

# OLIVENHAIN MUNICIPAL WATER DISTRICT



## LEGISLATIVE & REGULATORY REVIEW

2023 – 2024



## **2023–2024 LEGISLATIVE & REGULATORY REVIEW**

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# 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**

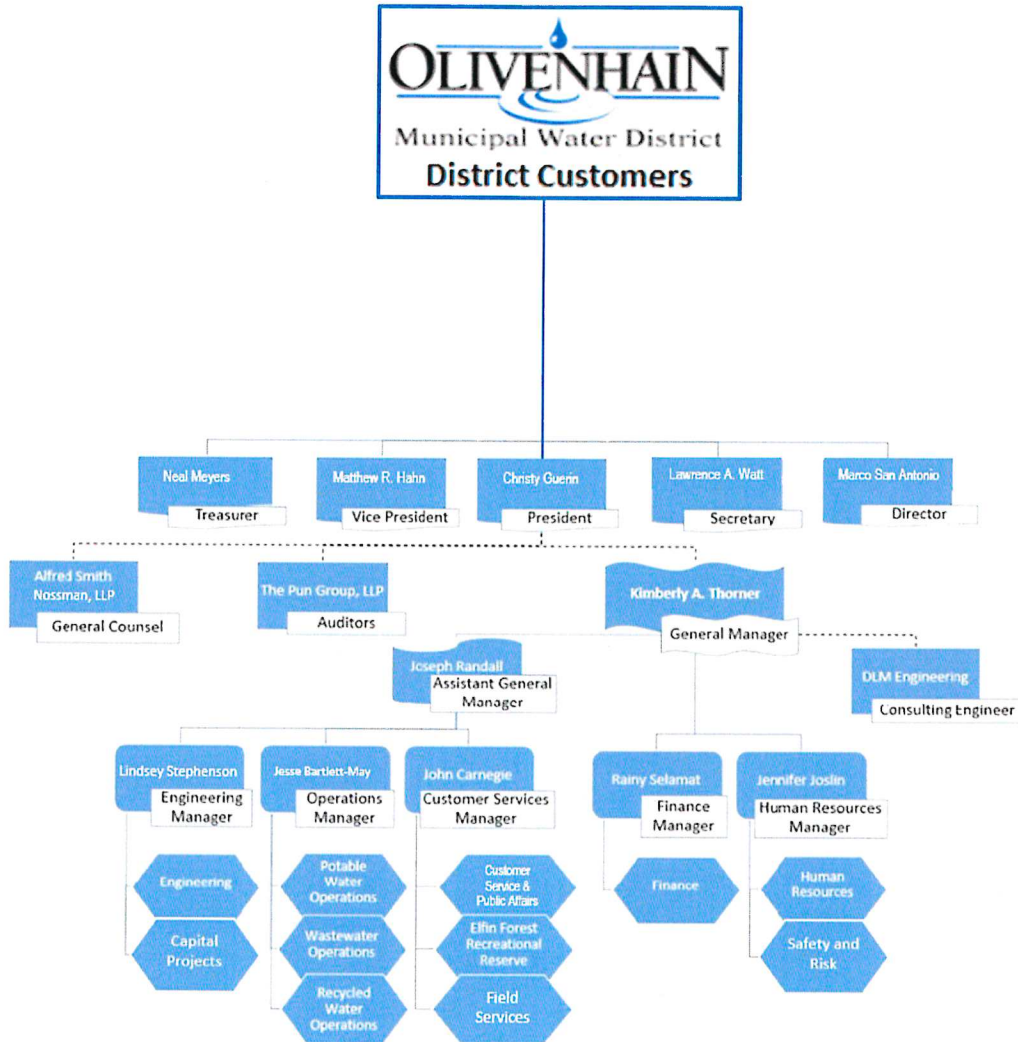
Term of Office: 2020-2024      Division 2



**Marco San Antonio, Director**

Term of Office: 2022-2026      Division 1

# 2024 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 2023–2024 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 2023. 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 2024. 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 13, 2023 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 2023

## SUMMARY

### California Drought

The drought-related State of Emergency that Governor Newsom had declared in 2021 remained in effect throughout 2023. The emergency declaration directed water agencies throughout the state to activate their Water Shortage Contingency Plans to preserve water supplies. As a result of one of the wettest winters on record, statewide drought conditions eased considerably in 2023. However, while California's surface water conditions greatly improved, several water supply challenges still existed. The entire state remained under a drought-related state of emergency that was declared by the State Water Resources Control Board. These emergency regulations to prohibit wasteful water use expired December 21, 2023.

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 2023, SWRCB required that all urban water suppliers in California continue to implement the 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. On February 28, 2023, the California State Governor issued a proclamation terminating the emergency COVID-19 order.



## California's Senator Feinstein and Speaker Emerita Pelosi

Senator Dianne Feinstein, who served as a United States Senator from California for three-decades, passed on September 29, 2023. The late Senator Dianne Feinstein's seat was filled by the California State Governor's appointment of Senator Laphonza Butler. Senator Butler announced that she will not run in the 2024 elections for the seat she currently occupies until November 5, 2024.

Speaker Emerita Nancy Pelosi, who continues to serve as a United States House Representative from California, resigned as the Speaker of the House of Representatives on January 3, 2023. She was succeeded by Representative Kevin McCarthy from California, who was then succeeded by Congressman Mike Johnson from Louisiana on October 25, 2023.

## 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 correspondence OMWD produced in 2023:

**February 23, 2023** Comments provided to members of the ACWA Turf Policy Working Group regarding more specific definitions for “non-functional turf” and other terms in AB 1572.

**March 13, 2023** Comments provided to the Federal Office of Management and Budget on behalf of the North San Diego Water Reuse Coalition, regarding proposed Build America, Buy America Rules in the Federal Register (88 FR 8374).

**March 28, 2023** Position letter provided to the California State Senate supporting SB 366 related to the California Water Plan and long-term water supply targets.

**March 28, 2023** Comments provided to the California State Water Resources Control Board providing input on long-term water use efficiency proposed Regulatory Framework for Making Conservation a California Way of Life.

**March 29, 2023** Position letter of support provided to member of the California State Assembly in support of AB 1594, which would require that any state regulation applicable to essential public agency utility vehicles ensure that

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In 2023, OMWD produced 31 comments on proposed regulatory frameworks and positions on proposed legislation and policies.

those vehicles can support a public agency utility's ability to maintain reliable water and electric service, respond to disasters in an emergency capacity, and provide mutual aid assistance statewide and nationwide.

- March 30, 2023** Position letter provided to member of the California State Senate supporting SB 23, which would streamline the permitting process of water supply and flood risk reduction projects while preserving established environmental protections.
- April 7, 2023** Comment letter to members of the California Air Resources Board regarding the proposed 15-day changes to the proposed Regulation Order Advanced Clean Fleets Regulation State and Local Government Agency Fleet Requirements, to consider additional details for successful implementation.
- April 19, 2023** Position letter of support provided to the California State Senate regarding SB 411, which would ensure alternate teleconferencing provisions indefinitely to boards and advisory boards of local agencies and commissions.
- April 19, 2023** Position letter to member of the California State Assembly, in support of AB 30, which would update and expand the Atmospheric River Research and Forecast Improvement Reservoir Operations and the Hazard Resiliency Program within the California Department of Water Resources.
- April 19, 2023** Position letter to member of the California State Assembly, opposing AB 838, which would place additional requirements on public water systems by having them provide specified information and data related to the average water bill paid by customers at intervals determined by the SWRCB.
- May 4, 2023** Comment letter to member of the California State Assembly regarding AB 1637, which would require local agencies to secure and utilize their website through a new.gov or ca.gov domain no later than January 1, 2025.
- May 9, 2023** Position letter provided to member of the California State Assembly, opposing unless amended, AB 1072, which could potentially violate Proposition 218 requirements and indirect inappropriate state funding of rebates.

- May 9, 2023** Position letter to member of the California State Assembly, opposing AB 755, which would require a public entity to conduct a cost-of-service analysis to identify the incremental costs incurred by major water users and the incremental costs avoided if the major water users met the SWRCB's Urban Water Use Efficiency Standards.
- May 9, 2023** Position letter to member of the California State Assembly, opposing unless amended, AB 1572, which would create regulatory structure around a prohibition on the use of potable water for the irrigation of nonfunctional turf on properties other than single-family homes.
- May 19, 2023** Comments provided to the US Environmental Protection Agency on National Primary Drinking Water Regulations: Consumer Confidence Report Rule Revisions-Docket ID No. EPA HQ-OW-2022-0260.
- May 22, 2023** Comments provided to the San Diego County Water Authority objecting to the proposed 13 percent increase to wholesale cost of untreated water effective January 1, 2024, as presented by Water Authority's staff in April 2023 and included in the Water Authority's Fiscal Years 2024 and 2025 Draft Recommended Budget.
- May 22, 2023** Comments provided to the San Diego Local Agency Commission on the proposed "Rainbow Municipal Water District and Fallbrook Public Utility District Reorganizations: Wholesale Water Services" for the June 5, 2023, Public Hearing.
- May 23, 2023** Position letter to member of the California State Assembly, opposing unless amended, AB 1573, which would amend the Model Water Efficient Landscape Ordinance.
- May 25, 2023** Position letter of support if amended to the California State Governor, regarding SB 867 and SB 1567, regarding water and climate bonds.
- June 6, 2023** Position letter of support to members of the California State Assembly, and California State Senate, supporting the Newsom Administration's proposed infrastructure package to accelerate critical clean infrastructure projects that meet state social, climate, and economic goals.

- June 8, 2023** Position letter to member of the California State Senate, supporting AB 30, which would update and expand the Atmospheric River Research and Forecast Improvement Reservoir Operations and the Hazard Resiliency Program within the California Department of Water Resources.
- June 29, 2023** Position letter of support to member of the California State Assembly, regarding SB 411, which would ensure alternate teleconferencing provisions indefinitely to boards and advisory boards of local agencies and commissions.
- June 29, 2023** Position letter to member of the California State Senate supporting AB 1594, which would require that any state regulation applicable to essential public agency utility vehicles ensures that those vehicles can support a public agency utility’s ability to maintain reliable water and electric service, respond to disasters, in an emergency capacity, and provide mutual aid assistance statewide and nationwide.
- June 29, 2023** Comments provided to members of the United States Senate on the draft perfluoroalkyl substances legislative language to carry out actions and address the treatment, management, and destruction of PFAS and other emerging contaminants.
- July 26, 2023** Comments provided to member of the California State Assembly on suggested amendment to AB 399, regarding the “Water Ratepayer Protection Act of 2023.”
- September 21, 2023** Position letter of support requesting signature to the California State Governor, regarding SB 411, which ensures alternate teleconferencing provisions indefinitely to boards and advisory boards of local agencies and commissions.
- September 21, 2023** Position letter of support requesting signature to the California State Governor, regarding AB 1594, which would require that any state regulation applicable to essential public agency utility vehicles ensures that those vehicles can support a public agency utility’s ability to maintain reliable water and electric service, respond to disasters, in an emergency capacity, and provide mutual aid assistance statewide and nationwide.

- September 29, 2023** Comments provided to the State Water Resources Control Board on the proposed Regulatory Framework for Making Conservation a California Way of Life.
- October 4, 2023** Comments provided to member of the California State Assembly requesting consideration in introducing legislation to safeguard water agencies and to ensure fair ratepayer protection throughout San Diego, through modernizing the “County Water Authority Act.”
- October 19, 2023** Comments provided to the California Department of Water Resources expressing support for the California Water Plan Update 2023, while noting some essential considerations for successful implementation of the proposed plan.
- November 13, 2023** Comments provided to the San Diego Local Agency Formation Commission on proposed out-of-agency services policy to formalize and expand existing practices to provide clear direction to all local agencies on how out-of-agency services are regulated.

## **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 2023:

### **Association of California Water Agencies**

#### **ACWA Fall and Spring Conferences & Exhibitions**

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

**220**

**In 2023, OMWD participated in over 220 meetings or workgroups with partners and stakeholders.**

#### **ACWA Region 10**

As a member of ACWA Region 10, OMWD's General Manager, Kimberly A. Thorner participated in the 2023 election of officers.

#### **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.

#### **APWA-San Diego Chapter Luncheons**

The American Public Works Association provides education, idea exchange, and networking opportunities through a network of professionals dedicated to public works.

#### **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. In August 2022, 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.

#### **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. General Manager, Kimberly A. Thorner serves as faculty for this program in 2024.

#### **CSDA Special District Leadership Foundation**

OMWD achieved reaccreditation with the Platinum District of Distinction Award (one of the most prestigious local government awards in the state of California) in 2022, which remains valid for three years. This award recognizes 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.

### **Center for Water Studies Industry Advisory Commission at Cuyamaca College**

The IAC plays a critical role in ensuring that Cuyamaca College's program meets the water industry's employment needs and assists the Center for Water Studies staff in staying current on local waterworks issues so that programs have the necessary resources to meet the challenges ahead. General Manager Kimberly A. Thorner and Operations Manager Jesse Bartlett-May serve on this Advisory Commission.

### **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.

#### **Municipal Service Review for Water Wholesalers Advisory Committee**

The committee is tasked with advising on matters related to water wholesaling within the San Diego region. General Manager, Kimberly A. Thorner serves on this committee in 2024.

#### **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.

**One Water North San Diego Coalition**

Local agencies in North County who actively support a future regional Potable Reuse project. These agencies will have input into the final potable reuse concept, institutional structure, financing approach, and branding efforts.

**San Diego County Water Authority**

**Board of Directors**

SDCWA is governed by a 35-member board of directors representing the 23 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. 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.

**Imported Water Committee**

The Imported Water Committee is responsible for imported water supply matters including: activities and issues as a member agency of the Metropolitan Water District of Southern California; administration of the Quantification Settlement Agreement and related agreements; Colorado River Board; State Water Project; CalFed; and other matters relating to water supplies

from sources outside San Diego County. Director Meyers serves as Vice Chair of this committee in 2024.

**Finance Planning Work Group**

General Manager, Kimberly A. Thorner serves on the Finance Planning 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. In 2023, OMWD Engineering Manager Lindsey Stephenson served as Board President, and participated 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.

### **WateReuse Annual Conference**

The annual WateReuse Conference features numerous technical sessions and panels on the most pressing reuse issues in the state.

### **WateReuse Symposium**

The annual WateReuse 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 WateReuse.

### **Urban Water Institute**

OMWD participates in the annual conferences. 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.

### **Water for All (SB 366)**

Water for All 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. General Manager Kimberly A. Thorner serves as an officer on the Steering Committee as well as the Board of Directors which are comprised of 15 General Managers representing each California region. In 2023, General Manager Thorner attended the GM Summit for H2O for All and participated in meetings with Assemblymember Weber, Assemblymember Ward, and Senator Jones. General Manager Thorner has presented to the Editorial Board of the San Diego Union Tribune on Solving the Water Crisis, the Industrial Environmental Association, provides input on collateral development, and participates in monthly meetings.

### **League of Women Voters**

General Manager Kimberly A. Thorner provided a presentation in October 2022 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 2023 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.

# ANTICIPATED ISSUES IN 2024

## SUMMARY

OMWD has developed a general outlook regarding anticipated legislation and legislative/regulatory areas of focus expected in 2024. This assessment is formulated through staff analysis, with information from professional representatives.

## STATE OF CALIFORNIA

- 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
- Climate change bond
- Co-sponsor a legislative measure with SDCWA to amend California Public Contract Code:
  - Adjust the authority limit from \$35,000 to \$70,000
  - Align the Code with established procurement practices
  - Account for CPI inflation since 1999
- New legislator(s) outreach and education

## FEDERAL GOVERNMENT

- Colorado River Crisis
- California projects and policy initiatives have heightened voices, as Californians control the 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.
18. Supports a more equitable voting structure at the San Diego County Water Authority.

***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. 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 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.
6. Requires redundant reporting of water conservation-related information.

**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 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 loads and 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.

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

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