

#### AGENDA

## SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY

#### REGULAR MEETING OF THE POLICY BOARD

CITY OF WHITTIER
EMERGENCY OPERATIONS CENTER
13200 PENN STREET
WHITTIER, CA 90602

THURSDAY, APRIL 4, 2019 6:30 P.M.

- 1. PLEDGE OF ALLEGIANCE
- 2. ROLL CALL
- 3. PUBLIC COMMENTS
- 4. CONSENT CALENDAR
  - \*\*Consent Calendar items will be considered and approved in one motion unless removed by a Board Member for discussion.\*\*
  - a. SEWC BOARD OF DIRECTORS MINUTES OF FEBRUARY 7, 2019

    Recommendation: Approve minutes as submitted.
  - b. WARRANT REGISTER

Recommendation: Approve Warrant Register.

\*\*End of Consent Calendar\*\*

## 5. STATE OF THE BASIN UPDATE FROM WATER REPLENISHMENT DISTRICT (WRD)

Kyle Cason, Chair, Administrative Entity

Ted Johnson, Chief Hydrogeologist, Water Replenishment District (WRD)

<u>Recommendation:</u> That the Board take the following action:

Receive and File an update on the State of the Basin from the Water Replenishment District (WRD).

#### 6. UPDATE FROM CENTRAL BASIN MUNICIPAL WATER DISTRICT (CBMWD)

Kyle Cason, Chair, Administrative Entity

Kevin Hunt, General Manager, Central Basin Municipal Water District (CBMWD) Recommendation: That the Board take the following actions:

Receive and File an update from the Central Basin Municipal Water District (CBMWD).

### 7. LETTER OF SUPPORT FOR SB 669 (CABALLERO) WATER QUALITY: SAFE DRINKING WATER FUND

Kyle Cason, Chair, Administrative Entity

Recommendation: That the Board take the following actions:

- 1) Receive and file an update on the status of legislation relating to the Safe and Affordable Drinking Water Fund; and
- 2) Authorize SEWC send a letter of opposition re: the Safe and Affordable Drinking Water proposal in the Governor's 2019-2020 draft budget; and
- 3) Authorize SEWC send a letter in support of SB 669 (Caballero) Water Quality: Safe Drinking Water Fund.

## 8. DRAFT AUDIT REPORT - SOUTHEAST WATER COALITION (SEWC) FISCAL YEAR 2017/2018 FINANCIAL STATEMENTS

Kyle Cason, Chair, Administrative Entity

Recommendation: That the Board take the following action:

Approve the Draft Southeast Water Coalition (SEWC) Fiscal Year 2017/2018 Financial Statements with Report on Audit, and authorize the draft audit report to be finalized and filed with the County.

### 9. ADOPT A RESOLUTION TO CHANGE SEWC MEETING SCHEDULE AND LOCATION

Kyle Cason, Chair, Administrative Entity

Recommendation: That the Board take the following action:

Adopt Resolution No. 2019-01 changing the meeting schedule and location for all Board of Directors and Administrative Entity meetings, effective July 1, 2019.

#### 10. BOARD OF DIRECTORS COMMENTS

#### 11. ADMINISTRATIVE ENTITY CHAIR / LEAD AGENCY COMMENTS

#### 12. ADJOURNMENT

**AMERICANS WITH DISABILITIES ACT:** In compliance with the Americans with Disabilities Act of 1990, the City of Whittier is committed to providing reasonable accommodations for a person with a disability. Please call Veronica Barrios with the City of Whittier at (562) 567-9501, if special accommodations are necessary and/or if information is needed in an alternative format. Special requests must be made in a reasonable amount of time in order that accommodations can be arranged.

The next meeting of the Southeast Water Coalition Joint Powers Authority Board of Directors is Thursday, June 6, 2019 at 6:30 p.m., at the Emergency Operations Center, 13200 Penn Street, Whittier, CA 90602.

I, Veronica Barrios, City of Whittier, do hereby certify, under penalty of perjury under the laws of the State of California that the foregoing agenda was posted pursuant to Government Code Section 54950 Et. Seq. and City of Whittier Ordinance at the following locations: Whittier City Hall, Whittier Public Library, and Whittwood Branch Library.

Dated: April 1, 2019

Vermin Barrus

Veronica Barrios Administrative Secretary Public Works Department

#### MINUTES OF THE SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY

#### REGULAR MEETING OF THE POLICY BOARD

# CITY OF WHITTIER EMERGENCY OPERATIONS CENTER 13200 PENN STREET WHITTIER, CA 90602

## THURSDAY, FEBRUARY 7, 2019 6:30 P.M.

The regular meeting of the Southeast Water Coalition Joint Powers Authority Policy Board was called to order at 6:36 p.m. by Policy Board Chair Alternate Josué Alvarado.

#### 1. PLEDGE OF ALLEGIANCE

Policy Board Chair Alternate, Josué Alvarado, asked Mr. Gustavo Camacho, City of Pico Rivera Board Member, to lead the Pledge of Allegiance.

#### 2. ROLL CALL

Grace Hu
Alex Saab
City of Downey
City of Lakewood
Margarita L. Rios
City of Norwalk
City of Paramount
Gustavo Camacho
City of Pico Rivera

Juanita Trujillo City of Santa Fe Springs

Maria Davila City of South Gate

Josué Alvarado City of Whittier, Board Chair Alternate

Also Present:

Bob Ortega City of Cerritos
Dan Mueller City of Downey
Derwin Dy City of Lakewood
Julian Lee City of Norwalk
Adriana Figueroa City of Paramount
Todd Dusenberry City of Vernon

Kyle Cason City of Whittier, AE Chair

Christine Bucklin DTSC

Kristen Sales KJServices Environmental Consulting

#### 3. PUBLIC COMMENTS

No Public Comments were received.

#### 4. CONSENT CALENDAR

Board Member Davila (South Gate) made a motion to approve the Consent Calendar, and Board Member Trujillo (Santa Fe Springs) seconded the motion. The Consent Calendar was approved by a unanimous voice vote of the Policy Board.

## 5. WHITTIER NARROWS OPERABLE UNIT (WNOU) UPDATE FROM THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)

Administrative Entity (AE) Chair, Kyle Cason (Whittier), introduced Christine Bucklin, Senior Engineering Geologist from DTSC, to provide an overview of this item.

Ms. Bucklin stated that DTSC took control of the Whittier Narrows Operable Unit (WNOU) from the EPA in 2013. Ms. Bucklin stated that the primary VOCs at the WNOU are tetrachloroethene (PERC) and trichlorethylene (TCE), both of which are found in amount above the MCL. She added that emerging contaminants at the site include: 1,4-dioxane, NDMA, 1,2,3-TCP, and perchlorate--many from the former sites of aerospace and dry cleaning businesses. The EPA issued their Record of Decision in 1993, which was amended in 1999 and the WNOU has been in operation since 2002. DTSC has operated the site since 2013, and their facility is located near Legg Lake.

At the Legg Lake site, Ms. Bucklin explained, WRD is paying Interim Replenishment fees for DTSC's water via the overflow to Mission Creek. DTSC increased their discharge to 2,000 gpm since February, 2016 and observes the Mission Creek overflow. Ms. Bucklin stated that DTSC cannot pump as much water as they would like because they need another agency partner to accept the overflow water and distribute it.

Ms. Bucklin stated that the Omega Plume is in City of Whittier's Wells 17 and 18, where PERC is above the MCL. The City of Whittier does not use those wells because of the contamination from the Plume.

DTSC's pumping goal is a 3,000 gpm flow rate; however, they are currently capped at 2,000 gpm because they cannot discharge more water at their current location. Ms. Bucklin stated that the WNOU receives \$1.5 million a year in funds from the State of California. Ms. Bucklin stated that additional funding would allow them to pump a total of 3,500 gpm: 2,700 which would be used as a potable water supply and 800 gpm recharge for Legg Lake. Currently, the San Gabriel Water Company is handling treating the site's water. Ms. Bucklin stated

DTSC did apply for Prop 1 funds to increase remedy extraction to their target rates in the range of 3,200 - 3,500 gpm, but have not yet received word on the status of their application. The grant application was for \$2-3 million, including funds for site infrastructure improvements. Ms. Bucklin provided information on Geotracker and Envirostor, from which Board Members could access the most recent reports on the Omega Plume Superfund Site. Ms. Bucklin then opened the floor up for questions.

Board Member Alex Saab (Downey) asked if the Plume was flowing southeast towards the river. Ms. Bucklin answered that yes, the Plume does flow southeast, but it is also still spreading towards the Whittier Narrows and the Central Basin service area. Ms. Bucklin added that the main source of contaminants in the WNOU were from the South El Monte area. Board Member Saab asked how many Superfund sites DTSC oversaw throughout the state. Ms. Bucklin stated that they oversaw at least ten currently, but another twenty are currently in progress, awaiting RPs or RODs.

Administrative Entity Member Adriana Figueroa (Paramount) asked if re-injection of the WNOU water was an option? Ms. Bucklin responded that re-injection was not really a viable option for that water because natural percolation only produced non-potable water that would not meet the very high quality standards for re-injection, which are equal to that of purified water. Ms. Bucklin stated that they are also limited about the capacity of water they can re-inject, due to pumping rights, which is only a few hundred gpm.

The Board Members thanked Ms. Bucklin for an informative presentation and asked that they receive another update on the status of the WNOU in a few months.

Policy Board Chair Alternate Alvarado (Whittier) called for a motion to receive and file the item. The motion was made by Board Member Hansen (Paramount) and seconded by Board Member Rios (Norwalk). The motion was approved by a unanimous voice vote of the Policy Board.

## 6. REQUEST FOR PROPOSALS FOR SEWC PROGRAM MANAGEMENT SERVICES

Administrative Entity (AE) Chair, Kyle Cason (Whittier), provided an overview of this item to the Policy Board.

AE Chair Cason stated that the Lead Agency of Whittier had drafted a Request for Proposals for SEWC Program Management Services. AE Chair Cason stated that the draft RFP was attached and asked the Board Members to review and provide their comments. AE Cason stated that if the Board approved the draft RFP, Whittier would email the document to a small group of consultants in the upcoming weeks.

Policy Board Chair Alternate Alvarado (Whittier) called for a motion to approve the Request for Proposals and authorize the Administrative Entity begin the informal bid process for Program Management Services. The motion was made by Board Member Camacho (Pico Rivera) and seconded by Board Member Rogers (Lakewood). The motion was approved by a unanimous voice vote of the Policy Board.

### 7. APPROVAL OF DRAFT SCOPE OF WORK FOR EMERGENCY INTERCONNECTS PROJECT

Administrative Entity (AE) Chair, Kyle Cason (Whittier), provided an overview of this item to the Policy Board.

AE Chair Cason stated that, in an effort to continue the work began during the Strategic Plan process, the SEWC AE had put together a matrix of potential projects to work collaboratively on, with the intent of building a report or map of all the emergency water interties between the SEWC member cities. AE Chair Cason further stated that they had drafted a Scope of Work for the project and the AE planned to send it out to a list of consultants the SEWC member cities had worked with before on other projects. AE Chair Cason then asked the Board members to submit their comments on the draft Scope of Work.

Board Member Alex Saab (Downey) asked if the intent was to have a separate emergency interconnects plan for each member city. AE Chair Cason answered that the SEWC Emergency Interconnects project would group together all the member cities in an effort to search for grant opportunities that would benefit them regionally.

Board Member Todd Rogers (Lakewood) asked if the Scope of Work include a provision for the consultant to look for additional projects, not just Emergency Interconnects projects. AE Chair Cason answered in the affirmative and added that the consultant would also be tasked with looking for funding opportunities for a variety of projects on which SEWC could work collaboratively. AE member Adriana Figueroa (Paramount) added that one goal of the consultant would be to draft conceptual plans for when grants become available, SEWC can be ready to apply for them.

Policy Board Chair Alternate Alvarado (Whittier) called for a motion to approve the Draft Scope of Work for the Emergency Interconnects Project. The motion was made by Board Member Saab (Downey) and seconded by Board Member Rogers (Lakewood). The motion was approved by a unanimous voice vote of the Policy Board.

#### 8. LEGISLATIVE UPDATE

Administrative Entity (AE) Chair, Kyle Cason (Whittier), provided an overview of this item to the Policy Board.

AE Chair Cason stated that SB-45 is a \$4 billion bond measure that would allocate a certain percentage of those bonds to water related projects. AE Chair Cason further stated that there had been no action on this bill since January 16, 2019 but that the Administrative Entity would continue to monitor its progress.

AE Chair Cason then summarized AB-134, a "right to water" bill, stating that there are no specifics in this draft bill yet and may serve as a gut and replace bill. AE Chair Cason stated that the AE will monitor AB-134 closely in case it is amended further.

Policy Board Chair Alternate Alvarado (Whittier) called for a motion to receive and file the item. The motion was made by Board Member Saab (Downey) and seconded by Board Member Rios (Norwalk). The motion was approved by a unanimous voice vote of the Policy Board.

#### 9. BOARD OF DIRECTORS COMMENTS

Board Member Maria Davila (South Gate) stated that she had become a grandmother for the first time recently, and the Board Members wished her congratulations. Board Member Tom Hansen (Paramount) wished everyone a Happy New Year, and Board Member Margarita L. Rios (Norwalk) wished everyone a happy 2019.

#### 10. CHAIR / LEAD AGENCY / ADMINISTRATIVE ENTITY COMMENTS

Administrative Entity (AE) Chair, Kyle Cason (Whittier), reminded the Board Members that the annual filings for Form 700 were due by Monday, April 1st.

#### 11. ADJOURNMENT

Policy Board Chair Alternate Josué Alvarado (Whittier) adjourned the meeting at 7:23 p.m.

	CHAIRMAN	
ATTEST:		

#### **Southeast Water Coalition** Warrant Listing January 2019 thru March 2019

Check Date	Transaction Description	Vendor Name	Check #	<u> </u>	Amount
1/4/2019	CONSULTING SERVICES	KJSERVICES ENVIRONMENTAL CONSULTING	293859	\$	920.00
1/4/2019	SUPPLIES	SMART AND FINAL IRIS	293915		32.71
2/15/2019	CATERED LUNCH	AUNTIE'S LLC	294941		379.02
2/15/2019	DELIVERY FEE/TIP	AUNTIE'S LLC	294941		43.90
2/15/2019	SERVICES SEWB MTG	KJSERVICES ENVIRONMENTAL CONSULTING	295016		1,240.00
2/22/2019	SUPPLIES	CITY OF WHITTIER	295238		25.59
3/1/2019	SEWC BOARD MEETING	JOSUE ALVARADO	295314		150.00
3/1/2019	BOARD MEETING	GUSTAVO CAMACHO 2/17/	295329		150.00
3/1/2019	SEWC BOARD MEETING	MARIA DAVILA	295339		150.00
3/1/2019	SEWC BOARD MEETING	GRACE C. HU	295353		150.00
3/1/2019	SEWC BOARD MEETING	MARGARITA L. RIOS	295360		150.00
3/1/2019	SEWC BOARD MEETING	TODD SCOTT RANDALL	295361		150.00
3/1/2019	SEWC BOARD MEETING	THOMAS HANSEN	295375		150.00
3/1/2019	SEWC BOARD MEETING	JUANITA ANN TRUJILL	295376		150.00
3/8/2019	BILLING FOR AUDIT	WHITE NELSON DIEHL	295552		1,500.00
3/15/2019	SEWC BOARD MEETING	SMART AND FINAL IRIS	293915		33.30
3/22/2019	FEB'19 CONSULTING S	KJSERVICES ENVIRONMENTAL CONSULTING	295824		1,440.00
			Total	\$	6,814.52
			# of checks		16



#### SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY AGENDA REPORT

**Date:** April 4, 2019

**To:** Southeast Water Coalition Board of Directors **From:** Kyle Cason, Chair, Administrative Entity

Ted Johnson, Chief Hydrogeologist, Water Replenishment District (WRD)

Subject: State of the Basin Update From Water Replenishment District (WRD)

**Recommendation:** That the Board take the following action:

Receive and File an update on the State of the Basin from the Water Replenishment District (WRD).

#### **Background**

For the past several years, the SEWC Board of Directors has received an update from a representative of the Water Replenishment District (WRD) at their April meeting.

Today, the Board will hear an update on the current State of the Basin from Ted Johnson, Chief Hydrogeologist for WRD. Mr. Johnson will provide updates on the status of the Albert Robles Center for Water Recycling & Environmental Learning (formally GRIP), the state of regional groundwater reserves in the Basin, this year's Replenishment Assessment, and statewide precipitation levels.

#### Attachment(s):

None



## SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY AGENDA REPORT

**Date:** April 4, 2019

**To:** Southeast Water Coalition Board of Directors **From:** Kyle Cason, Chair, Administrative Entity

Kevin Hunt, General Manager, Central Basin Municipal Water District

(CBMWD)

Subject: Update from Central Basin Municipal Water District (CBMWD)

**Recommendation:** That the Board of Directors take the following action:

Receive and File an update from the Central Basin Municipal Water District (CBMWD).

#### **Background**

At the February 1, 2018 meeting of the Southeast Water Coalition (SEWC) Board of Directors, the Board received an update on the status of Central Basin Municipal Water District's financial health from General Manager Kevin Hunt.

It is recommended that the Board of Directors receive and file another update on the status of Central Basin's budget, the newly elected Central Basin Board Directors, and the recent at-large election process.

#### Attachment(s):

None



## SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY AGENDA REPORT

**Date:** April 4, 2019

**To:** Southeast Water Coalition Board of Directors **From:** Kyle Cason, Chair, Administrative Entity

Subject: Letter of Support for SB 669 (Caballero) Water Quality: Safe Drinking

Water Fund

**Recommendation:** That the Board take the following actions:

1) Receive and file an update on the status of legislation relating to the Safe and Affordable Drinking Water Fund; and

- 2) Authorize SEWC send a letter of opposition re: the Safe and Affordable Drinking Water proposal in the Governor's 2019-2020 draft budget; and
- 3) Authorize SEWC send a letter in support of SB 669 (Caballero) Water Quality: Safe Drinking Water Fund.

#### **Background**

In 2012, Governor Brown signed AB-685, which amended Section 106.3 of the Water Code to state that "every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes." Since then, there have been a number of legislative bills related to "the right to water," including The Safe and Affordable Drinking Water Fund, which would charge a tax on water purveyors to fund access to safe and affordable drinking water for disadvantaged communities.

The Safe and Affordable Drinking Water Fund was first proposed in SB-623 (Monning) during the 2017-2018 California Legislative Session, and was held in the Assembly Rules Committee. Nearly identical language was drafted into Governor Brown's proposed State Budget for 2018-2019, but was rejected by the Legislature's Budget Conference Committee in 2018.

Currently, there are several pending legislative actions related to the Safe and Affordable Drinking Water Fund:

SEWC BOARD OF DIRECTORS AGENDA REPORT- REGULAR MTG. OF 4/04/19 Letter of Support for SB 669 (Caballero) Water quality: Safe Drinking Water Fund Page 2 of 2

- Governor Newsom's 2019-2020 Draft State Budget Trailer Bill: Safe and Affordable Drinking Water Fund
- SB-200 (Monning) Safe and Affordable Drinking Water Fund
- AB-217 (Eduardo Garcia) Safe Drinking Water for All Act
- AB-134 (Bloom) Safe, clean, affordable, and accessible drinking water
- SB-669 (Caballero) Water quality: Safe Drinking Water Fund

Please see SEWC Legislative Matrix attached for details and status updates on each piece of legislation.

The Association of California Water Agencies (ACWA) has drafted an Oppose Unless Amended letter in response to the Safe and Affordable Drinking Water Fund portion of the Governor's Budget Trailer Bill. This letter was sent to the Legislative Budget Committee on March 13, 2019, and was signed by over 200 water agencies and community groups statewide, including the Central Basin Municipal District (CBWMD) and the City of Lakewood.

In this letter, ACWA expressed support for SB 669 (Caballero) Water quality: Safe Drinking Water Fund. SB 669 is co-sponsored by ACWA and the California Municipal Utilities Association (CMUA). SB 669 would use General Fund monies from budget surplus years to create the Safe Drinking Water Trust, which would be managed by the State Water Resource Board to fund operations & maintenance projects for disadvantaged communities that are regularly non-compliant in drinking water standards. SB 669 is the only current piece of legislation that proposes an alternative to the drinking water tax.

#### Discussion

The SEWC Administrative Entity has drafted two separate letters to voice opposition to the Budget Trailer Bill, and support for SB 669. It is recommended the Board of Directors authorize sending these letters to the Senate and Assembly Budget Subcommittees (Oppose - Budget Trailer Bill) and the Senate Environmental Quality Committee (Support -- SB 669). SB 669 is set to be heard in the Senate Environmental Quality Committee on April 10, 2019, so it is further recommended, should the Board authorize the Support letter, the letter be sent as soon as possible to be read in Committee.

#### Attachment(s):

- 1. SEWC Legislative Matrix
- 2. ACWA Letter
- 3. Oppose Letter re: Budget Trailer Bill Language: Safe and Affordable Drinking Water Proposal
- 4. Support Letter re: SB 669 (Caballero) Water quality: Safe Drinking Water Fund
- 5. Text of SB 669

## Southeast Water Coalition Joint Powers Authority State Legislative Matrix April 4, 2019

Bill Number Author	Amended Date; Location	Title – Summary	SEWC Position	Effects on SEWC Region
Safe and Affordable Drinking Water Proposal  - Governor Newsom's FY 2019-2020 Budget Trailer Bill Language	Introduced January 2019 - Revisions in May 2019 - ebudget.ca.gov	Would establish the Safe and Affordable Drinking Water Fund, a dedicated funding source from new water, fertilizer, and dairy fees, to enable the State Water Resources Control Board to assist communities, especially disadvantaged communities, in paying for the short-term and long-term costs of obtaining access to safe and affordable drinking water. Consistent with SB 623. Also includes \$4.9M General Fund one-time payment to Water Board and Dept. of Food & Agriculture to take initial steps towards implementation of Safe and Affordable Drinking Water Program, including: 1) implementation of fee collection systems, 2) adopt annual implementation plan, 3) development of high-risk aquifers used as drinking water sources.	OPPOSE  The SEWC AE recommends the Board draft an Oppose letter, modeled the letter from Association of California Water Agencies; signed by Central Basin Municipal Water District & City of Lakewood, et al.	Water tax would affect water purveyors; require increased staff time for administration; potentially raise water costs for ratepayers.
SB 200 (Monning) Coauthor: Eduardo Garcia	Introduced 1/31/19  Last Amended 3/11/19  Hearing set for 4/23/19 in Senate Committee on Natural Resources and Water	Safe and Affordable Drinking Water Fund. Creates the Safe and Affordable Drinking Water Fund in the State Treasury. Fund to be administered by the Water Board, to assist communities and individual domestic well users to address contaminants in drinking water that exceed safe drinking water standards.  Funding source undetermined.	CONTINUE TO MONITIOR  No funding source outlined for Fund, but could be amended at any time to include water tax.	Unknown

## Southeast Water Coalition Joint Powers Authority State Legislative Matrix April 4, 2019

Bill Number Author	Amended Date; Location	Title – Summary	SEWC Position	Effects on SEWC Region
AB 217 (Eduardo Garcia) Principal Coauthor: Blanca Rubio	Introduced 1/16/19  Passed (7 Ayes, 3 Noes) Assembly Committee on Environmental Safety and Toxic Materials 3/26/19;  Amended twice in Assembly Appropriations Committee 3/28/19	Safe Drinking Water for All Act. Bill would establish a safe and affordable drinking water fee in the amount of \$0.50 per service connection on all public water systems. Would require each public water system to remit to the board the amount of the fee for their public water system on July 1, 2020, and by July 1 annually thereafter. All collected fees would go into Safe and Affordable Drinking Water Fund, administered by Water Resources Control Board. Bill would also impose a tax on agriculture and dairy business that would contribute to Fund.	OPPOSE UNLESS AMENDED  As of 3/28/19, bill contains a \$0.50/service connection tax on all public water systems. SEWC does not support any tax on water purveyors. Will Oppose Unless Amended to exclude a water tax.	Would impose a \$0.50 per service connection on all public water systems, impact all water service providers in the SEWC region.
AB 134 (Bloom)	Introduced 12/5/18  Passed (7 Ayes, 3 NVR) Assembly Committee on Environmental Safety and Toxic Materials 3/26/19;  Re-referred to Assembly Appropriations Committee	Safe, clean, affordable, and accessible drinking water. The bill would require, if a Safe Drinking Water Fund (SB 669) or Safe and Affordable Drinking Water Fund (BTB, AB 217, SB 200) is established, the funding to be displayed in the annual Governor's budget, as prescribed, and, at least every 5 years, would require the Legislative Analyst's Office to provide an assessment of the effectiveness of expenditures from the fund.  Fiscal committee only. No appropriations.	CONTINUE TO MONITOR  AB 134 seeks to ensure transparency in the annual budget process, regardless of which Fund is established. Provides additional oversight from LAO to asses Fund expenditure effectiveness.	N/A

## Southeast Water Coalition Joint Powers Authority State Legislative Matrix April 4, 2019

Bill Number Author	Amended Date; Location	Title – Summary	SEWC Position	Effects on SEWC Region
SB 669 (Caballero)	Introduced 2/22/19	Water quality: Safe Drinking Water Fund. Establishes the Safe Drinking Water Trust (Trust)	SUPPORT	We III
Coauthors: Association of California Water Agencies and California Municipal Utilities Association	Hearing set for 4/10/19 in Senate Committee Environmental Quality	in the State Treasury to fund a Safe Drinking Water Fund (Fund) at the State Water Board. Fund would assist community water systems in disadvantaged communities that are chronically noncompliant. The Trust's principal would be funded with an infusion of General Fund dollars during one (or two or three) budget surplus years. The Trust's principal would be invested, and the net income would be transferred to the Fund, administered by the State Water Board.	The SEWC AE recommends the Board draft a letter in support of SB 669 and send it to the Senate Committee on Environmental Quality to be read at their 4/10 hearing.	Would prevent tax revenue collected from local water purveyors from being sent to fund DACs in other parts of the State.

March 13, 2019

The Honorable Bob Wieckowski, Chair Senate Budget Subcommittee No. 2 State Capitol, Room 4085 Sacramento, CA 95814 The Honorable Richard Bloom, Chair Assembly Budget Subcommittee No. 3 State Capitol, Room 2003 Sacramento, CA 95814

Re: Budget Trailer Bill Language: Safe and Affordable Drinking Water Proposal/
PROPOSED STATEWIDE WATER TAX

**Position: OPPOSE UNLESS AMENDED** 

Dear Chair Wieckowski and Chair Bloom:

The below-listed organizations are OPPOSE UNLESS AMENDED to the water tax budget trailer bill.

**Alameda County Water District** Alhambra Chamber of **Commerce Amador Water Agency Anderson-Cottonwood Irrigation District Apple Valley Chamber of** Commerce Antelope Valley – East Kern **Water Agency Association of California Water Agencies Bard Water District Bella Vista Water District Bighorn-Desert View Water** Agency **BizFed Los Angeles County Borrego Water District Brawley Chamber of Commerce Brooktrails Township Community Services District Browns Valley Irrigation District Calaveras County Water District** CalDesal **California Building Owners and Managers Association California Business Properties** 

**Association** 

**California Cleaners Association** 

**California Craft Beer Association California Municipal Utilities Association California Special Districts** Association **Calleguas Municipal Water District Camrosa Water District Carlsbad Municipal Water** District **Carmichael Water District Casitas Municipal Water District Central Basin Municipal Water District Centerville Community Services District Ceres Chamber of Commerce Cerritos Regional Chamber of** Commerce **Citrus Heights Water District City of Corona Department of Water and Power City of Fairfield City of Garden Grove City of Glendale Water and Power** City of Lakewood **City of Newport Beach City of Oceanside** 

**City of Redding** City of Rialto/Rialto Utility **Authority** City of Riverside City of Roseville City of Santa Rosa City of Shasta Lake **City of Thousand Oaks City of Torrance Claremont Chamber of** Commerce **Clovis Chamber of Commerce Coachella Valley Water District Coastside County Water District Contra Costa Water District Crescenta Valley Water District** Crestline-Lake Arrowhead **Water Agency Cucamonga Valley Water** District **Culver City Chamber of** Commerce **Del Paso Manor Water District Desert Water Agency Downtown San Diego** 

**Partnership** 

**District** 

**Dublin San Ramon Services** 

**East Orange County Water District East Valley Water District Eastern Municipal Water District El Dorado County Chamber** Alliance El Dorado Hills Chamber of **Commerce El Dorado Irrigation District El Monte/South El Monte Chamber of Commerce** El Segundo Chamber of Commerce **El Toro Water District** Florin Resources Conservation **District/Elk Grove Water District Elk Grove Chamber of** Commerce **Elsinore Valley Municipal Water District Fair Oaks Water District Fallbrook Public Utility District Folsom Chamber of Commerce Foothill Municipal Water** District **Fremont Chamber of Commerce** The Gateway Chambers Alliance **Georgetown Divide Public Utility District** Glendora Chamber of Commerce **Glenn-Colusa Irrigation District Greater Coachella Valley Chamber of Commerce Hawthorne Chamber of** Commerce **Helix Water District Hidden Valley Lake Community Services District Hollywood Chamber of** Commerce **Humboldt Bay Municipal Water District Humboldt Community Services District Idyllwild Water District** 

**Indian Wells Valley Water District Indio Water Authority Inland Empire Utilities Agency International Council of Shopping Centers Irvine Ranch Water District Kern County Water Agency Kinneloa Irrigation District Kirkwood Meadows Public Utility District Lake Tahoe South Shore Chamber of Commerce** La Canada Irrigation District La Verne Chamber of Commerce **Laguna Beach County Water** District **Lake Hemet Municipal Water District Las Virgenes Municipal Water District LAX Coastal Area Chamber of** Commerce Lincoln Avenue Water Company **Long Beach Water Department** Malaga County Water District **Mammoth Community Water** District **Mariana Ranchos County Water** District **McKinleyville Community Services District Mendocino County Russian River Flood Control & Water Conservation Improvement** District **Merced Irrigation District Mesa Crest Water Company Mesa Water District** Mid-Peninsula Water District **Millview County Water District Mission Springs Water District Mojave Water Agency Monrovia Chamber of** Commerce **Montara Water and Sanitation** District **Monte Vista Water District** 

**Municipal Water District of Orange County Nevada Irrigation District North Marin Water District North Tahoe Public Utility** District Northern California Water Association **Norwalk Chamber of Commerce Oakdale Irrigation District Olivenhain Municipal Water District Orange County Water District Orchard Dale Water District Otav Water District Padre Dam Municipal Water** District **Palm Ranch Irrigation District Palmdale Water District Paradise Irrigation District Pasadena Water and Power Pico Water District Pittsburg Chamber of** Commerce **Placer County Water Agency** Pleasanton Chamber of Commerce **Quartz Hill Water District Rainbow Municipal Water** District **Rancho California Water District** Rancho Cordova Chamber of Commerce Rancho Cucamonga Chamber of Commerce **Redondo Beach Chamber of** Commerce **Regional Water Authority Redwood Valley County Water** District **Richvale Irrigation District** Rincon del Diablo Municipal **Water District Rio Alto Water District Rio Linda Elverta Community Water District** Roseville Area Chamber of Commerce

**Rowland Water District Rubio Canon Land and Water Association** Sacramento Metro Chamber Sacramento Suburban Water District **San Diego County Water Authority** San Diego Regional Chamber of Commerce **San Dieguito Water District San Gabriel County Water** District **San Gabriel Valley Economic Partnership** San Gabriel Valley Municipal **Water District** San Juan Water District Santa Clarita Valley Chamber of Commerce Santa Clarita Valley Water Agency **Santa Fe Irrigation District Santa Margarita Water District Santa Ynez River Water Conservation District** Improvement District No. 1 **Scotts Valley Water District** 

**Shasta Community Services** District **South Bay Chamber of** Commerce **South Coast Water District South Tahoe Public Utility District Southern California Water** Committee **Stockton East Water District Sweetwater Authority Tahoe City Public Utility District Templeton Community Services** District **Textile Rental Service** Association **Three Valleys Municipal Water District Torrance Area Chamber of** Commerce **Tulare Irrigation District Tuolumne Utilities District Twain Harte Community Services District United Chamber Advocacy** Network **United Water Conservation** District

Agency **Upper San Gabriel Valley Municipal Water District Vallecitos Water District Valley Center Municipal Water** District Valley Industry & Commerce **Association** Valley of the Moon Water District Valley Water Company **Ventura County Economic Development Association** Victor Valley Chamber of Commerce **Vista Irrigation District** Walnut Valley Water District **Westlands Water District Western Canal Water District** Western Municipal Water District West Valley-Warner Center **Chamber of Commerce Yolo County Flood Control** Water Conservation District Yorba Linda Water District **Yuba Water Agency** 

**Upper Russian River Water** 

The 2019 budget trailer bill language is based on SB 623 (Monning, 2017) and is a slightly modified version of Governor Brown's proposed statewide water tax budget trailer bill language from 2018, which the Legislature's Budget Conference Committee affirmatively rejected in 2018. The language would establish a fund administered by the State Water Resources Control Board (State Water Board) to assist those who do not have access to safe drinking water. The organizations listed on this letter agree with the intent of the bill. The lack of access to safe drinking water in certain disadvantaged communities is a public health issue that the State needs to address. The bill proposes two types of funding: 1) agricultural assessments related to fertilizer sales and dairy and confined animal operations to address nitrate-related contamination; and 2) a state-mandated tax on drinking water (tap water) that the bill would require approximately 3,000 local water systems to assess on their local residential and business ratepayers' water bills and send to Sacramento.

The above-listed organizations oppose the proposed statewide water tax.

**PROBLEMS WITH THE PROPOSAL**: Following are examples of problems with the proposed statewide water tax:

- 1) Requiring local water systems and cities across the state to impose a tax on drinking water for the State of California is not the appropriate response to the problem;
- 2) It is not sound policy to tax a resource that is essential to life;
- 3) State law sets forth a policy of a human right to water for human consumption that is safe, clean, *affordable* and accessible. Adding a regressive statewide water tax would work against keeping water affordable for all Californians; and
- 4) It is **highly inefficient to turn approximately 3,000 water systems into taxation entities for the state** and require them to collect the tax and send it straight to Sacramento. The costs for changing billing software (e.g., \$100,000 for one system) and hiring one or more staff (e.g., \$100,000 for salary and benefits for one employee for one system) to implement the tax would skyrocket if implemented by about 3,000 community water systems. The implementation costs would **add to the cost of water and work against keeping water affordable.**

#### RECOMMENDED FUNDING ALTERNATIVE - THE SAFE DRINKING WATER TRUST (SB 669,

**Caballero):** In 2018, the water community suggested four alternatives to the proposed statewide water tax. This year, the Association of California Water Agencies and the California Municipal Utilities Association are sponsoring SB 669 (Caballero), which would create the Safe Drinking Water Trust (the Trust) in the State Treasury to fund a Safe Drinking Water Fund at the State Water Board.

Existing federal and state drinking water funding sources are available for capital costs. The federal Safe Drinking Water State Revolving Fund dollars and General Obligation Bond funding are examples. The voters just approved \$250 million for safe and clean water projects, prioritized for disadvantaged communities, in Proposition 68 in June of 2018. Key to resolving this funding issue is addressing the gap for operation and maintenance (O&M) costs for community water systems that treat drinking water in disadvantaged communities. O&M costs generally cannot be financed with existing federal and state safe drinking water funding sources. A financial solution is needed for O&M and system consolidation costs that can complement existing funding sources for capital costs.

The Trust's principal would be funded with an infusion of General Fund dollars during one (or two or three) budget surplus years. With the record budget surplus for the 2019-'20 Fiscal Year, this is the perfect year to create and fund the Trust. Funding the Trust via the General Fund, which is based largely on a progressive source of revenue (income tax), makes sense because taxpayers with higher incomes would contribute more, and taxpayers with lower incomes would contribute less. The Trust's principal would be invested, and the net income would be transferred to a Safe Drinking Water Fund, which the State Water Board would administer for drinking water solutions. Unlike the proposed water tax, the Trust would not add to the cost of water.

The above-listed organizations urge your "No" vote on the budget trailer bill language unless the proposed statewide water tax is removed and replaced with an acceptable alternative funding source – such as the Safe Drinking Water Trust proposed in SB 669 (Caballero).

If you have questions, please contact Cindy Tuck, Deputy Executive Director for Government Relations, Association of California Water Agencies at (916) 441-4545 or at <a href="mailto:cindyt@acwa.com">cindyt@acwa.com</a>.

#### cc: The Honorable Governor Gavin Newsom

The Honorable Anna Caballero

Honorable Members, Senate Budget Subcommittee No. 2

Honorable Members, Assembly Budget Subcommittee No. 3

Honorable Joaquin Esquivel, Chair, State Water Board

Ms. Rachel Machi Wagoner, Deputy Legislative Secretary, Office of the Governor

Mr. Trevor Taylor, Legislative Aide, Office of Senator William W. Monning

Ms. Joanne Roy, Consultant, Senate Budget Subcommittee No. 2

Ms. Susan Chan, Consultant, Assembly Budget Subcommittee No. 3

Ms. Rocel Bettencourt, Budget Consultant, Senate Republican Caucus

Ms. Katie Sperla, Budget Consultant, Assembly Republican Caucus

Mr. Calvin Rusch, Policy Consultant, Assembly Republican Caucus



April 4, 2019

The Honorable Bob Wieckowski, Chair Senate Budget Subcommittee No. 2 State Capitol, Room 4085 Sacramento, CA 95814 The Honorable Richard Bloom, Chair Assembly Budget Subcommittee No. 3 State Capitol, Room 2003 Sacramento, CA 95814

Re: Budget Trailer Bill Language: Safe and Affordable Drinking Water Fund - OPPOSE

Dear Chair Wieckowski and Chair Bloom:

On behalf of the Southeast Water Coalition (SEWC), I am writing to respectfully express our opposition to the Safe and Affordable Drinking Water Fund provision of the Budget Trailer Bill for the upcoming 2019-2020 fiscal year.

The SEWC Joint Powers Authority (JPA) was established in 1991 and has a membership consisting of the cities of Cerritos, Commerce, Downey, Lakewood, Norwalk, Paramount, Pico Rivera, Santa Fe Springs, South Gate, Vernon and Whittier. SEWC's mission is to advocate for water policies that ensure the availability of reliable, quality, and affordable water for area residents. SEWC's water purveyors serve a population of 670,000 in a service area of over 93 square miles.

Governor Newsom's budget proposes trailer bill language (TBL) to establish the Safe and Affordable Drinking Water Fund. The TBL is consistent with the framework of SB 623 (Monning), which failed to pass the Assembly Rules Committee during the 2017-2018 Legislative Session, and is nearly identical to the TBL proposed in Governor Brown's fiscal year 2018-2019 budget. Last year, the Safe and Affordable Drinking Water Fund was rejected by the Legislature's Budget Conference Committee. This year, we urge the same.

The Fund would establish a tax on drinking water, the Safe and Affordable Drinking Water Fee, which would tax community water system (CWS) water meters anywhere from \$0.95 to \$10 a month, based on the size of the water meter. Since there have been no substantial changes to the TBL since last year, the Southeast Water Coalition re-affirms its opposition to any version of the Budget Trailer Bill that includes a statewide water tax.

As a representative body for local water purveyors, SEWC is committed to providing safe and reliable drinking water for area residents, and agrees with the intent of the Fund. However, SEWC is strongly opposed to addressing the problem by imposing a tax on water users.

We believe it is highly inefficient for local water agencies to serve as tax collectors for the state. Furthermore, adding a tax on drinking water would: unduly burden many customers in the SEWC region who already struggle with rising water costs, work against keeping water affordable for all Californians,

and is counterintuitive to SEWC's mission. We support SB 669 (Caballero), which would establish a Safe Drinking Water Trust, funded by the state's General Fund.

Safeguarding the provision of clean, safe, affordable, and reliable drinking water is a shared concern for all of California. In meeting this challenge, we must ensure that we do not inappropriately shift burdens from one area of the state to another, but instead find the most equitable solution that truly addresses the underlying problems facing rural and disadvantaged water systems.

For the reasons stated above, the Southeast Water Coalition respectfully opposes the Budget Trailer Bill and urges your "No" vote on any version of the Budget Trailer Bill that includes the Safe and Affordable Drinking Water Fund.

Sincerely,

Mr. Fernando Dutra Board of Directors Chair Southeast Water Coalition



April 4, 2019

The Honorable Benjamin Allen, Chair Senate Environmental Quality Committee State Capitol, Room 2205 Sacramento, CA 95814

#### SB 699 (Caballero) Safe Drinking Water Trust – SUPPORT

Dear Chair Allen:

On behalf of the Southeast Water Coalition (SEWC), I am writing to express our support of Senate Bill 669 (Caballero), which is set to be heard in the Senate Environmental Quality Committee on April 10, 2019.

The SEWC Joint Powers Authority (JPA) was established in 1991 and has a membership consisting of the cities of Cerritos, Commerce, Downey, Lakewood, Norwalk, Paramount, Pico Rivera, Santa Fe Springs, South Gate, Vernon and Whittier. SEWC's mission is to advocate for water policies that ensure the availability of reliable, quality, and affordable water for area residents. SEWC's water purveyors serve a population of 670,000 in a service area of over 93 square miles.

SB 669 would create the Safe Drinking Water Trust (Trust) at the State Treasury. The purpose of the Trust would be to provide a durable funding source to help community water systems in disadvantaged communities provide their customers with access to safe drinking water.

As a representative body for local water purveyors, SEWC is strongly in favor of establishing a Trust that would help disadvantaged communities without imposing a statewide water tax.

Currently, there exists a funding gap for operation and maintenance (O&M) costs for the treatment of drinking water by community water systems in disadvantaged communities. Existing state sources of financial assistance, like Proposition 1 and the safe drinking water state revolving fund (SDWSRF), do not provide financial assistance for the long-term O&M costs of drinking water systems. Disadvantaged communities often lack the rate base to pay for O&M costs, meaning that they are effectively prohibited from accessing capital improvement funding. In some situations, the consolidation of a failing community water system with one or more systems may be the most effective solution. The Safe Drinking Water Trust proposed in SB 669 would provide a durable funding source to provide financial assistance for replacement water as a short-term solution, consolidation and long-term O&M costs.

The Trust would be funded with an infusion of General Fund dollars during a budget surplus year. With the record budget surplus for the upcoming 2019-2020 Fiscal Year, now is the perfect time to create and fund the Trust. The Trust's principal would be invested, and the net income would be transferred on an

ongoing basis to the Safe Drinking Water Fund, administered by the State Water Resources Control Board.

The Trust is a better approach than a statewide water tax because General Fund monies are funded by a progressive source of revenue (income tax), whereas a regressive water tax would work against keeping water affordable for all Californians. The associated implementation and administrative costs to the 3,000 water systems required to collect a statewide water tax would drive up the cost of water for ratepayers and work against the state's Human Right to Water policy of keeping water affordable.

For the above reasons, the Southeast Water Coalition supports SB 669.

Sincerely,

Mr. Fernando Dutra Board of Directors Chair Southeast Water Coalition

#### **Introduced by Senator Caballero**

February 22, 2019

An act to add Chapter 4.6 (commencing with Section 116765) and Chapter 4.7 (commencing with Section 116771) to, Part 12 of Division 104 of the Health and Safety Code, relating to water, and making an appropriation therefor.

#### LEGISLATIVE COUNSEL'S DIGEST

SB 669, as introduced, Caballero. Water quality: Safe Drinking Water Fund.

(1) Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Existing law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.

This bill would establish the Safe Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the state board. The bill would require the state board to administer the fund to assist community water systems in disadvantaged communities that are chronically noncompliant relative to the federal and state drinking water standards and do not have the financial capacity to pay for operation and maintenance costs to comply with those standards, as specified. The bill would authorize the state board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, and bequests, transfers by the Legislature from the General Fund and the Greenhouse Gas Reduction Fund, funding from authorized general obligation bond acts, and net revenue from the Safe Drinking Water Trust that this bill would create.

 $SB 669 \qquad \qquad -2-$ 

The bill would require the state board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants. The bill by July 1, 2021, and by July 1 of each year thereafter, would require the state board to adopt, working with a multistakeholder advisory group, after a public workshop and a public hearing, an annual fund implementation plan. The bill would require the state board annually to prepare and make publicly available a report of expenditures of the fund and to adopt annually, after a public hearing, an annual update to a specified needs analysis. By creating a new continuously appropriated fund, this bill would make an appropriation.

(2) Existing law requires a trustee to administer a trust with reasonable care, skill, and caution under the circumstances then prevailing that a prudent person acting in a like capacity would use, as specified. The existing Uniform Prudent Investor Act requires a trustee to invest and manage trust assets as a prudent investor would, by considering the purposes, terms, distribution requirements, and other circumstances of the trust.

This bill would create in the State Treasury the Safe Drinking Water Trust Fund, to hold the trust property of the Safe Drinking Water Trust. The bill would create the Safe Drinking Water Trust Commission, consisting of 3 members, to serve as the trustee of the trust and would require the trustee to abide by the act and have all of the fiduciary duties, responsibilities, and obligations consistent with serving as a trustee of a trust. The bill would require the trustee to transfer the net income from the trust fund to the Safe Drinking Water Fund for expenditure, as prescribed. The bill would authorize funding of the trust principal, subject to transfer by the Legislature. The bill would require the trustee to accept donations that shall be deemed trust property and increase the principal of the trust. The bill would require the trustee to meet, not less than quarterly, to review the investment of the trust principal and administer the trust. The bill would require the trustee to provide the state board annually with an accounting of the investments and a forecast of the projected income to be distributed from the funds in future fiscal years. The bill would require the trust to be deemed a charitable trust subject to the supervision of the Attorney General.

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

\_3\_ SB 669

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

SECTION 1. Chapter 4.6 (commencing with Section 116765) is added to Part 12 of Division 104 of the Health and Safety Code, to read:

#### CHAPTER 4.6. SAFE DRINKING WATER

#### Article 1. Legislative Findings and Declarations

- 116765. The Legislature finds and declares all of the following:
- (a) Section 106.3 of the Water Code declares that it is the policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes.
- (b) For all community water systems, the operation and maintenance costs to supply, treat, and distribute potable water that complies with federal and state drinking water standards on a routine and consistent basis may be significant.
- (c) Some community water systems in disadvantaged communities that do not have access to safe drinking water do not have the technical, managerial, or financial capacity that is needed to comply with the federal and state drinking water standards on a routine and consistent basis.
- (d) Some state or federal drinking water project funding sources prohibit the use of that funding for operation and maintenance costs. If a community water system does not have the financial capacity to fund operations and maintenance costs, the community water system may not be able to access funding for capital costs to comply with the federal and state drinking water standards on a routine and consistent basis.
- (e) Hundreds of thousands of Californians, particularly those living in small disadvantaged communities, rely on unsafe drinking water from a chronically noncompliant community water system, which impacts human health, household costs, and community economic development.
- (f) It is important that new permitted public water systems are sustainable.
- (g) Chapter 843 of the Statutes of 2016 added Section 116527 to and amended Section 116540 of the Health and Safety Code

SB 669 —4—

and added Section 106.4 to the Water Code to authorize the State Water Resources Control Board to prevent the permitting of new, unsustainable public water systems.

- (h) It is in the interest of the state to identify, help develop, and help implement solutions for those chronically noncompliant community water systems in disadvantaged communities that do not have the technical, managerial, or financial capacity to comply with the federal and state drinking water standards, and as a result, have ongoing violations.
- (i) To assist chronically noncompliant community water systems in disadvantaged communities to come into compliance with the federal and state drinking water standards and become self-sufficient, the net revenue from a safe drinking water trust is a reasonable and sustainable way to provide state funding assistance for operation and maintenance costs and consolidation costs where financial assistance is needed.
- (j) Funding of the trust with General Fund dollars during one or more years of state budget surplus is an appropriate priority for the state because the lack of access to safe drinking water in some disadvantaged communities is a social and public health issue for the state. Once the trust is funded, the revenue from the trust will be a long-term durable solution to assist chronically noncompliant community water systems in disadvantaged communities in becoming self-sufficient relative to safe drinking water.

#### Article 2. Definitions

 116766. For the purposes of this chapter:

- (a) "Administrator" has the same meaning as defined in Section 116686.
  - (b) "Board" means the State Water Resources Control Board.
- (c) "Community water system" has the same meaning as defined in Section 116275.
- (d) "Disadvantaged community" has the same meaning as defined in Section 116275.
- (e) "Eligible applicant" means a public agency, a local educational agency, a nonprofit organization, a public utility, a federally recognized Indian tribe, a state Indian tribe listed on the Native American Heritage Commission's California Tribal Consultation List, a mutual water company, and an administrator.

\_5\_ SB 669

(f) "Fund" means the Safe Drinking Water Fund established pursuant to Section 116767.

- (g) "Public water system" has the same meaning as defined in Section 116275.
- (h) "Replacement water" means bottled water, vended water, or point-of-use or point-of-entry treatment units.

#### Article 3. Safe Drinking Water Fund

- 116767. The Safe Drinking Water Fund is hereby established in the State Treasury. Notwithstanding Section 13340 of the Government Code, all moneys in the fund are continuously appropriated to the board, without regard to fiscal years, in accordance with this chapter. Moneys in the fund at the close of the fiscal year shall remain in the fund and shall not revert to the General Fund. Moneys in the fund shall not be available for appropriation or borrowed for use for any purpose not established in this chapter unless that use of the moneys is authorized by statute that receives an affirmative vote of two-thirds of the membership in each house of the Legislature.
- 116768. (a) The board shall administer the fund to assist community water systems in disadvantaged communities that are chronically noncompliant relative to the federal and state drinking water standards and do not have the financial capacity to pay for operation and maintenance costs to comply with those standards by providing assistance for all of the following:
- (1) Operation and maintenance costs to both help bring the systems into compliance with those standards and help the systems become self-sufficient relative to safe drinking water.
  - (2) Consolidation costs for the community water systems.
- (3) Replacement water to provide the systems with safe drinking water as a short-term solution.
- (4) The provision of administrative and managerial services under Section 116686 for purposes of helping the systems become self-sufficient in the long term.
- (b) Consistent with subdivision (a), the board shall expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants.

SB 669 — 6—

1 2

(c) Consistent with subdivision (a), the goals for implementation of this fund are that community water systems benefitting from the funding both:

- (1) Will become compliant relative to the federal and state drinking water standards.
- (2) Will become self-sufficient and will need assistance for no longer than 10 years.
- (d) The board may undertake any of the following actions to implement the fund:
- (1) Provide for the deposit of all of the following moneys into the fund:
  - (A) Federal funding.
  - (B) Transfers by the Legislature from the General Fund.
  - (C) Net revenue from the Safe Drinking Water Trust.
- (D) Funding from a general obligation bond act that authorizes the deposit of bond moneys into the fund.
- (E) Transfers by the Legislature from the Greenhouse Gas Reduction Fund.
  - (F) Voluntary contributions, gifts, grants, or bequests.
- (2) Enter into agreements for contributions to the fund from the federal government, local or state agencies, private corporations, or nonprofit organizations.
- (3) Direct portions of the fund to a subset of eligible applicants as required or appropriate based on funding source and consistent with the annual fund implementation plan.
- (e) The board may expend moneys from the fund for reasonable costs associated with administration of the fund, including outreach regarding the availability of the funding. The board may expend no more than 5 percent of the annual revenue from the fund for reasonable costs associated with the administration of the fund.
- (f) The board shall provide for appropriate audit, accounting, and fiscal management services, plans, and reports relative to the fund.
- (g) At least every five years, the board, in consultation with the Legislative Analyst's Office, shall conduct a public review and assessment of the fund that evaluates and reports on all of the following:
- (1) The effectiveness of expending moneys from the fund in terms of both helping bring chronically noncompliant community water systems in disadvantaged communities into compliance with

\_7\_ SB 669

the federal and state safe drinking water standards and helping chronically noncompliant community water systems in disadvantaged communities become self-sufficient.

- (2) The sources of funding and the amount of funding from each source that went into the fund during the time period that is being reviewed and assessed.
- (3) The community water systems for which self-sufficiency has been achieved and for which funding from the fund is no longer necessary.
- (4) The community water systems that have received funding for 10 years or more and for which self-sufficiency has not been achieved, the actions that have been taken, the reasons why self-sufficiency has not been achieved, and, where appropriate, the reasons why continued funding from the fund is necessary.
- (h) The board shall make a report of the public review and assessment described in subdivision (g) available on the board's internet website.
- (i) The board, an employee of the board, or any authorized person shall not be deemed to have incurred or be required to incur any obligation to provide additional funding or undertake additional action solely as a result of having undertaken an action pursuant to this chapter.
- 116769. By July 1, 2021, and by July 1 of each year thereafter, the board shall do all of the following:
- (a) Prepare and make publicly available a report of expenditures from the fund.
- (b) Adopt, after a public hearing, an annual update to the needs analysis of drinking water systems first directed by the Legislature in Item 3940-002-0001 of Section 2.00 of the Budget Act of 2018.
- (c) Work with a multistakeholder advisory group to obtain input regarding priorities for the fund that can reasonably be accomplished in the next year and development of the annual fund implementation plan.
- (d) Adopt, after a public workshop and a public hearing, an annual fund implementation plan.
- SEC. 2. Chapter 4.7 (commencing with Section 116771) is added to Part 12 of Division 104 of the Health and Safety Code, to read:

SB 669 —8—

Chapter 4.7. Safe Drinking Water Trust Act of 2019

#### Article 1. Short Title

116771. This chapter shall be known, and may be cited, as the Safe Drinking Water Trust Act of 2019.

### Article 2. Legislative Findings of Necessity and Cause for Action

- 116772. (a) Because Section 106.3 of the Water Code establishes the policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes, it is in the interest of the people of the state to enact this chapter to establish a trust fund for the governmental purpose of providing a perpetual source of funding to assist community water systems in disadvantaged communities that are chronically noncompliant relative to the federal and state drinking water standards and do not have the financial capability to pay for operation and maintenance costs to comply with those standards by providing funding assistance for all of the following:
- (1) Operation and maintenance costs to both help bring the systems into compliance with those standards and help the systems to become self-sufficient.
  - (2) Consolidation costs for the systems.
- (3) Replacement water to provide the systems with safe drinking water as a short-term solution.
- (4) The provision of administrative and managerial services pursuant to Section 116686 for purposes of helping the systems become self-sufficient in the long term.
- (b) The primary purpose of the Safe Drinking Water Trust, a charitable trust established pursuant to this chapter, shall be to provide a perpetual source of funding each year to the Safe Drinking Water Fund established pursuant to Section 116767 in furtherance of the trust fund purposes in subdivision (a).
- (c) It is the intent of the Legislature that the funding for the trust be from General Fund dollars transferred to the trust by the Legislature during one or more years of state budget surplus.

\_9\_ SB 669

#### Article 3. Safe Drinking Water Trust

- 116773. Unless the context otherwise requires, the following definitions govern the construction of this chapter:
  - (a) "Board" means the State Water Resources Control Board.
- (b) "Beneficiary" means the people of the state, as represented by the board in its implementation of the provisions of Chapter 4.6 (commencing with Section 116765) and its administration of the Safe Drinking Water Fund established pursuant to Section 116767. The beneficiary's interest in the trust shall only be to the net income generated from the trust principal.
- (c) "Income" means the money, enhanced value, or other income the trust receives as current return from the investment of the trust principal.
- (d) "Net income" means the trust income earned July 1 to June 30, inclusive, of the previous year minus all of the necessary and reasonable expenses incident to the administration of the trust during that same period.
- (e) "Principal" means the trust property, inclusive of any increase designated as part of the trust principal by the trustee as a result of a higher than anticipated return on the investment pursuant to paragraph (2) of subdivision (b) of Section 116773.6 that is held in trust for the beneficiary and to accomplish the purposes described in Section 116772.
  - (f) "Trust" means the Safe Drinking Water Trust.
- (g) "Trust fund" means the account established pursuant to subdivision (a) of Section 116773.2 to hold the trust property.
- (h) "Trust property" means the money transferred to the trust fund pursuant to subdivision (d) of Section 116773.6 and any donation to the trust fund received and accepted by the trustee after January 1, 2020.
- (i) "Trustee" means the Safe Drinking Water Trust Commission. 116773.2. (a) There is hereby created in the State Treasury the Safe Drinking Water Trust Fund for holding the trust property of the Safe Drinking Water Trust and for the purpose of implementing the public and governmental purposes of this chapter. Net income distributed by the trustee from the trust fund is hereby transferred to the board for deposit in and expenditure from the Safe Drinking Water Fund in accordance with Chapter 4.6 (commencing with Section 116765).

SB 669 — 10 —

(b) Moneys in the trust fund, including the trust principal and trust income, shall not be available for appropriation or be borrowed for use for any purpose not established in this chapter.

- (c) Funding of the trust principal is hereby authorized and is subject to transfer by the Legislature. All transfers to the trust are hereby irrevocably transferred from the General Fund during budget surplus years to the trustee for deposit in the Safe Drinking Water Trust Fund for investment to accomplish the purposes of this chapter and on the conditions prescribed in Section 116773.6.
- (d) Notwithstanding any other law, moneys deposited into the Safe Drinking Water Trust Fund or to fund the trust shall not be transferred to the General Fund.

116773.4. (a) There is hereby created the Safe Drinking Water Trust Commission, consisting of three members, selected as follows:

- (1) The Treasurer, or the Treasurer's designee.
- (2) The Lieutenant Governor, or the Lieutenant Governor's designee.
  - (3) The Controller, or the Controller's designee.
- (b) The Safe Drinking Water Trust Commission shall serve as the trustee of the trust having all of the fiduciary duties, responsibilities, and obligations consistent with serving as a trustee of a trust.
- (c) The Treasurer shall serve as chairperson of the Safe Drinking Water Trust Commission. The commission shall annually elect from its members a vice chairperson and a secretary who shall hold office until December 31 and shall continue to serve until their respective successors are elected.
  - (d) The trustee shall do all of the following:
- (1) Meet not less than quarterly to review the investment of the trust principal and administer the trust.
- (2) Meet on the call of the chairperson, at the request of a majority of the members, or at the request of the Governor.
- (3) Adopt bylaws or other governing documents it deems necessary for the regulation of its affairs and the conduct of its business.
- (e) Notwithstanding Section 10231.5 of the Government Code, the Safe Drinking Water Trust Commission annually shall provide the board with an accounting of the investments and a forecast of the projected income to be distributed from the fund in future fiscal

-11- SB 669

years. The board shall include the information in the fund implementation plan prepared by subdivision (c) of Section 116769.

- 116773.6. (a) The trustee of the Safe Drinking Water Trust shall hold the trust property for the primary benefit of the trust's beneficiary and shall hold, manage, and invest the trust principal with the obligation of providing a perpetual source of annual funding to the Safe Drinking Water Fund established in Section 116767. The trustee shall not invade the trust principal.
- (b) The trustee shall collect, receive, and monetize, if prudent, the income from the trust, and shall transfer the trust's net income annually as follows:
- (1) If the net income earned by the trust during the previous fiscal year is less than or equal to \_\_\_\_\_ dollars (\$\_\_\_\_\_), the trustee shall deposit the entire value of the net income into the Safe Drinking Water Fund for the benefit of the trust's beneficiary.
- (2) If the net income earned by the trust during the previous fiscal year is greater than \_\_\_\_ dollars (\$\_\_\_\_), the trustee shall deposit at least \_\_\_\_ dollars (\$\_\_\_\_) into the Safe Drinking Water Fund for the benefit of the trust's beneficiary and shall determine if any additional portion of the net income should be deposited into the Safe Drinking Water Fund that year. Any portion of the net income not deposited in the Safe Drinking Water Fund shall be deemed a part of the trust principal by the trustee as a result of a higher than anticipated return on the investment on the trust principal in the previous fiscal year.
- (3) Notwithstanding any other law, the trustee, and any employee or agent of the trustee, shall not sell, purchase, exchange, or otherwise deal with or dispose of all or any parts of the principal of the trust.
- (c) The trustee shall exercise its administration of the trust as a fiduciary to the beneficiary. The trustee, in its administration of the trust, shall abide by the Uniform Prudent Investor Act (Article 2.5 (commencing with Section 16045) of Chapter 1 of Part 4 of Division 9 of the Probate Code). The trustee shall have the powers, obligations, and responsibilities of a trustee prescribed in Part 4 (commencing with Section 16000) of Division 9 of the Probate Code that are not inconsistent with the purposes and provisions of this chapter.
  - (d) The trust shall have both of the following powers:

SB 669 — 12 —

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(1) To accept donations that shall be deemed trust property and increase the principal of the trust.

- (2) Use no more than 1 percent of the trust income earned July 1 to June 30, inclusive, of each year to pay for the necessary and reasonable expenses incident to the administration of the trust during that same period.
- 7 (e) The trust shall be deemed a charitable trust subject to the 8 supervision of the Attorney General.



## SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY AGENDA REPORT

**Date:** April 4, 2019

**To:** Southeast Water Coalition Board of Directors **From:** Kyle Cason, Chair, Administrative Entity

Subject: Draft Audit Report - Southeast Water Coalition (SEWC) Fiscal Year

2017/2018 Financial Statements

**Recommendation:** That the Board of Directors take the following action:

Approve the Draft Southeast Water Coalition (SEWC) Fiscal Year 2017/2018 Financial Statements with Report on Audit, and authorize the draft audit report to be finalized and filed with the County.

#### Discussion

Sections 7.i and 14.b of the Southeast Water Coalition (SEWC) Joint Powers Agreement (Agreement), dated June 28, 2005, outline SEWC's budget policies. According to the Agreement, an independent annual audit of SEWC's financial statements shall be conducted by a certified public accountant in compliance with Government Code Section 26909. Additionally, the report of said audit shall be filed as a public record with each agency and the County Auditor.

On October 4, 2018 the SEWC Board of Directors authorized the City of Whittier's Director of Finance, serving as SEWC Treasurer and Controller, to award a source contract to White Nelson Diehl Evans, LLP (WNDE) to administer the annual audit of SEWC financial documents for Fiscal Year (FY) 2017-2018, and prepare the Financial Transactions Report and Supplement for the total cost of \$5,300.

SEWC received the Draft Financial Statements from WNDE on January 31, 2019. The audit finds that SEWC's financial statements were presented in conformity and in accordance with accounting principles generally accepted in the United States of America.

It is the recommendation of the AE that the Board of Directors approve the Draft SEWC Fiscal Year 2017-2018 Financial Statements with Report on Audit, dated June 30, 2018, and authorize the draft audit report be finalized and filed with the County.

SEWC BOARD OF DIRECTORS AGENDA REPORT- REGULAR MTG. OF 04/04/19 Draft Audit Report - Southeast Water Coalition (SEWC) Fiscal Year 2017/2018 Financial Statements
Page 2 of 2

#### Attachment(s):

- 1. Draft Southeast Water Coalition Fiscal Year 2017-2018 Financial Statements with Report on Audit
- 2. Draft Audit Committee Letter
- 3. Representation Letter from Downey

To the Administrative Entity Members of the Southeast Water Coalition Whittier, California

We have audited the financial statements of the Southeast Water Coalition (the Coalition) for the year ended June 30, 2018, and have issued our report thereon dated REPORT DATE. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our engagement letter dated August 3, 2018 and our letter on planning matters dated December 10, 2018. Professional standards also require that we communicate to you the following information related to our audit.

#### **Significant Audit Findings**

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Coalition are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during the year. We noted no transactions entered into by the Coalition during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate affecting the Coalition's financial statements is management's estimate of the fair value of investments, the price that would be received to sell an asset in an orderly transaction between market participants, of investments which is based on market values provided by outside sources.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

#### **Significant Audit Findings (Continued)**

#### Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are trivial, and communicate them to the appropriate level of management. As a result of our audit related testwork, we proposed no corrections to the financial statements.

#### Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

#### Management Representations

We have requested certain representations from management of the Lead Agency, the City of Downey, that are included in separate management representation letter dated MRL DATE.

#### Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the Coalition's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

#### Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the Coalition's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

#### **Restriction on Use**

This information is intended solely for the use of the Board of Directors, Administrative Entity Members, management, and others within the Southeast Water Coalition and is not intended to be and should not be used by anyone other than these specified parties.

Irvine, California
DATE

#### FINANCIAL STATEMENTS

## WITH REPORT ON AUDIT BY INDEPENDENT CERTIFIED PUBLIC ACCOUNTANTS

**JUNE 30, 2018** 

#### TABLE OF CONTENTS

June 30, 2018

	Page <u>Number</u>
Independent Auditors' Report	1 - 2
Basic Financial Statements:	
Statement of Net Position and Governmental Fund Balance Sheet	3
Statement of Activities and Statement of Governmental Fund Revenues, Expenditures, and Changes in Fund Balance	4
Statement of Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual - General Fund	5
Notes to Financial Statements	6 - 11

#### INDEPENDENT AUDITORS' REPORT

Board of Directors Southeast Water Coalition Downey, California

#### **Report on the Financial Statements**

We have audited the accompanying financial statements of the governmental activity and general fund of the Southeast Water Coalition (the Coalition) as of June 30, 2018, and the related notes to the financial statements, which collectively comprise the Coalition's basic financial statements as listed in the table of contents.

#### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

#### **Auditors' Responsibility**

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditors consider internal control relevant to the Coalition's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Coalition's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

#### **Opinions**

In our opinion, the basic financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activity and the general fund of the Coalition as of June 30, 2018, and the respective changes in financial position thereof and the budgetary comparison for the general fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

#### **Other Matter**

Required Supplementary Information

Management has omitted the Management's Discussion and Analysis information that accounting principles generally accepted in the United States of America require to be presented to supplement the basic financial statements. Such missing information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. Our opinion on the basic financial statements is not affected by this missing information.

Irvine, California REPORT DATE

#### STATEMENT OF NET POSITION AND GOVERNMENTAL FUND BALANCE SHEET

June 30, 2018

	General Fund	Adjustments (Note 1D)	Statement of Net Position
ASSETS Cash and investments	\$ 195,108	\$ -	\$ 195,108
TOTAL ASSETS	\$ 195,108	-	195,108
LIABILITIES			
CURRENT LIABILITIES: Accounts payable	\$ 2,303	-	2,303
FUND BALANCE/NET POSITION			
FUND BALANCE: Unassigned	192,805	(192,805)	
TOTAL LIABILITIES AND FUND BALANCE	\$ 195,108		
NET POSITION: Unrestricted net position		\$ 192,805	\$ 192,805

## STATEMENT OF ACTIVITIES AND STATEMENT OF GOVERNMENTAL FUND REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE

#### For the year ended June 30, 2018

	General Fund	Adjust (Note	tments	of ctivities
EXPENDITURES/EXPENSES:		•		
Current:				
Contract services	\$ 17,400	\$	-	\$ 17,400
Professional services	17,831		-	17,831
Travel, supplies, and meetings	2,741		-	2,741
Policy Board compensation	 5,700			5,700
TOTAL EXPENDITURES/EXPENSES	43,672			43,672
PROGRAM REVENUES:				
Operating grants and contributions:				
Contributions from members	55,000		-	55,000
Investment income	1,120			 1,120
TOTAL PROGRAM REVENUES	 56,120			 56,120
EXCESS OF REVENUES OVER				
(UNDER) EXPENDITURES/				
CHANGE IN NET POSITION	12,448		-	12,448
FUND BALANCE/NET POSITION:				
BEGINNING OF YEAR	 180,357		-	 180,357
END OF YEAR	\$ 192,805	\$		\$ 192,805

## STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE - BUDGET AND ACTUAL - GENERAL FUND

#### For the year ended June 30, 2018

	Original		
	and Final	Positive	
	Budget Actual		(Negative)
REVENUES:			
Operating contributions from members	\$ 55,000	\$ 55,000	\$ -
Investment income	1,353	1,120	(233)
TOTAL REVENUES	56,353	56,120	(233)
EXPENDITURES:			
Current:	<b>\(\right\)</b>		
Contract services	37,000	17,400	19,600
Professional services	58,600	17,831	40,769
Travel, supplies, and meetings	5,100	2,741	2,359
Policy Board compensation	9,900	5,700	4,200
TOTAL EXPENDITURES	110,600	43,672	66,928
EXCESS OF REVENUES OVER			
(UNDER) EXPENDITURES	(54,247)	12,448	66,695
FUND BALANCE - BEGINNING OF YEAR	180,357	180,357	
FUND BALANCE - END OF YEAR	\$ 126,110	\$ 192,805	\$ 66,695

#### NOTES TO FINANCIAL STATEMENTS

June 30, 2018

#### 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES:

#### A. Description of Reporting Entity:

On July 1, 1991, certain public agencies entered into a joint powers agreement to form the Southeast Water Coalition (the Coalition). Each member has one representative on the Policy Board and on the Administrative Entity. The purpose of the Coalition is to jointly exercise its powers for the purpose of improving the quality and quantity of potable water in the Southeast Area of Los Angeles County. The Coalition members are the cities of Downey, Whittier, Paramount, Pico Rivera, Lakewood, Norwalk, Commerce, Vernon, Cerritos, South Gate, and Santa Fe Springs.

It is the firm position of the Coalition that both the containment at Whittier Narrows and cleanup of the San Gabriel Basin are essential to the protection of the Central Basin. The containment program is the Coalition's primary short-term focus because the Whittier Narrows containment program serves primarily to protect the Central Basin.

In addition, the Coalition will work with communities and agencies in the San Gabriel Basin to expedite the cleanup of the San Gabriel Basin as a no less important, but longer term, focus. In addition, it is the goal of the Coalition to return the decision-making authority, both in terms of alternatives chosen and lead agency status with respect to the implementation of the containment program at Whittier Narrows and the cleanup of the San Gabriel Basin, to agencies at the local or state level while pursuing funds at the federal, state, and local levels.

#### B. Financial Statement Presentation:

Governmental entities are required to report information on a government-wide basis and on a fund basis (with emphasis placed on major funds of the entity). The government-wide financial statements (i.e., the statement of net position and the statement of activities) report information on all of the nonfiduciary activities of the primary government and its component units. The governmental fund financial statements (i.e., the balance sheet and the statement of revenues, expenditures, and changes in fund balance) report information on individual funds of the government. A fund is considered to be a separate accounting entity with a self-balancing set of accounts.

## NOTES TO FINANCIAL STATEMENTS (CONTINUED)

June 30, 2018

#### 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

#### B. Financial Statement Presentation (Continued):

Since the Coalition is engaged in a single governmental activity and has no component units, the government-wide and governmental fund financial statements have been combined on the same statement with a reconciliation of the individual line items in a separate column titled "Adjustments." The government-wide financial statements are reported in the "Statement of Net Position" and the "Statement of Activities" columns. The governmental fund financial statements are reported in the "General Fund" column.

#### C. Measurement Focus and Basis of Accounting:

The government-wide financial statements are reported using the economic resources measurement focus and the accrual basis of accounting. Under the economic resources measurement focus, all assets, deferred outflows of resources, liabilities, and deferred inflows of resources (whether current or noncurrent) associated with their activity are included on their Statement of Net Position. The Statement of Activities presents increases (revenues) and decreases (expenses) in total net position. Under the accrual basis of accounting, revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of the related cash flows.

Governmental fund financial statements are reported using the current financial resources measurement focus and the modified accrual basis of accounting. Under the current financial resources measurement focus, only current assets and current liabilities are generally included on their balance sheets. The reported fund balance (net current assets) is considered to be a measure of "available spendable resources." Governmental fund operating statements present increases (revenues and other financing sources) and decreases (expenditures and other financing uses) in net current assets. Accordingly, they are said to present a summary of sources and uses of "available spendable resources" during a period. Under the modified accrual basis of accounting, revenues are considered available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the Coalition considers revenues to be available if they are collected within a 60-day period to pay current liabilities at the end of the fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting.

Amounts reported as program revenues are charges to member cities for goods, services, or privileges provided and related investment income.

## NOTES TO FINANCIAL STATEMENTS (CONTINUED)

June 30, 2018

#### 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

#### D. Reconciliation of Government-wide and Fund Financial Statements:

Certain line items in the basic financial statements may require adjustments to convert from the fund financial statements, which are reported using the current financial resources measurement focus and modified accrual basis of accounting, to the government-wide financial statements, which are reported using the economic resources measurement focus and the accrual basis of accounting. For the year ended June 30, 2018, the Coalition did not have any adjustments to make.

#### E. New Accounting Pronouncements:

#### **Current Year Standards:**

GASB 75 - Accounting and Financial Reporting for Postemployment Benefits Other Than Pensions, effective for periods beginning after June 15, 2017. This standard did not impact the Coalition.

GASB 82 - *Pension Issues*, effective for periods beginning after June 15, 2016, except for certain provisions on selection of assumptions, which are effective in the first reporting period in which the measurement date of the pension liability is on or after June 15, 2017. This standard did not impact the Coalition.

GASB 85 - *Omnibus 2017*, effective for periods beginning after June 15, 2017. This standard did not impact the Coalition.

GASB 86 - Certain Debt Extinguishment Issues, effective for periods beginning after June 15, 2017. This standard did not impact the Coalition.

## NOTES TO FINANCIAL STATEMENTS (CONTINUED)

June 30, 2018

#### 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

#### E. New Accounting Pronouncements (Continued):

#### **Pending Accounting Standards**

GASB has issued the following statements that may impact the Coalition's financial reporting requirements in the future:

- GASB 83 Certain Asset Retirement Obligations, effective for periods beginning after June 15, 2018.
- GASB 84 Fiduciary Activities, effective for periods beginning after December 15, 2018.
- GASB 87 Leases, effective for periods beginning after December 15, 2019.
- GASB 88 Certain Disclosures Related to Debt, Including Direct Borrowings and Direct Placements, effective for periods beginning after June 15, 2018.
- GASB 89 Accounting for Interest Cost Incurred before the End of a Construction Period, effective for periods beginning after December 15, 2019.
- GASB 90 Majority Equity Interests an amendment of GASB Statements No. 14 and No. 61, effective for periods beginning after December 15, 2018.

#### F. Budgetary Data:

The Coalition adopts an annual budget at the beginning of each fiscal year. The budget is prepared by the Budget Adhoc Committee and submitted to the Administrative Entity. The Administrative Entity reviews the budget, makes adjustments, and prepares the budget report for presentation to the Policy Board. The budget is legally enacted by a majority vote of the Policy Board at a noticed meeting. Any amendments must be approved by the Policy Board in accordance with prescribed procedures.

### NOTES TO FINANCIAL STATEMENTS (CONTINUED)

June 30, 2018

#### 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

#### G. Net Position and Fund Balances:

#### **Classification of Net Position**

Net position in the government-wide financial statements is reported as follows:

<u>Unrestricted Net Position</u> - This category represents the net position of the Coalition that is not restricted for any project or other purpose.

When an expense is incurred for purposes for which both restricted and unrestricted net position is available, the Coalition's policy is to apply restricted net position first. The Coalition did not have restricted net position during the current year.

#### **Governmental Fund Balance Classifications**

Fund balance is reported on the fund statements as follows:

<u>Unassigned Fund Balance</u> - This classification includes the residual balance for the Coalition's general fund and includes all spendable amounts that have not been restricted, committed, or assigned.

When an expenditure is incurred for purposes for which both restricted and unrestricted fund balances are available, the Coalition's policy is to apply the restricted fund balance first. When an expenditure is incurred for purposes for which committed, assigned, or unassigned fund balances are available, the Coalition's policy is to apply the committed fund balance first, then the assigned fund balance, and the finally unassigned fund balance. The Coalition did not have restricted, committed, or assigned fund balances during the current year.

#### H. Use of Estimates:

The preparation of financial statements in accordance with accounting principles generally accepted in the United States of America requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities and disclosure of contingent assets and liabilities at the date of the financial statements and the reported amounts of revenues and expenditures during the reporting period. Actual results could differ from those estimates.

### NOTES TO FINANCIAL STATEMENTS (CONTINUED)

June 30, 2018

#### 1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED):

#### I. Subsequent Events:

As of July 1, 2018, the lead agency and accounting duties were transferred from the City of Downey to the City of Whittier. The Coalition's cash was transferred to the City of Whittier in two separate wires that occurred on July 16, 2018 and December 5, 2018.

In preparing these financial statements, the Coalition has evaluated events and transactions for potential recognition or disclosure through REPORT DATE, the date the financial statements were available to be issued.

#### 2. CASH AND INVESTMENTS:

The Coalition's cash was maintained in a deposit and investment pool managed by the City of Downey during the year ended June 30, 2018. This pool is governed by and under the regulatory oversight of the investment policy adopted by the City Council of the City of Downey. The Coalition has not adopted a deposit and investment policy separate from that of the City of Downey.

Information regarding the City of Downey's deposit and investment pool, including interest rate, credit, and custodial credit risks can be found in the City of Downey's Comprehensive Annual Financial Report for the year ended June 30, 2018 located at City Hall and on the City's website.



April 4, 2019

White Nelson Diehl Evans LLP 2875 Michelle Drive, Suite 300 Irvine, CA 92606

This representation letter is provided in connection with the audit of the financial statements of Southeast Water Coalition (Coalition), which comprise the respective financial position of the governmental activity and General Fund as of June 30, 2018 and the respective changes in financial position for the year then ended, and the related notes to the financial statements, for the purpose of expressing opinions as to whether the financial statements present fairly, in all material respects, in accordance with accounting principles generally accepted in the United States of America (U.S. GAAP).

Certain representations in this letter are described as being limited to matters that are material. Items are considered material, regardless of size, if they involve an omission or misstatement of accounting information that, in light of surrounding circumstances, makes it probable that the judgment of a reasonable person relying on the information would be changed or influenced by the omission or misstatement. An omission or misstatement that is monetarily small in amount could be considered material as a result of qualitative factors.

We confirm, to the best of our knowledge and belief, as of April 4, 2019, the following representations made to you during your audit.

#### **Financial Statements**

- 1) We have fulfilled our responsibilities, as set out in the terms of the audit engagement letter dated August 3, 2018, including our responsibility for the preparation and fair presentation of the financial statements in accordance with U.S. GAAP and for preparation of the required supplementary information (if applicable) in accordance with the applicable criteria.
- 2) The financial statements referred to above are fairly presented in conformity with U.S. GAAP and include all properly classified funds and other financial information of the Coalition and all component units required by generally accepted accounting principles to be included in the financial reporting entity.
- 3) We acknowledge our responsibility for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

- 4) We acknowledge our responsibility for the design, implementation, and maintenance of internal control to prevent and detect fraud.
- 5) Significant assumptions we used in making accounting estimates, including those measured at fair value, are reasonable.
- 6) Related party relationships and transactions, including revenues, expenditures/expenses, loans, transfers, leasing arrangements, and guarantees, and amounts receivable from or payable to related parties have been appropriately accounted for and disclosed in accordance with U.S. GAAP.
- 7) Adjustments or disclosures have been made for all events, including instances of noncompliance, subsequent to the date of the financial statements that would require adjustment to or disclosure in the financial statements, if applicable.
- 8) The effects of all known actual or possible litigation, claims, and assessments have been accounted for and disclosed in accordance with U.S. GAAP.
- 9) Guarantees, whether written or oral, under which the Coalition is contingently liable, if any have been properly recorded or disclosed.

#### **Information Provided**

- 10) We have provided you with:
  - a) Access to all information, of which we are aware, that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, and other matters.
  - b) Additional information that you have requested from us for the purpose of the audit.
  - c) Unrestricted access to persons involved with administering the Coalition's activities from whom you determined it necessary to obtain audit evidence.
  - d) Minutes of the meetings of the Policy Board and Administrative Entity or summaries of actions of recent meeting for which minutes have not yet been prepared.
- 11) All material transactions have been recorded in the accounting records and are reflected in the financial statements.
- 12) We have disclosed to you the results of our assessment of the risk that the financial statements may be materially misstated as a result of fraud, which are that we have no knowledge of any fraud or suspected fraud that affects the Coalition and involves:
  - a) Management,
  - b) Employees who have significant roles in internal control, or
  - c) Others where the fraud could have a material effect on the financial statements.

- 13) We have no knowledge of any allegations of fraud or suspected fraud affecting the Coalition's financial statements communicated by administrative staff, member agencies, regulators, or others.
- 14) We have no knowledge of instances of noncompliance or suspected noncompliance with provisions of laws, regulations, contracts, or grant agreements, or abuse, whose effects should be considered when preparing financial statements.
- 15) We have disclosed to you all known or actual or possible litigation, claims, and assessments whose effects should be considered when preparing the financial statements.
- 16) We have disclosed to you the identity of the Coalition's related parties and all the related party relationships and transactions of which we are aware.

#### Government- specific

- 17) There have been no communications from regulatory agencies concerning noncompliance with, or deficiencies in, financial reporting practices.
- 18) We have identified to you any previous audits, attestation engagements, and other studies related to the audit objectives and whether related recommendations have been implemented.
- 19) The Coalition has no plans or intentions that may materially affect the carrying value or classification of assets, liabilities, or equity.
- 20) We are responsible for compliance with the laws, regulations, and provisions of contracts and grant agreements applicable to the Coalition.
- 21) We have identified and disclosed to you all instances, which have occurred or are likely to have occurred, of fraud and noncompliance with provisions of laws and regulations that we believe have a material effect on the financial statements or other financial data significant to the audit objectives, and any other instances that warrant the attention of those charged with governance.
- 22) We have identified and disclosed to you all instances, which have occurred or are likely to have occurred, of noncompliance with provisions of contracts and grant agreements that we believe have a material effect on the determination of financial statement amounts or other financial data significant to the audit objectives.
- 23) We have identified and disclosed to you all instances that have occurred or are likely to have occurred, of abuse that could be quantitatively or qualitatively material to the financial statements or other financial data significant to the audit objectives.
- 24) There are no violations or possible violations of budget ordinances, laws and regulations (including those pertaining to adopting, approving, and amending budgets), or provisions of contracts and grant agreements, whose effects should be considered for disclosure in the financial statements, or as a basis for recording a loss contingency, or for reporting on noncompliance.

- 25) As part of your audit, you assisted with preparation of the financial statements and related notes. We acknowledge our responsibility as it relates to those non-audit services, including that we assume all management responsibilities; oversee the services by designating an individual, preferably within senior management, who possesses suitable skill, knowledge, or experience; evaluate the adequacy and results of the services performed; and accept responsibility for the results of the services. We have reviewed, approved, and accepted responsibility for those financial statements and related notes.
- 26) The Coalition has satisfactory title to all owned assets, and there are no liens or encumbrances on such assets nor has any asset been pledged as collateral.
- 27) The Coalition has complied with all aspects of contractual agreements that would have a material effect on the financial statements in the event of noncompliance.
- 28) We acknowledge our responsibility for the required supplementary information (RSI), if applicable. We have disclosed to you that we will not be including the Management's Discussion and Analysis with the financial statements.

Signature:	
Print Name: <u>James Fructuoso</u>	
Title: Assistant Finance Director, City of Downey	



#### SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY AGENDA REPORT

**Date:** April 4, 2019

**To:** Southeast Water Coalition Board of Directors **From:** Kyle Cason, Chair, Administrative Entity

Subject: Adopt a Resolution to Change SEWC Meeting Schedule and Location

**Recommendation:** That the Board take the following action:

Adopt Resolution No. 2019-01 changing the meeting schedule and location for all Board of Directors and Administrative Entity meetings, effective July 1, 2019.

#### Discussion:

At their Special Meeting on March 21, 2019, Administrative Entity (AE) Chair Kyle Cason, introduced the idea of changing the meeting schedule and location for all Board of Directors and Administrative Entity meetings for the remainder of Whittier's Lead Agency. Whittier is the SEWC Lead Agency until June 30, 2020.

AE Chair Cason suggested that SEWC meetings take place four times per fiscal year, roughly every quarter. AE Chair Cason further suggested that all Board and AE meetings take place at the City of Whittier's Palm Park Aquatic Center, which is a larger venue than the Emergency Operations Center, and closer to the freeway.

Attached is Resolution No. 2019-01, which changes:

- the meeting location for all Board of Directors and Administrative Entity meetings for the remainder of Whittier's Lead Agency to the Palm Park Aquatic Center
- the frequency of SEWC's regular Board of Directors and Administrative Entity meetings from six a year to quarterly

Also attached is the current SEWC Meeting Schedule through June 30, 2020, and the Proposed SEWC Meeting Schedule, should Resolution No. 2019-01 be adopted.

SEWC BOARD OF DIRECTORS AGENDA REPORT- REGULAR MTG. OF 04/04/19 Adopt Resolution to Change SEWC Meeting Schedule and Location Page 2 of 2

If Resolution 2019-01 is adopted, the SEWC Meeting Schedule for the Fiscal Year 2019-2020 would be as follows:

#### **Board of Directors** (1st Thursday)

August 1, 2019 November 7, 2019 February 6, 2020 May 7, 2020

#### **Administrative Entity** (3<sup>rd</sup> Thursday)

July 18, 2019 October 17, 2019 January 15, 2020 April 15, 2020

All meetings would take place at the Palm Park Aquatics Center, 5703 Palm Ave., Whittier, 90601. Administrative Entity meetings would remain at 11:30 a.m., and Board of Directors meetings would remain at 6:30 p.m. This schedule would go into effect on July 1, 2019.

It is recommended the Board review Resolution No. 2019-01, and the Proposed SEWC Meeting Schedule and discuss any scheduling conflicts or other issues arising from switching to guarterly meetings.

#### Attachment(s):

- 1. Resolution No. 2019-01
- 2. Current SEWC Meeting Schedule
- 3. Proposed SEWC Meeting Schedule, should Resolution No. 2019-01 be adopted

#### RESOLUTION NO. 2019-01

## A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY CHANGING THE SCHEDULE AND LOCATION OF THE BOARD OF DIRECTORS AND ADMINISTRATIVE ENTITY MEETINGS

WHEREAS, On June 7, 2018, the Board of Directors approved Resolution 2018-01 designating the City of Whittier to serve as Lead Agency for the period beginning July 1, 2018 through June 30, 2020.

WHEREAS, Resolution 2018-01, set the place and time of the Board of Directors and Administrative Entity meetings effective July 1, 2018.

WHEREAS, the Lead Agency desires to change the Board of Directors and Administrative Entity meeting schedule and location.

THE BOARD OF DIRECTORS OF THE SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

- Section 1. BOARD OF DIRECTORS MEETINGS. The Board of Directors shall meet, as necessary, on the first Thursday of February, May, August, and November at 6:30 p.m. in the City of Whittier at the Palm Park Aquatics Center, 5703 Palm Ave., Whittier, CA 90601.
- Section 2. ADMINISTRATIVE ENTITY MEETINGS. The Administrative Entity shall meet, as necessary, on the third Thursday of January, April, July, and October at 11:30 a.m.. in the City of Whittier at Palm Park Aquatics Center, 5703 Palm Ave., Whittier, CA 90601.
- Section 3. This Resolution changing the schedule and location of regular meetings of the Board of Directors and Administrative Entity is effective July 1, 2019.
- Section 4. The Chair of the Administrative Entity shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED, and ADOPTED this 4th day of April 2019.

ATTEOT	Obsis Dend (Dissels
ATTEST:	Chair, Board of Directors
Administrative Entity Chair	

# Current Southeast Water Coalition Joint Powers Authority Meeting Calendar Calendar Year 2019

#### **Board of Directors** (1st Thursday)

February 7, 2019 April 4, 2019 June 6, 2019

City of Whittier – Emergency Operations Center 13200 Penn Street Whittier, CA 90602

Dinner Served at 6:00 p.m. Meeting begins at 6:30 p.m.

#### Administrative Entity (3rd Thursday)

January 22, 2019 (Special Meeting) March 21, 2019 (Special Meeting) May 16, 2019

City of Whittier – Emergency Operations Center 13200 Penn Street Whittier, CA 90602

Lunch Served at 11:15 a.m. Meeting begins at 11:30 a.m.

# Current Southeast Water Coalition Joint Powers Authority Meeting Calendar Fiscal Year 2019/2020

#### **Board of Directors** (1st Thursday)

August 1, 2019 October 3, 2019 December 5, 2019 February 6, 2020 April 2, 2020 June 4, 2020

City of Whittier – Emergency Operations Center 13200 Penn Street Whittier, CA 90602

Dinner Served at 6:00 p.m. Meeting begins at 6:30 p.m.

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#### **Administrative Entity** (3<sup>rd</sup> Thursday)

July 18, 2019 September 19, 2019 November 21, 2019 January 16, 2020 March 19, 2020 May 21, 2020

City of Whittier – Emergency Operations Center 13200 Penn Street Whittier, CA 90602

Lunch Served at 11:15 a.m. Meeting begins at 11:30 a.m.

# Proposed Southeast Water Coalition Joint Powers Authority Meeting Calendar Fiscal Year 2019/2020

#### **Board of Directors** (1st Thursday)

August 1, 2019 November 7, 2019 February 6, 2020 May 7, 2020

City of Whittier
Palm Park Aquatics Center
5703 Palm Ave.
Whittier, CA 90601

Dinner Served at 6:00 p.m. Meeting begins at 6:30 p.m.

#### **Administrative Entity** (3<sup>rd</sup> Thursday)

July 18, 2019 October 17, 2019 January 15, 2020 April 15, 2020

City of Whittier
Palm Park Aquatics Center
5703 Palm Ave.
Whittier, CA 90601

Lunch Served at 11:15 a.m. Meeting begins at 11:30 a.m.