea mitigation efforts, and the state's phased approach to restoration consistent with the Salton Sea Management Program.
17. Supports the State's Salton Sea Management Program adopted by the State Water Resources Control Board in November 2017.

II. Imported Water Supply - It shall be OMWD's policy to oppose legislation that:

1. Establishes a broad-based user fee that does not support a specific Sacramento-San Joaquin Delta conveyance option; any fee must provide a clear nexus to the benefit the fee would provide.
2. Makes urban water supplies less reliable or substantially increases the cost of imported water without also improving the reliability and/or quality of the water.
3. Adversely affects water management efforts by granting property rights status for the right to use or receive water and requires compensation for federal actions that impact users of water from federal projects.
4. Creates a water transfer clearinghouse that is anything other than a neutral information resource.
5. Increases regulatory or procedural impediments to water transfers at the local or state level.

III. Local Water Resources - It shall be OMWD's policy to support legislation that:

1. Provides funding to the San Diego County Water Authority and/or its member agencies for conservation, peak management programs, water recycling (including potable reuse), groundwater recovery and recharge, surface water, and groundwater development and management projects, including reservoir management, source water protection and watershed planning studies, and facilities that sustain long-term, cost-effective, and reliable water resources.
2. Provides funding to the San Diego County Water Authority and/or its member agencies for cost-effective seawater and brackish groundwater desalination studies and facilities.
3. Recognizes and supports the development of seawater desalination as a critical new water supply for the state, including San Diego County.
4. Preserves and protects potential cost-effective seawater desalination sites and existing coastal facilities including intake and discharge infrastructure that could be used or reused by a seawater desalination facility.
5. Ensures that desalination intake and discharge regulations are science-based, considering site-specific conditions, and recognizing that all technologies or mitigation strategies are feasible or cost-effective at every site.
6. Recognizes and supports the development of potable water reuse as critical water sources for San Diego County and the State of California.
7. Authorizes and/or facilitates expanded use of cost-effective local water resources including water recycling, potable reuse, graywater, and rainwater harvesting, and brackish groundwater.
8. Facilitates and encourages the use of rainwater capture systems (e.g., barrels and cisterns) and alternative water sources (e.g., air conditioner condensate) for use in irrigation.
9. Authorizes local governmental agencies to regulate the discharge of contaminants to the sewer collection system that may adversely affect water recycling and reuse.
10. Facilitates and encourages the use of recycled water in commercial, industrial, institutional, and residential settings.
11. Encourages dual-plumbing in all new development to enable utilization of recycled water when available.
12. Provides financial incentives to assist in the disposal of concentrate, sludge, and other byproducts created in the water treatment process and supports the appropriate degree of regulation commensurate with the effect on the environment.

13. Ensures OMWD receives the dry-year water supply benefits of its investment in local water supply sources.
14. Provides for the interchangeability of funding for groundwater and surface water enhancements to best fit the hydrogeological attributes of a particular region.
15. Provides for watershed planning, watershed signage, and actions to protect source water (including reservoirs), such as land acquisition around reservoirs, limited land use, and increased buffer areas.
16. Promotes uniform regulatory interpretation of state recycled water system standards.
17. Supports beneficial revisions to the California Plumbing Code that address recycled water systems.
18. Authorizes, promotes, and/or provides incentives or credits for development of local drought-resilient water supply projects such as desalination, non-potable recycling, and potable reuse projects.
19. Streamlines regulatory processes and requirements to encourage and support the development of potable reuse as a municipal water supply.
20. Defines purified recycled water as a source of water supply and not as a waste.
21. Ensures that decision-making with regard to stormwater management and recapture is kept at the local or regional level through local water agencies, stormwater districts, cities, counties, and regional water management groups.
22. Recognizes that stormwater management and recapture are important tools in a diversified water portfolio that can help to achieve improved water quality in local surface and groundwater supplies, augment surface and groundwater supplies for local water agencies, and promote landscape conservation from a water runoff perspective.
23. Promotes and encourages the use of stormwater best management practices to reduce pollutant loading, increase local municipal water supplies, and improve water quality through low-impact development and watershed-based stormwater treatment systems.
24. Provides incentives for the local or regional use of stormwater management, nutrient management, and/or recapture.
25. Reduces or removes regulatory hurdles that hinder the use of stormwater management and recapture.
26. Preserves local water agencies' ability to establish local priorities for water resources planning decisions.

IV. Local Water Resources – It shall be OMWD’s policy to oppose legislation that:

1. Limits the ability of local governmental agencies to regulate the discharge of contaminants to the sewer collection system that may adversely affect water recycling and reuse.
2. Establishes unreasonable regulatory requirements or fees relative to the safe use of recycled water, which may unreasonably impede or create a disincentive to its further development.
3. Contributes to the degradation of source water quality in and around reservoirs and groundwater basins.
4. Promotes unreasonable and burdensome restrictions on reporting requirements on the effective operation of OMWD facilities, such as the classification of a water treatment plant as a chemical facility under Homeland Security reporting provisions.
5. Restricts OMWD’s ability to manage, store, or distribute water supplied through actions to manage or recapture stormwater.
6. Diminishes the water rights of downstream water users through actions to manage or recapture stormwater.
7. Imposes unnecessary regulations or costs upon local retail agencies developing alternative water supplies such as recycled water, desalination, brackish groundwater desalination, etc.
8. Limits local water agencies’ ability to establish local priorities for water resources planning decisions.
9. Mandates the reduction of wastewater discharges to the ocean absent the inclusion of funding to offset the significant costs of implementation.

V. Water Affordability – It shall be OMWD’s policy to support legislation that:

1. Is consistent with, and does not conflict in any way with, the standard of Proposition 218 regarding proportionality of water rates and cost-of-service provisions.
2. Continues to foster the implementation of AB 2334 (2012) which requires data-driven analysis to be included in California’s Water Plan, including water affordability analysis.
3. Creates a low-income water rate assistance program that provides financial relief to ratepayers by utilizing existing resources within the State’s General Fund, or by allocating cap-and-trade funding.

4. Does not include burdensome or prescriptive mandates, including collecting water taxes or water rate and water district boundary data.

VI. *Water Affordability – It shall be OMWD’s policy to oppose legislation that:*

1. Is not targeted in scope to low-income households and individuals.
2. Does not have a sustainable funding source, or relies on a water tax or water surcharge.
3. Does not use an existing benefit distribution method, and requires water agencies to create a new method.
4. Imposes unfair financial and legal leverage to other parties for damages to water infrastructure.

VII. *Water Quality Issues - It shall be OMWD’s policy to support legislation that:*

1. Assists in achieving a year-round blend of imported water supplies that achieves board-adopted water quality objectives, which allow OMWD and the region to maximize the development of recycled water and reduce financial costs to the customer due to high levels of total dissolved solids in imported water supplies.
2. Assures cost-effective remediation and cleanup of contaminants of concern that have impacted groundwater and surface water.
3. Provides the necessary funding for research on the occurrence, treatment, health effects, and environmental clean-up related to contamination of drinking water sources.
4. Incorporates sound scientific principles in adopting drinking water standards for drinking water contaminants.
5. Provides for the protection of source water such as reservoirs and groundwater basins so that the waters can be beneficially used for consumptive purposes.
6. Implements and funds the San Diego Regional Water Quality Control Board's triennial review of water quality standards.
7. Supports enhancements to treatment technology beneficial to the water industry.
8. Provides funds for water treatment facility upgrades in order to comply with future regulations.
9. Exempts the conveyance, storage, or release of water supplies from regulation as a discharge under the Clean Water Act and other water quality control laws.

10. Appropriately protects drinking source water reservoirs as special-purpose, man-made water bodies different in nature than natural waterways, rivers, lakes, and coastal waters, while allowing maximum flexibility for operations as part of a managed water supply system.
11. Establishes appropriate quality standards, testing procedures, and treatment processes for emerging contaminants.
12. Directs the state's participation or assistance in water quality issues related to or threatening the Colorado River water source.
13. Provides funding and support for Colorado River salinity control projects and other water quality management efforts.
14. Alters the definition of "lead free" to reduce the permissible amount of lead in fixtures, plumbing, and pipe fittings to be installed for the delivery of drinking water.
15. Exempts purified wastewater from regulation as a discharge under the Clean Water Act.
16. Streamlines permitting of facilities constructed for the purpose of improving water quality.
17. Implements source control for management and prevention of contamination by constituents of emerging concern.

VIII. Water Quality Issues - It shall be OMWD's policy to oppose legislation that:

1. Creates unreasonable and costly restrictions on water treatment facilities.
2. Makes water suppliers financially and legally responsible for mitigation of pollution and/or contamination caused by third parties.
3. Makes water suppliers financially and legally responsible for testing or correcting any water quality-related issues associated with private property or on-site plumbing systems.

IX. Integrated Regional Water Management Planning - It shall be OMWD's policy to support legislation that:

1. Defines the "San Diego sub-region" and "San Diego county watersheds" as those portions of the westward-flowing watersheds of the South Coast hydrologic region situated within the boundaries of San Diego County.
2. Requires the state agencies responsible for preparing the integrated regional water management grant program guidelines to conduct a comprehensive public outreach process that ensures stakeholders have an opportunity to provide adequate input on

preparation of the guidelines and that the state agencies consider and respond to comments received through the outreach process.

3. Provides for population-based distribution of funds to ensure adequate distribution of grant funding throughout the state.
4. Allows for creation of sub-area plans that enhance, but do not duplicate, or replace, a larger recognized integrated regional water management plan.
5. Establishes a task force to provide recommendations to the state on improving the integrated regional water management planning process in California.
6. Provides for the use of state funds for binational projects where projects benefit water supply or water quality in the San Diego region.
7. Improves and streamlines the state's reimbursement process to ensure timely remittance of IRWM funds.
8. Promotes the ability of the Regional Water Management Group to more directly administer state grant funds specifically identified for IRWM programs.
9. Promotes cost sharing amongst regions for regional conveyance.

X. *Integrated Regional Water Management Planning - It shall be OMWD's policy to oppose legislation that:*

1. Dilutes public water agency participation in the Regional Water Management Group.
2. Establishes funding criteria that limit local discretion in project selection.

XI. *Water Facilities/Facility Improvement - It shall be OMWD's policy to support legislation that:*

1. Funds or otherwise facilitates planning, design, construction, and/or maintenance of public water storage, watershed areas, and treatment and delivery facilities and facilitates maintenance and/or enhancement of groundwater recharge spreading areas and groundwater basin rehabilitation that benefit OMWD and/or San Diego County.
2. Provides funding for water infrastructure development, security, rehabilitation, and/or replacement projects that benefit OMWD and/or San Diego County.
3. Funds enhancements to water treatment, recycling, and potable reuse facilities to meet more stringent regulations.
4. Funds improvements to water treatment facilities that allow greater use of State Project water.

5. Provides funding for the preservation of cultural resources affected by construction or operation of water conveyance and storage facilities.
6. Provides funding for habitat preservation programs that address impacts resulting from construction or operation of water system facilities.
7. Provides OMWD with greater flexibility in the management of environmental mitigation parcels.
8. Provides funding for the control, prevention, or eradication of non-indigenous aquatic species, including dreissenid mussels.
9. Authorizes state and federal wildlife agencies to provide assistance to local water agencies in the control, prevention, and eradication of non-indigenous aquatic species, including dreissenid mussels.
10. Exempts owners and operators of water supply facilities from criminal and civil liabilities associated with dreissenid mussel infestations if due diligence requirements are being met.
11. Provides incentives that encourage the optimization, expansion, and cooperative use of existing surface reservoirs.
12. Provides funding for projects that improve the security of OMWD facilities and operations.
13. Provides funding to water agencies for the voluntary retrofit of facilities for on-site generation of chlorine.
14. Permits the use of grant funding for projects implemented under public-private partnerships where the grant provides funding for a public benefit.

XII. Water Facilities/Facility Improvement - It shall be OMWD's policy to oppose legislation that:

1. Impairs OMWD's ability to provide and operate the necessary facilities for a safe, reliable, and operationally flexible water system.
2. Limits OMWD's sole jurisdiction over the bidding, planning, design, routing, approval, procurement, construction, operation, or maintenance of its water facilities.
3. Limits OMWD's discretion over protecting the security and privacy of comprehensive inventories of all assets, which includes infrastructure location, condition, performance, and useful life.

4. Shifts the risks of indemnity for damages and defense of claims from contractors to OMWD.
5. Impairs OMWD's ability to execute the planning, design, and construction of projects using its own employees.
6. Authorizes state and federal wildlife agencies to control, prevent, or eradicate invasive species in a way that excessively interferes with the operations or water supplies of local water agencies.
7. Requires prior to the construction of new facilities any consultation, mitigation, or restitution to the Native American Heritage Commission and/or local tribal authorities additional to the existing requirements of the California Environmental Quality Act.
8. Prohibits or in any way limits the ability of water agencies from making full beneficial use of any water, wastewater, or recycling facility and resource investments.
9. Impedes individual water agency discretion for achieving water loss efficiency objectives or any state-mandated water use efficiency goals, targets, or standards.
10. Establishes meter testing requirements that fail to consider industry standards and cost-effectiveness.
11. Limits the autonomy or discretion of water suppliers to develop and execute asset management inspection programs that include visual inspections, internal/external inspections, asset condition assessments, and corrosion mitigation in a manner that recognizes the individuality and uniqueness of each water supplier and its systems.

XIII. Water Use Efficiency - It shall be OMWD's policy to support legislation that:

1. Preserves individual water agency discretion and options for achieving water use efficiency objectives or any state-mandated water use efficiency goals, targets, or standards.
2. Establishes multiple compliance options for urban retail water suppliers for achieving water use efficiency objectives or any state-mandated water use efficiency goals, targets, or standards.
3. Establishes an appropriate existing "baseline" and recognizes unique hydrology, weather, and land-use patterns, as well as past conservation efforts, within a particular water supplier's jurisdiction for achieving water use efficiency objectives or any state-mandated water use efficiency goals, targets, or standards.
4. Provides full credit for past and future distribution of recycled water for non-potable uses and indirect potable groundwater recharge and reservoir augmentation where advanced treatment is part of the full treatment.

5. Allows for individual water agencies to collaborate, if so desired, to establish integrated regional water conservation goals.
6. Allows for local agencies to account for all water supplies available during droughts or other events when calculating a water supply shortage level.
7. Recognizes the variations among communities, regions, and counties with respect to their abilities to withstand the impacts and effects of droughts, and assurance that any temporary or permanent statutory or regulatory direction for improving water use efficiency to meet statutory or regulatory goals, targets, or standards is focused on regional achievement of objectives rather than a one-size-fits-all approach.
8. Assists OMWD's ability to provide and operate the necessary facilities for a safe, reliable, and operationally flexible water storage, treatment, and delivery system.
9. Requires installation and use of retail water meters.
10. Sets cost-effective efficiency standards for water-using devices.
11. Provides loans and grants to fund incentives for water-efficient devices or practices, and demonstration projects and studies.
12. Ensures accurate and meaningful reporting of implementation of water conservation measures.
13. Encourages implementation of effective water management practices for urban landscape and agricultural irrigation.
14. Recognizes local control in determining water use efficiency criteria, such as the impact of recycled water salinity on irrigation use and efficiency for the application of non-potable recycled water.
15. Encourages the use of decentralized non-potable water systems and graywater where it complies with local guidelines and regulations and is cost-effective.
16. Establishes standards for the utilization of high-efficiency commercial coin operated and residential clothes washers.
17. Requires sub-metering connections to be built in new construction of multiple commercial or residential buildings.
18. Encourages plumbing fixture retrofit upon real property resale.
19. Encourages stakeholders to investigate and develop statewide landscape water conservation standards and regulations.

20. Restricts Property Owner Associations from forbidding the use of California native plants, other low-water-use plants, or artificial turf in well-maintained landscapes.
21. Restricts Property Owner Associations from forbidding retrofits of multiple unit facilities for the purpose of sub-metering, if feasible.
22. Ensures plumbing codes and standards facilitate the installation and/or retrofit of water-efficient devices.
23. Encourages and/or supports programs that promote a sustainable approach to landscape design, construction, and maintenance.
24. Provides for federal tax-exempt status for water use efficiency rebates, consistent with income tax treatment at the state level.
25. Recognizes local control in determining how to meet an overall efficient water use goal, based on the combined efficient indoor use, outdoor use, and leak loss, as established under the criteria provided for in statute.
26. Facilitates and encourages the development and use of new agricultural technologies (e.g., vertical farming, integrated remote soil moisture monitoring, hydroponics) resulting in irrigation water savings and other “Agtech” irrigation water savings technologies.

XIV. Water Use Efficiency - It shall be OMWD’s policy to oppose legislation that:

1. Repeals cost-effective efficiency standards for water-using devices.
2. Prescribes mandatory urban water conservation management practices that override the authority of the board of directors of local water agencies to adopt management practices that are most appropriate for the specific needs of their water agencies.
3. Prescribes mandatory conservation-based rate structures that override the authority of the boards of directors of local water agencies to set rate structures and management practices according to the specific needs of the water agencies.
4. Creates a disincentive or impedes water agencies from making investments to maximize the potential for recycled water, potable reuse, desalination, and other drought-resilient water supplies.
5. Mandates regulation of the commercial sector in a manner that is discriminatory, sets unachievable compliance targets, or would otherwise impair economic activity or the viability of the commercial sector.

XV. *Biological and Habitat Preservation - It shall be OMWD's policy to support legislation that:*

1. Supports development of comprehensive multi-species habitat conservation plans that anticipate and mitigate project development impacts while preserving representative ecosystems, rather than individual species.
2. Exempts operation, maintenance, and repair of water system facilities from endangered species and other habitat conservation regulations because they provide beneficial cyclical habitat values to declining species and foster biological diversity in California.
3. Provides environmental regulatory certainty for implementation of existing and proposed long-term water supply programs.
4. Authorizes federal and state funding to develop and implement regional or sub-regional wildlife and habitat conservation programs, including but not limited to property acquisition, re-vegetation programs, and watershed plans.
5. Incorporates an emergency exemption for "take" of a listed species listed under the state or federal Endangered Species Acts when necessary to mitigate or prevent loss of or damage to life, health, property, or essential public services.
6. Encourages species listings, critical habitat designation, and recovery plans developed pursuant to the state or federal Endangered Species Acts to be consistent with existing interstate compacts, tribal treaties, and other state and federal agreements.
7. Provides federal and/or state funding to implement actions that address the ecological and water supply management issues of the Sacramento-San Joaquin Bay-Delta.
8. Provides federal and/or state funding for restoration of the Salton Sea.
9. Consolidates wetland regulations to alleviate multi-agency jurisdiction over the same environmental resource.

XVI. *Biological and Habitat Preservation - It shall be OMWD's policy to oppose legislation that:*

1. Provides for after-the-fact reduction in quantity or quality of a public water supply due to new restrictions on the operation or use of water supply facilities unless, funding for alternate sources of water is provided.
2. Imposes endangered species or habitat conservation requirements that restrict the operation, maintenance, or repair of public water supply, conveyance, treatment, or storage facilities.

3. Imposes a “user utility fee” or “surcharge” on water for the purposes of financing open space/habitat preservation, restoration, or creation.

XVII. Fiscal Policy and Water Rates - It shall be OMWD’s policy to support legislation that:

1. Requires the federal and state governments to provide a subvention to reimburse local governments for all mandated costs or regulatory actions.
2. Provides OMWD with additional forms of cost-effective financing for public facilities.
3. Provides OMWD with grant funding for public facilities.
4. Provides OMWD with additional investment opportunities.
5. Maintains the authority of water agencies to establish water rates locally.
6. Maximizes the ability of water agencies to design rate structures to meet local water supply goals.
7. Protects or enhances OMWD’s ability to receive/collect funds it is owed.
8. Provides OMWD and water ratepayers with financial relief during economic downturns and/or economic shocks such as pandemics through a variety of means, including but not limited to, direct financial assistance and flexibility in debt management.

XVIII. Fiscal Policy and Water Rates - It shall be OMWD’s policy to oppose legislation that:

1. Imposes mandated costs or regulatory constraints on local governments without providing subventions to reimburse local governments for such costs.
2. Is inconsistent with OMWD’s current investment policies and practices.
3. Makes any unilateral reallocation of OMWD’s revenues by the state.
4. Impairs OMWD’s ability to provide reliable service at reasonable costs or to charge the same or similar rate for each class of service consistent with cost-of-service requirements of the law.
5. Pre-empts OMWD’s ability to impose or change rate charges, fees, or assessments.
6. Impairs OMWD’s ability to maintain reasonable reserve funds and obtain and retain reasonable rates of return on its reserve accounts.
7. Imposes additional administrative requirements and/or restricts OMWD or its ability to finance public facilities through the issuance of long-term debt.

8. Reduces OMWD's revenues without giving OMWD a commensurate public benefit that is clearly identifiable and separate from a general statewide benefit.
9. Restructures OMWD's responsibilities without also providing the commensurate restructuring of revenues.
10. Requires the expenditure of OMWD or member agency funds to accomplish federal water supply commitments such as may be required in national treaties.
11. Weakens the protections afforded OMWD under California's Proposition 1A (2004).
12. Mandates a specific rate structure for retail water agencies.
13. Imposes a water user fee on water agencies or water users that do not provide a commensurate and directly linked local benefit in the local area or region from which the water user fee is collected.
14. Imposes a water user fee for statewide projects or programs for which the projects or programs are not clearly defined, the beneficiaries identified, and the reasonable cost identified.
15. Imposes a water user fee in order to create a state fund that can be used to finance undefined future projects and programs.
16. Imposes a "public goods charge" on public water agencies or their ratepayers.
17. Imposes a fee on water users to repay the principal and interest on a statewide general obligation bond.
18. Interferes with the responsibility of a region, operating under an Integrated Regional Water Management Plan, for setting priorities and generating projects to be paid from any IRWM accounts and grants.
19. Interferes with the control exercised by the San Diego funding sub-region over the use and expenditure of any water user fee revenues that may be dedicated to the region.
20. Reduces or eliminates the tax-exempt status of municipal financing.

XIX. Right of Way and Property - It shall be OMWD's policy to support legislation that:

1. Improves OMWD's efforts to maintain and protect its property, rights of way, easements, pipelines, and related facilities and minimizes liability to OMWD.
2. Protects OMWD's properties from restriction when surrounding properties are incorporated into preservation areas.

XX. *Right of Way and Property - It shall be OMWD's policy to oppose legislation that:*

1. Impairs OMWD's efforts to acquire property or property interests required for essential capital improvement projects.
2. Increases the cost of property and right of way acquisition.
3. Restricts OMWD's use of public rights of way or increases the cost of using public rights of way.
4. Restricts the transfer of property acquired for purposes of environmental mitigation credits to other public entities for long-term management.

XXI. *Energy - It shall be OMWD's policy to support legislation that:*

1. Provides opportunities for reduced energy rates under tariff schedules for OMWD.
2. Provides greater flexibility in the utilization of OMWD facilities for generation and acquisition of electrical power.
3. Provides OMWD with greater flexibility in the licensing, permitting, interconnection, construction, and operation of its existing and potential in-line hydroelectric, solar, or other renewable energy generation or energy storage projects.
4. Provides protection from energy rate increases and provides rate relief.
5. Makes State Water Project power available for seawater and brackish groundwater desalination.
6. Promotes the classification of electricity generated by in-line hydroelectric and off-stream pumped storage facilities as environmentally sound.
7. Provides state and federal grants for the construction of in-line hydroelectric, solar, wind, biogas cogeneration, and off-stream pumped storage facilities as a means of reducing greenhouse gas emissions and energy costs.
8. Promotes funding for use of renewable energy in the operation of OMWD facilities.
9. Provides for restrictions on price gouging during public safety power shutoff events and for at least 72 hours following restoration of power.
10. Provides that de-energization or public safety power shutoff events may be included as a condition constituting a state emergency or local emergency.

11. Provides a tax exemption for the sale of, or the storage, use, or consumption of, a backup electrical resource, that is purchased for exclusive use by a city, county, special district, or other entity of local government, during a de-energization or public safety power shutoff event.
12. Establishes the use of alternative power sources, such as generators, by essential public services during de-energization or public safety power shutoff events shall not be limited by state or local regulations or rules.

XXII. *Energy - It shall be OMWD's policy to oppose legislation that:*

1. Adversely affects the cost of energy needed to move, treat, or deliver water.
2. Adversely affects OMWD's ability to own, operate, and/or contract work for supplying its own facilities with natural gas and electricity.
3. Impedes OMWD's ability to contract for the purchase of gas and electricity from the United States, the State of California, and any other public agency or private entity and sell the gas and electricity to any public agency or private entity engaged in retail sales of electricity and gas.
4. Restricts or caps future energy demands needed for possible expansion of recycled water, potable reuse, and desalination projects.
5. Adversely affects OMWD's ability to expand cogeneration at planned or existing facilities.
6. Prevents OMWD from enhancing energy reliability and independence for its facilities.
7. Imposes greenhouse gas reduction obligations on public water agencies for energy purchased or produced for the sole purpose of operating its system.
8. Does not count or credit qualified renewable energy projects toward accomplishment and satisfaction of the California Renewables Portfolio Standard objectives.
9. Mandates that water agencies include an embedded energy calculation for their water supply sources in the Urban Water Management Plan or any other water resource planning or master planning document.
10. Results in a lengthy, more complicated, or more costly interconnection of new energy resources such as solar, in-line hydroelectricity, pumped storage, and other renewable energy generation or storage technologies to the electric distribution and transmission grid.
11. Authorizes air quality management districts or other regulatory bodies to adopt or maintain rules that would limit or prohibit a local government entity's use of a state

and/or federally compliant power generator during a de-energization or public safety power shutoff event.

XXIII. Local Autonomy - It shall be OMWD's policy to oppose legislation that:

1. Diminishes the power of OMWD's Board of Directors to govern OMWD's affairs.
2. Diminishes OMWD's power or rights to govern relations with its employees.
3. Limits or restricts the ability of OMWD, or professional associations, trade groups, or regional coalitions it is a part of, to engage in public outreach, educational activities, legislative advocacy, training seminars, regional coordination, and similar activities that promote OMWD's mission.

XXIV. Land Use and Water Management Planning - It shall be OMWD's policy to support legislation that:

1. Promotes enhanced coordination and linkage of general plans and water management plans.
2. Discourages piecemeal or uncoordinated land use and water management planning.
3. Requires that projected population and other demographic factors utilized in forecasting future water demands in accordance with the Urban Water Management Planning Act and state law be consistent with the regional growth management plans and general plans applicable to the territory within the service area of the supplier.
4. Allows and funds land exchanges between local public agencies and federal or state agencies when mutually beneficial to all agencies and enhances water resources for the region.
5. Designates public lands that are tributary to drinking source water reservoirs as wilderness, habitat preserve, open space, or other protected status, provided such designation does not impede current or reasonable future use of those water resources.
6. Provides funding for, or otherwise facilitates, development of groundwater management plans pursuant to the sustainability efforts under the Sustainable Groundwater Management Act.
7. Protects floodplains and lands over prime groundwater recharge zones for stormwater catchment and bioremediation.
8. Considers the multiple local variables and priorities that are associated with water supply planning and the selection of water resources for implementation.

XXV. *Land Use and Water Management Planning - It shall be OMWD's policy to oppose legislation that:*

1. Restricts OMWD's ability to utilize a demand forecasting methodology that is best suited for the region.
2. Imposes land use designations that preclude the use of such lands for public water infrastructure determined necessary to ensure a cost-effective, safe, and reliable water supply.
3. Requires the use of specific evaluation criteria in water supply planning and selection of potential water supply projects that fail to take into account or conflict with existing local and regional planning policies and implementation priorities.
4. Imposes mandates requiring specific water resources to be developed by water agencies that fail to take into account local factors such as water reliability, hydrologic and geographic characteristics, and the economic, political, public acceptance, and social environment, which can influence selection of resources, and/or fails to take into account or conflicts with existing local and regional planning policies and implementation priorities.

XXVI. *Safety & Security - It shall be OMWD's policy to support legislation that:*

1. Provides funding for water infrastructure development, infrastructure security, cybersecurity, and replacement projects that benefit OMWD.
2. Provides funding for projects that provide security against terrorist acts or other criminal threats to water operations, facilities, or supplies.
3. Provides funding for security and cybersecurity vulnerability assessments.
4. Recognizes water agencies as emergency responders in the event of a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent and mitigate the loss or impairment of life, health, property, or essential public services due to natural disasters (e.g., wildfires, earthquakes), power outages, and terrorist or other criminal activities.
5. Provides or expands protections of utility workers and vehicles by creating criminal penalty enhancements for violence or harassment against a worker and adding utility vehicles to the list of stationary vehicles drivers must treat with caution.

XXVII. Safety & Security - It shall be OMWD's policy to oppose legislation that:

1. Restricts OMWD's ability to respond swiftly and decisively to an emergency that threatens to disrupt water deliveries or restricts the draining of pipelines or other facilities in emergencies or for repairs or preventive maintenance.

XXVIII. Jurisdictional Authority - It shall be OMWD's policy to refer all such legislation to the Board of Directors.

XXIX. Climate Change - It shall be OMWD's policy to support legislation that:

1. Incorporates state-provided climate change information into statewide, regional, and local water management planning, and provides funding for projects that assist in adapting to the effects of climate change on the water supply portfolios across the state.
2. Provides financial support to local projects designed to mitigate or adapt to potential negative impacts of climate change on water supply reliability.
3. Promotes continued development and deployment of more sophisticated and integrated hydrological, water quality, and meteorological water monitoring for the purpose of assessing water supply conditions resulting from climate change.

XXX. Climate Change - It shall be OMWD's policy to oppose legislation that:

1. Places an undue burden or compromises OMWD's ability to implement its primary mission.

XXXI. Employment Matters - It shall be OMWD's policy to support legislation that:

1. Continues to reform workers' compensation.
2. Results in predictable costs and benefits for employees.
3. Provides a pathway for military veterans to apply their advanced skills and experience toward state and industry-supplied certifications in the water and wastewater treatment and distribution operator fields.

XXXII. Employment Matters - It shall be OMWD's policy to oppose legislation that:

1. Creates unrealistic ergonomic protocol.
2. Interferes with OMWD's efficient operation.
3. Results in unreasonable costs associated with unnecessary requirements such as providing 24 hours' notice for overtime work.

XXXIII. Governance - It shall be OMWD's policy to support legislation that:

1. Promotes transparent government processes when burdens upon OMWD are reasonable and cost-neutral.
2. Ensures an open and transparent process for adoption of regulations, policies, and guidelines by state agencies.

XXXIV. Governance - It shall be OMWD's policy to oppose legislation that:

1. Does not provide resources, while requiring additional burdensome governance-related requirements.

LEGISLATIVE REPRESENTATIVES

The officials below are of representatives in OMWD's service area.

CALIFORNIA STATE ASSEMBLY



Amb. Brian Maienschein

Capitol Office, Room 5640
P.O. Box 942849
Sacramento, CA 94249-0076
916-319-2076

Assembly District 76

District Office
12396 World Trade Drive, #118
San Diego, CA 92128
858-675-0760



Amb. Tasha Boerner Horvath

Capitol Office, Room 4150
P.O. Box 942849
Sacramento, CA 94249-0076
916-319-2077

Assembly District 77

District Office
325 Carlsbad Village Drive, A-2
Carlsbad, CA 92008
760-434-7605

CALIFORNIA STATE SENATE



Sen. Catherine Blakespear

Capitol Office
State Capitol, Room 7340
Sacramento, CA 95814-4900
916-651-4038

Senate District 38

District Offices
24031 El Toro Road, Suite 201
Laguna Hills, CA 92653
949-598-5850
169 Saxony Road, Suite 103
Encinitas, CA 92024
760-642-0809



Sen. Toni G. Atkins

Capitol Office
State Capitol, Room 8518
Sacramento, CA 95814-4900
916-651-4039

Senate District 39

District Office
7575 Metropolitan Drive, #100
San Diego, CA 92108
619-688-6700



Sen. Brian W. Jones

Capitol Office
State Capitol, Room 7640
Sacramento, CA 95814-4900
916-651-4040

Senate District 40

District Offices
720 N. Broadway, Suite 110
Escondido, CA 92025
760-796-4655
500 Fesler Street, Suite 201
El Cajon, CA 92020
619-596-3136

UNITED STATES HOUSE OF REPRESENTATIVES



Rep. Darrell Issa

Congressional District 48

Capitol Office
2108 Rayburn Office Building
Washington, DC 20515
202-225-5672

District Office
221 W. Crest Street, #110
Escondido, CA 92025
760- 304-7575



Rep. Mike Levin

Congressional District 49

Capitol Office
2352 Longworth HOB
Washington, DC 20515
202-225-3906

District Office
2204 El Camino Real, #314
Oceanside, CA 92054
760-599-5000



Rep. Scott Peters

Congressional District 50

Capitol Office
1201 Longworth Office Building
Washington, DC 20515
202-225-0508

District Office
4350 Executive Drive, #105
San Diego, CA 92121
858-455-5550

UNITED STATES SENATE



Sen. Dianne Feinstein

Capitol Office
331 Hart Senate Office Bldg.
Washington, DC 20510
202-224-3841

District Office
880 Front Street, Suite 4236
San Diego, CA 92101
619-231-9712



Sen. Alex Padilla

Capitol Office
112 Hart Senate Office Building
Washington, DC 20510
202-224-3553

District Office
600 B Street, Suite 2240
San Diego, CA 92101
619-239-3884

PUBLIC AFFAIRS, LEGISLATIVE, AND REGULATORY TEAM

OLIVENHAIN MUNICIPAL WATER DISTRICT

Kimberly A. Thorner
General Manager

Joey Randall
Assistant General Manager

John Carnegie
Customer Services Manager

Brian Sodeman
Customer Service and Public Affairs Supervisor

Teresa Chase
Administrative Analyst

Melody Colombo
Administrative Analyst

Joe Jansen
Administrative Analyst

NOSSAMAN, LLP

Ashley S. Walker
Senior Policy Advisor

BLUEWATER STRATEGIES, LLC

McKie Campbell
Owner

Jason Matthews
Principal



1966 Olivenhain Road
Encinitas, CA 92024-5699
Phone 760-753-6466

WWW.OLIVENHAIN.COM

For more information on this report or OMWD's public affairs program, contact Brian Sodeman at bsodeman@olivenhain.com.