



Southeast Water Coalition

A joint powers authority to protect the Central Groundwater Basin

AGENDA

SOUTHEAST WATER COALITION

SPECIAL MEETING OF THE ADMINISTRATIVE ENTITY

**CITY OF WHITTIER
PALM PARK AQUATICS CENTER
5703 PALM AVE.
WHITTIER, CA 90601**

**THURSDAY, MAY 16, 2019
11:30 AM**

- 1. ROLL CALL**
- 2. PUBLIC COMMENTS**
- 3. CONSENT CALENDAR**

*****Consent Calendar items will be considered and approved in one motion unless removed by an Administrative Entity Member for discussion.*****

- a. **SEWC ADMINISTRATIVE ENTITY MINUTES OF MARCH 21, 2019
SPECIAL MEETING**

Recommendation: Approve minutes as submitted.

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

4. RESOLUTION 2019-02 TO MOVE LOCATION OF ADMINISTRATIVE ENTITY MEETINGS

Kyle Cason, AE Chair, City of Whittier

Recommendation: That the Administrative Entity take the following action:

Recommend the Board of Directors approve Resolution 2019-02, authorizing the Administrative Entity change its meeting location to the Palm Park Aquatics Center, effective June 6, 2019.

5. FISCAL YEAR 2019-2020 SOUTHEAST WATER COALITION (SEWC) DRAFT BUDGET

Kyle Cason, AE Chair, City of Whittier

Recommendation: That the Administrative Entity take the following actions:

- 1) Review Fiscal Year 2019-2020 Southeast Water Coalition (SEWC) Draft Budget;
- 2) Recommend the Board of Directors approve the Fiscal Year 2019-2020 Southeast Water Coalition (SEWC) Draft Budget at their meeting on June 6, 2019.

6. CITY OF GARDENA VS. REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION

Kyle Cason, AE Chair, City of Whittier

Recommendation: That the Administrative Entity take the following action:

Review the Superior Court ruling on *City of Gardena vs. Regional Water Quality Board, Los Angeles Region*, and discuss potential impact on MS4 compliance in SEWC region cities.

7. LEGISLATIVE UPDATE

Kyle Cason, AE Chair, City of Whittier

Recommendation: That the Administrative Entity take the following action:

Receive and file an update on current water-related bills under consideration in State Legislature.

8. PROGRAM MANAGEMENT SERVICES AGREEMENT

Kyle Cason, AE Chair, City of Whittier

Recommendation: That the Administrative Entity take the following action:

Recommend to the Board of Directors to award the Program Management Services Agreement to KJServices Environmental Consulting (KJS) of Santa Fe Springs, CA in the amount not to exceed \$20,000 per year.

9. JUNE 6, 2019 BOARD OF DIRECTORS AGENDA

Kristen Sales, KJServices Environmental Consulting

Recommendation: Consider Draft SEWC JPA Board of Directors Agenda

10. WRITTEN COMMUNICATIONS

11. ADMINISTRATIVE ENTITY MEMBER COMMENTS

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 Administrative Entity will be on Thursday, July 18, 2019, 11:30 am, Palm Park Aquatics Center, 5703 Palm Ave., Whittier, CA 90601.

I, Veronica Barrios, City of Whittier, do hereby certify, under penalty of perjury under the laws of the State of California that the foregoing notice 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 the Whittwood Branch Library.

Dated: May 13, 2019

A handwritten signature in blue ink that reads "Veronica Barrios". The signature is written in a cursive style with a large, stylized initial "V".

Veronica Barrios
Administrative Secretary
Department of Public Works

**MINUTES OF THE
SOUTHEAST WATER COALITION
JOINT POWERS AUTHORITY
SPECIAL MEETING OF THE ADMINISTRATIVE ENTITY**

**CITY OF WHITTIER
PALM PARK AQUATIC CENTER
5703 PALM AVE.
WHITTIER, CA 90601**

**TUESDAY, MARCH 21, 2019
11:30 AM**

The special meeting of the Southeast Water Coalition Joint Powers Authority Administrative Entity was called to order at 11:34 a.m. by AE Chair Kyle Cason. At the time the meeting was called to order a quorum of members were present. Roll call was taken with the following Administrative Entity members present:

1. ROLL CALL

Gina Nila, AE Vice-Chair	City of Commerce
Jason Wen	City of Lakewood
Julian Lee	City of Norwalk
James Coiner	City of Pico Rivera
Gladis Deras	City of South Gate
Joanna Hurtado-Moreno	City of Vernon
Kyle Cason, AE Chair	City of Whittier

Others in Attendance

Kristen Sales	KJServices Environmental Consulting
Kevin Sales	KJServices Environmental Consulting

2. PUBLIC COMMENTS

No Public Comments were received.

3. **CONSENT CALENDAR**

Administrative Entity (AE) Chair Kyle Cason (Whittier) called for a motion to approve the Consent Calendar.

Julian Lee (Norwalk) made a motion to approve the Consent Calendar. The motion was seconded by Gladis Deras (South Gate). With an abstention from Jason Wen (Lakewood), the motion was approved by a unanimous voice vote of the Administrative Entity members.

4. **FISCAL YEAR 2017-2018 SOUTHEAST WATER COALITION (SEWC) DRAFT AUDIT**

Administrative Entity (AE) Chair Kyle Cason (Whittier) introduced this item.

AE Chair Cason stated that the City of Whittier had received the completed FY 2017-2018 Draft Audit on January 31, 2019, and that the audit finds that SEWC's financial statements were presented in conformity and in accordance with accounting principles generally accepted in the U.S. AE Chair Cason asked if the other AE members had any questions about the Draft Audit. Not receiving any questions or comments, AE Chair Cason asked for a motion to accept the Draft Audit and recommend the Board of Directors finalized the audit documents at their meeting on June 6, 2019.

The motion was made by AE Vice-Chair Gina Nila (Commerce) and seconded by Jason Wen (Lakewood). The motion was approved by a unanimous voice vote of the Administrative Entity.

5. **FISCAL YEAR 2019-2020 SOUTHEAST WATER COALITION (SEWC) DRAFT BUDGET**

Administrative Entity (AE) Chair Kyle Cason (Whittier) provided an overview of this item.

AE Chair Cason stated that the Lead City of Whittier had expended more funds than allotted in the budget for the Administrative Entity meetings, and that the Lead City planned to transfer funds from the miscellaneous travel and meetings line item in the SEWC budget to cover the difference. AE Chair Cason stated that all other expenditures are tracking normally to the approved budget.

Gladis Deras (South Gate) asked what member credit the Lead Agency would include for the FY 2019-2020 Draft Budget. Jason Wen stated that the \$5,000 member credit that SEWC has been using for the past two years has worked well to keep total expenditures and ending balance even, and suggested Whittier continue with the \$5,000 credit. AE Chair Cason stated that Whittier intended to keep the \$60,000 amount for Consultant Services, and keep the \$7,500 line item for Legal Services to provide for a once-a-year update from SEWC Legal Counsel.

AE Chair Cason asked the AE members if the FY 19-20 Draft Budget should include an increase in the Financial Audit line item. Gladis Deras stated that RWG's fee to file the District Report has remained steady year-to-year at \$800, but the actual audit costs have increased significantly every year. Kristen Sales (KJServices Environmental Consulting) stated that the fee for the FY 17-18 Audit was \$5,300, only \$4,000 of which was budgeted in the FY 18-19 Approved SEWC Budget. Gina Nila suggested that the AE consider increasing the Financial Audit line item to \$6,000 to cover anticipated the cost increase. AE Chair Cason stated that he would ask the City of Whittier for a quote on their internal audit service to see if it would be less expensive than \$6,000.

AE Chair Cason asked for a motion to table this item until the next AE meeting on May 16, 2019, where a Draft Budget would be presented in full. The motion was made by AE Vice-Chair Gina Nila (Commerce), and seconded by Jason Wen (Lakewood). The motion was approved by a unanimous voice vote of the Administrative Entity.

6. DISCUSS CHANGING SOUTHEAST WATER COALITION (SEWC) MEETING SCHEDULE

AE Chair Kyle Cason (Whittier) provided an overview of this item. AE Chair Cason stated that Board of Directors Chair Fernando Dutra (Whittier) had suggested that the Southeast Water Coalition (SEWC) meet fewer than 6 times a year, as is the current schedule. AE Chair Cason stated that the goal would be to compact meetings to decrease the frequency and increase the amount of meaningful agenda items per meeting. AE Chair Cason asked the AE members for their opinions on decreasing the meeting frequency.

AE Vice-Chair Gina Nila (Commerce) stated that she was having trouble getting the Board Member from Commerce to attend regular meetings. Gladis Deras (South Gate) asked about the issue of per meeting stipends: fewer meetings would mean less money for the Board Members that do attend. Kristen Sales (KJServices Environmental Consulting) stated that the SEWC JPA documents only require the Policy Board and Administrative Entity meeting once a year. Ms. Sales stated that she would have to consult the JPA and SEWC Legal Counsel regarding the amount of the per meeting stipend.

AE Chair Cason stated that he wanted to bring an item to the Board about moving to 3 or 4 meetings a year; AE Chair stated his recommendation was to meet 4 times a year, but opened it up to discussion from the AE members.

Jason Wen (Lakewood) stated that he was in favor of changing to quarterly meetings for the Board of Directors. However, Mr. Wen added that the AE would have to come up with a plan to address items that would require immediate action, perhaps having the Board Members meet and vote electronically.

Ms. Sales stated that currently the Board meets the 1st Thursday of even-numbered

months, with the Administrative Entity meeting two weeks prior, on the 3rd Thursday of odd-numbered months. Ms. Sales stated that this ratio had worked well and could be retained if the meeting months changed to the Board meeting in February, May, August, and November; and the AE meeting in January, April, July, and October.

AE Chair Cason asked if this proposed schedule would work for the AE members. Ms. Sales stated that the revised schedule would be introduced at the beginning of the new fiscal year, beginning July 1, 2019.

AE Chair Cason asked for a motion to draft a Resolution changing the meeting schedule for Board and AE meetings to the schedule above, and changing the location of Board and AE meetings to the Palm Park Aquatics Center. The motion was made by AE Vice-Chair Gina Nila (Commerce) and seconded by Gladis Deras (South Gate). The motion was approved by a unanimous voice vote of the Administrative Entity.

7. FORM 700 ANNUAL FILINGS

AE Chair Kyle Cason (Whittier) provided an overview of this item. AE Chair Cason stated that the deadline for the annual Form 700 filings was coming up on Monday, April 1, 2019. AE Chair Cason added that in addition to the attached Status of Calendar Year 2018 Forms 700 Received, the Lead City of Whittier had received e-filed forms from SEWC Board of Directors members Todd Rogers (Lakewood) and Yvette Woodruff-Perez (Vernon). AE Chair Cason asked the AE members to remind their Board members to mail their original, wet signature forms to the City of Whittier prior to April 1, 2019, and reminded the AE members to email their forms to KJServices and Whittier. AE Chair Cason stated that Kristen Sales (KJServices Environmental Consulting) would send out an email reminder to the Board Members and cc the AE Members about the deadline.

AE Chair Cason asked for a motion to receive and file this item. The motion was made by Joanna Hurtado-Moreno (Vernon) and seconded by Julian Lee (Norwalk). The motion was approved by a unanimous voice vote of the Administrative Entity.

8. LEGISLATIVE UPDATE

AE Chair Kyle Cason (Whittier) asked Kristen Sales (KJServices Environmental Consulting) to provide an overview of the legislative items under discussion.

Ms. Sales summarized the status of SB 45, the State Bond act, and stated that the full text of the bill was attached to the staff report for review.

Ms. Sales stated that AB 134 (Bloom), as written, was a blank page for any legislation that would ensure the “right to water.” No movement on the bill had taken place since January 7, 2019, but a gut & replace action could happen at any time, so Ms. Sales recommended the AE continue to monitor AB 134 closely.

Ms. Sales then provided an update on AB 217 and SB 200, two bills that work together to establish a Safe and Affordable Drinking Water Fund in the State Treasury that would be funded, at least in part, by the revenue from a statewide tax on water purveyors.

Ms. Sales then discussed an additional piece of legislation: SB 669 (Caballero) The Safe Drinking Water Trust. Ms. Sales stated that SB 669 is co-sponsored by ACWA as an alternative to a drinking water tax, as proposed by AB 217 and SB 200 and Governor Newsom's Budget Trailer Bill. SB 669 would establish a Trust to provide for O&M projects for chronically noncompliant community water systems, and remediation projects for unsafe drinking water. The Trust would be funded by an infusion of General Fund dollars during years of State Budget surplus.

AE Chair Cason added that in addition to the bills related to the "right to water," there were several bills pending that would affect the Central Basin. AE Chair Cason stated that SB 414 The Small System Water Authority Act was supported by Eastern Municipal Water District, and was set to be heard in the Senate Governance & Finance Committee on March 27, 2019. AE Chair Cason added that two bills would affect the Central Basin Municipal Water District: AB 591 and AB 1220. Both bills are authored by Christina Garcia. AB 591 would affect the City-nominated representatives on the Central Basin Board of Directors. AB 1220 would retain the current number of representatives on the Metropolitan Water District Board of Directors, preventing loss of representatives due to decreasing population.

AE Vice-Chair Gina Nila (Commerce) stated that the amount of pending legislation imposing drinking water fees is very concerning. Jason Wen (Lakewood) stated that at the Central Basin Water Association meeting, the members had discussed the option of a drinking water fee being structured similarly to other utility fees, like on gas and energy bills. The AE members discussed that Prop 218 process would make it difficult for the community water systems to manage these fees, putting an increased burden on the water purveyors.

Jason Wen stated that the City of Lakewood had sent a letter in support of SB 669 and recommended that SEWC draft a similar letter of support. Mr. Wen added that he would email the draft letter to KJServices, and proposed a letter of support be drafted for the Board of Directors to approve at their next meeting. AE Chair Cason added that SEWC should draft a letter of opposition to the Budget Trailer Bill at the same time as they express support for SB 669.

AE Chair Kyle Cason (Whittier) called for a motion to draft letters of opposition to the Governor's Budget Trailer Bill and a letter of support for SB 998 for the Board of Directors to approve at their next meeting on April 4, 2019. The motion was made by AE Chair Cason, and seconded by Jason Wen (Lakewood). The motion was approved by a unanimous voice vote of the Administrative Entity.

9. **PROGRAM MANAGEMENT SERVICES RFP**

Administrative Entity (AE) Chair Kyle Cason (Whittier) provided an overview of this item. AE Chair Cason stated that the City of Whittier had sent out the Request for Proposals for the SEWC Program Management Services contract to prospective applicants on March 13, 2019. AE Chair Cason stated that responses are due on April 10, 2019 by 5pm. AE Chair Cason further explained that the full RFP was attached to the staff report, and stated that at the next AE meeting, he will have an update on the received proposals and a recommendation for AE Staff.

AE Chair Cason (Whittier) called for a motion to receive and file the item. The motion was made by AE Chair Cason, and seconded by Gina Nila (Commerce). The motion was approved by a unanimous voice vote of the Administrative Entity.

10. **APRIL 4, 2019 BOARD OF DIRECTORS AGENDA**

Ms. Kristen Sales (KJServices) provided an overview of the following items to present at the next Policy Board meeting on April 4, 2019:

- 1) State of the Basin presentation from Ted Johnson of Water Replenishment District
- 2) Presentation from Central Basin Municipal Water District on CB Board Appointments, Budget, and General Update
- 3) Legislative Update, letters of opposition/support
- 4) Resolution to Change SEWC Meeting Frequency & Location
- 5) Approval of 2017-18 SEWC Audit

11. **WRITTEN COMMUNICATIONS**

AE Chair Kyle Cason (Whittier) stated that he had received written comments on the agenda package from Dan Mueller (Downey), who was unable to attend the meeting, in an email dated March 21, 2019. Mr. Mueller's email is pasted below:

Hi everyone,

I am going to be out of the office so I won't be able to make today's meeting but I did have a few comments to consider.

Meeting Schedule

· I don't have a strong feeling either way on this one. If we feel like we have heard from several Board members the need to consider a change in meeting frequency then it would be reasonable to bring a discussion item to the Board to see how they want to proceed

Legislation – AB-134, AB-217, and SB-200

· AB 134

o I don't agree with the premise that everyone has a right to water. I think this concept leads to conflicts with Prop 218 where people are charged a fee for water consistent with the agency's costs to serve that water. I believe that these types of bills will lead to increased burden on our water customers to support those agencies and people who have impacted water sources. All of us have to

charge the fees necessary to recover the funding necessary to serve safe drinking water that meets water quality regulations. It should be no different for other agencies regardless of their size or location.

· AB 217

o This Bill says it will establish the Safe and Affordable Drinking Water Fund but the attached version doesn't seem to specify where the money is coming from

o However, we do know that they want a "stable" source of funding for disadvantaged/rural communities with water quality problems

o It is our understanding that they want to tax our water customers for this program

· SB 200

o This Bill is very similar to AB 217 in that it would establish the Safe and Affordable Drinking Water Fund

o The issue again is not necessarily the establishment of the Fund but rather where they are getting the money for the Fund

· General

o Our water agencies nor our customers should have the increased burden of having to subsidize these programs for the State.

o The State has plenty of funding streams already established from which they should pull from such as: State Revolving Fund loans and grants, General obligation bond moneys, State General Fund, etc.

o I think we need to see what ACWA is doing regarding these bills. I also think we should possibly reach out our lobbyist to see what they know about these bills as well as Lakewood's lobbyist who seems to typically have info on these bills

o I also think we should have Jason confirm CBWA's stance on these bills However, I was not encouraged with Grajeda's comment at the previous CBWA quarterly meeting when Gomberg from the State spoke about a slew of these State initiatives. After Gomberg was done speaking, Grajeda said to the members that we can't fight these requirements we just have to work with them. I don't agree with that concept. I think the water agencies need to be more vocal otherwise we continue to have to deal with more and more of these additional burdens and requirements. Just a side note: Gomberg mentioned at the meeting that they planned to have the water agencies collect the money on the water bills. When asked why they couldn't put it on the annual tax form and leave it up to the tax filer to decide, Gomberg said they wanted a "steady" form of funding

o In summary, I think we should be prepared to draft letters of opposition when needed

12. **ADMINISTRATIVE ENTITY MEMBER COMMENTS**

No Administrative Entity Member Comments were received.

13. **ADJOURNMENT**

AE Chair Cason adjourned the meeting at 12:53 p.m.

CHAIR

ATTEST:



Southeast Water Coalition

A joint powers authority to protect the Central Groundwater Basin

SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY AGENDA REPORT

Date: May 16, 2019
To: Southeast Water Coalition Administrative Entity
From: Kyle Cason, AE Chair, City of Whittier
Subject: **Resolution 2019-02 to Move Location of Administrative Entity Meetings**

Recommendation: That the Administrative Entity take the following action:

Recommend the Board of Directors approve Resolution 2019-02, authorizing the Administrative Entity change its meeting location to the Palm Park Aquatics Center, effective June 6, 2019.

Background:

On July 7, 2018, the Board of Directors adopted Resolution 2018-01, designating the City of Whittier as the SEWC Lead Agency for the period beginning July 1, 2018 through June 30, 2020 and providing for meetings of the Board of Directors and Administrative Entity.

At the April 4, 2019, the Board of Directors voted against Resolution 2019-01, which would change the frequency of SEWC meetings, move the location of Board and Ae meetings to the Palm Park Aquatics Center. However, at that meeting, members of the Administrative Entity expressed support for changing the meeting location of AE meetings to Palm Park. Towards that end, attached is Resolution 2019-02, which designates all Administrative Entity meetings after June 6, 2019 take place at the Palm Park Aquatics Center. Board of Directors meetings will remain at at the City of Whittier Emergency Operations Center.

It is recommended the Administrative Entity recommend the Board approve Resolution 2019-02 at their next meeting on June 6, 2019.

Attachment(s):

1. Resolution 2019-02

RESOLUTION NO. 2019-02

A RESOLUTION OF THE BOARD OF DIRECTORS
OF THE SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY
CHANGING THE MEETING LOCATION OF THE ADMINISTRATIVE ENTITY

WHEREAS, On June 7, 2018, the Board of Director 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 Administrative Entity meeting location.

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

Section 1. ADMINISTRATIVE ENTITY MEETINGS. The Administrative Entity shall meet, as necessary, on the third Thursday of every odd numbered month at 11:30 A.M. at the City of Whittier, Palm Park Aquatics Center, 5703 Palm Ave., Whittier, CA 90601.

Section 2. This Resolution changes the time of regular meetings of the Board of Directors effective June 6, 2019.

Section 3. The Chair of the Board of Directors and the Chair of the Administrative Entity shall certify to the passage and adoption of this Resolution.

PASSED, APPROVED, and ADOPTED this 6th day of June 2019.

Chair, Board of Directors

ATTEST:

Administrative Entity Chair



Southeast Water Coalition

A joint powers authority to protect the Central Groundwater Basin

SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY AGENDA REPORT

Date: May 16, 2019
To: Southeast Water Coalition Administrative Entity
From: Kyle Cason, AE Chair, City of Whittier
Subject: **Fiscal Year 2019-2020 Southeast Water Coalition (SEWC) Draft Budget**

Recommendation: That the Administrative Entity take the following actions:

- 1) Review Fiscal Year 2019-2020 Southeast Water Coalition (SEWC) Draft Budget;
- 2) Recommend the Board of Directors approve the Fiscal Year 2019-2020 Southeast Water Coalition (SEWC) Draft Budget at their meeting on June 6, 2019.

Background:

Each year, SEWC approves the Fiscal Year (FY) budget for the year that follows. Budgets commonly include revenue from memberships and anticipated expenditures for services such as program management, legal services, legislative advocacy services, financial audit, and Policy Board compensation.

At the March 21, 2019 Administrative Entity (AE) Special Meeting, the AE discussed issues related to the current FY 2018-2019 SEWC expenditures, and upcoming budget expenditures for the FY 2019-2020. The AE voted to continue the discussion at their next meeting on May 16, 2019.

The Fiscal Year 2019-2020 SEWC Draft Budget (attached) assumes a credit of \$5,000 off of \$10,000 member agency annual dues, resulting in total annual dues of \$5,000. This credit is consistent with the previous two years' SEWC budgets.

Changes from FY 2018-2019 to FY 2019-2020 in the Draft Budget include increasing the Program Management Services line item from \$17,000 to \$20,000. The \$20,000 figure is contingent on the Board of Directors approving the Program Management Services Agreement with KJServices Environmental Consulting, which stipulates a

SEWC ADMINISTRATIVE ENTITY STAFF REPORT - SPECIAL MTG. OF 5/16/2019
FISCAL YEAR 2019-20 SEWC DRAFT BUDGET

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not-to-exceed amount of \$20,000 per year, for a two-year contract. The Financial Audit line item increases from \$4,000 to \$6,000. Actual expenditures for the FY 2017-2018 Audit were \$5,300, of which \$1,300 was deducted from the Consultant Services line item. Because the cost of the SEWC Audit has risen every year, the Administrative Entity believes \$6,000 is a reasonable allocation for this task.

The FY 2019-2020 Draft Budget would result in a projected total expenditure of \$128,500 and an ending balance of \$138,457.

The SEWC Budget for FY 2019-2020 should be approved prior to the beginning of the new Fiscal Year. As such, it is recommended that the AE review the their draft budget options and recommend to the Board of Directors to approve the Fiscal Year 2019-2020 SEWC Draft Budget at their June 6, 2019 meeting.

Attachment(s):

1. SEWC Fiscal Year 2019-2020 Draft Budget

**SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY
FISCAL YEAR 2019-2020 BUDGET - APPROVED JUNE 6, 2019**

	FY 2017-2018		FY 2018-2019		FY 2019-2020
	Approved Budget	Total Projected Expenditures	Approved Budget	Total Projected Expenditures	Draft Budget
Carryover Balance	\$181,709	\$181,709	\$191,157	\$191,157	\$210,957
Revenues:					
Annual Assessments for Member Agencies	\$110,000	\$110,000	\$110,000	\$110,000	\$110,000
Less Credits to Member Agencies	(\$55,000)	(\$55,000)	(\$55,000)	(\$55,000)	(\$55,000)
Interest Income	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000
Total Revenues	\$56,000	\$56,000	\$56,000	\$56,000	\$56,000
Available Funds	\$237,709	\$237,709	\$247,157	\$247,157	\$266,957
Expenditures:					
Program Management Services	\$17,000	\$16,000	\$17,000	\$16,000	\$20,000
As Needed Government Relations	\$20,000	\$0	\$20,000	\$0	\$20,000
Legal Services	\$5,000	\$4,000	\$7,500	\$4,500	\$7,500
Board/Staff Travel/Meeting Expense	\$1,000	\$0	\$1,000	\$1,000	\$1,000
Financial Audit	\$3,600	\$3,600	\$4,000	\$4,000	\$6,000
Policy Board Compensation	\$9,900	\$6,000	\$9,900	\$6,600	\$9,900
Office Supplies	\$100	\$12	\$100	\$100	\$100
Policy Board Meetings	\$3,000	\$2,450	\$3,000	\$3,000	\$3,000
Administrative Entity Meetings	\$1,000	\$875	\$1,000	\$1,000	\$1,000
Consultant Services	\$50,000	\$13,615	\$60,000	\$0	\$60,000
Consultant Services Contingencies	\$0	\$0	\$0	\$0	\$0
Total Expenditures	\$110,600	\$46,552	\$123,500	\$36,200	\$128,500
Ending Balance	\$127,109	\$191,157	\$123,657	\$210,957	\$138,457

Notes:

1. FY 2017-2018 and FY 2018-2019 - Assumes credit of \$5,000 off of \$10,000 member agency annual dues resulting in total annual dues of \$5,000



Southeast Water Coalition

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SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY AGENDA REPORT

Date: May 16, 2019
To: Southeast Water Coalition Administrative Entity
From: Kyle Cason, AE Chair, City of Whittier

Subject: **City of Gardena vs. Regional Water Quality Control Board, Los Angeles Region**

Recommendation: That the Board take the following action:

Review the Superior Court ruling on *City of Gardena vs. Regional Water Quality Board, Los Angeles Region*, and discuss potential impact on MS4 compliance in SEWC region cities.

Background:

The Los Angeles Regional Water Quality Control Board (“Regional Board”) implemented an MS4 permit in 2012 (“2012 Permit”), which was amended again by the State Water Resources Control Board (SWRCB) in 2015. Both versions of this MS4 permit established numeric Water Quality-Based Effluent Limitations (“WQBEL”) for municipal discharges. The Permit defines WQBEL as “Any restriction imposed on quantities, discharge rates, and concentrations of pollutants, which are discharged from point sources to waters of the U.S. necessary to achieve a water quality standard.”

The 2012 Permit was issued pursuant to the federal Clean Water Act (“CWA”) and the California Water Code (“WCW”). The Permit regulates the L.A. County Flood Control District, L.A. County, and 84 incorporated cities within the coastal watershed of Los Angeles County.

Lawsuits:

On July 2, 2015, the Cities of Duarte and Huntington Park filed a Petition for Writ of Mandate challenging the 2012 Permit in L.A. County Superior Court. On July 24, 2015, the City of Gardena filed *City of Gardena v. Regional Water Quality Control Board, et al.* in L.A. County Superior Court, also challenging the 2012. The two cases were combined and transferred to the Orange County Superior Court.

Argument:

Both Duarte/Huntington Park and Gardena (“Petitioners”) contend that the numeric WQBELs required in the 2012 Permit are more stringent than what is mandated by the CWA. Petitioners further contend that any requirement beyond the federal law must take into consideration factors outlined in the CWC, which include “economic considerations.”

Judge’s Findings:

Judge Sanders found that while the CWA requires industrial discharges to meet numeric effluent limitations, the CWA does not require municipal discharges to comply with such numeric effluent limitations. According to the California Water Code, municipal discharges “shall require controls to reduce the discharge of pollutants to the *maximum extent practicable*, including management practices, control techniques and system design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants.” [Emphasis added.]

Because the CWA does not require numeric effluent limitations for municipal discharges, but the 2012 Permit does, Judge Sanders found that the numeric WQBELs are “more stringent” than what is found in the CWA.

Because the numeric WQBELs are “more stringent,” the Judge further ruled that the Regional Board and SWRCB were required to consider factors found in the California Water Code, including “economic considerations.” Judge Sanders wrote that “[e]conomic considerations must begin with *some kind of estimate of cost*,” and that because Respondents did not provide any kind of estimate of or projection of possible costs associated with the 2012 Permit, Respondents had therefore not complied with the requirement to factor economic considerations into the imposition of the conditions of the 2012 Permit.

Ruling

The Court’s ruling states that the “Respondents, the California Regional Water Quality Control Board, and the Los Angeles and State Water Resources Control Board, are ordered to *set aside* the National Pollutant Discharge Elimination System Permit for Municipal Separate Storm Sewer System within the Coast Watersheds of Los Angeles County.” [Emphasis added.] The only exception is the City of Long Beach, which has a separate agreement for their MS4 permit.

Impact

The Court’s ruling impacts 84 incorporated cities in Los Angeles County--including all 11 SEWC member cities--plus Los Angeles County and the L.A. County Flood Control District.

Status:

The Court instructed the Petitioners to submit a proposed judgement based on the ruling. On April 22, 2019, the Respondents asked the Court to set a hearing to allow the State and Regional Boards to object to the ruling prior to the Cities' submission of a proposed judgment.

Attachment(s):

1. Minute Order, dated 4/18/19, for *City of Gardena vs. Regional Water Control Board, Los Angeles Region*

SUPERIOR COURT OF CALIFORNIA, COUNTY OF ORANGE

Civil Complex Center
751 W. Santa Ana Blvd
Santa Ana, CA 92701

SHORT TITLE: City of Gardena vs Regional Water Quality Control Board, Los Angeles Region

**CLERK'S CERTIFICATE OF MAILING/ELECTRONIC
SERVICE**

CASE NUMBER:
30-2016-00833722-CU-WM-CJC

I certify that I am not a party to this cause. I certify that the following document(s), Minute Order dated 04/18/19, have been transmitted electronically by Orange County Superior Court at Santa Ana, CA. The transmission originated from Orange County Superior Court email address on April 18, 2019, at 2:21:22 PM PDT. The electronically transmitted document(s) is in accordance with rule 2.251 of the California Rules of Court, addressed as shown above. The list of electronically served recipients are listed below:

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Clerk of the Court, by: Agunsa-H, Deputy

CLERK'S CERTIFICATE OF MAILING/ELECTRONIC SERVICE

SUPERIOR COURT OF CALIFORNIA,
COUNTY OF ORANGE
CIVIL COMPLEX CENTER

MINUTE ORDER

DATE: 04/18/2019

TIME: 02:12:00 PM

DEPT: CX101

JUDICIAL OFFICER PRESIDING: Glenda Sanders

CLERK: Antero Pagunsan

REPORTER/ERM: None

BAILIFF/COURT ATTENDANT: None

CASE NO: **30-2016-00833722-CU-WM-CJC** CASE INIT.DATE: 07/24/2015

CASE TITLE: **City of Gardena vs Regional Water Quality Control Board, Los Angeles Region**

CASE CATEGORY: Civil - Unlimited CASE TYPE: Writ of Mandate

EVENT ID/DOCUMENT ID: 73029081

EVENT TYPE: Chambers Work

APPEARANCES

Related case 30-2017-00833614 The Cities of Duarte vs State Water Resources Control Board

There are no appearances by any party.

The Court's Ruling on Petitions for Writ of Mandate is attached to this minute order.

Clerk is ordered to give notice to Petitioner/Plaintiff City of Gardena and Petitioner/Plaintiff City of Gardena is directed to give notice to all other parties.

APR 18 2019

DAVID H. YAMASAKI, Clerk of the Court

BY: _____, DEPUTY

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ORANGE – CIVIL COMPLEX CENTER

**THE CITIES OF DUARTE AND
HUNTINGTON PARK, et al.**

Petitioners/Plaintiffs,

vs.

**STATE WATER RESOURCES
CONTROL BOARD; THE CALIFORNIA
REGIONAL WATER QUALITY
CONTROL BOARD, LOS ANGELES
REGION, et al.**

Respondents/Defendants,

CITY OF GARDENA, et al.

Petitioners/Plaintiffs,

vs.

**STATE WATER RESOURCES
CONTROL BOARD; THE CALIFORNIA
REGIONAL WATER QUALITY
CONTROL BOARD, LOS ANGELES
REGION, et al.**

Respondents/Defendants.

Case No. 30-2016-00833614-CU-WM-CJC

[Related Case No. 30-2016-00833722,
*City of Gardena v. Regional Water Quality
Control Board-Los Angeles Region, et al.*]

**RULING ON PETITIONS FOR WRIT OF
MANDATE**

1 RULING

2
3 No party has requested a Statement of Decision. The Court accordingly hereby orders that a
4 Statement of Decision has been waived pursuant to CRC, rule 3.1590 (i). The Court now adopts its
5 Tentative Decision with the following modifications: (i) the removal of the final two paragraphs
6 (entitled "Prayer for Relief"); and (2) the correction of the numeric displacement in references to CWC
7 § 13421.

8 The Petitions for Writ of Mandate are **granted**.

9
10 DISCUSSION AND ANALYSIS

11
12 **A. Overview of Applicable Statutory Schemes**

13
14 In 1949, California established nine California Regional Water Quality Control Boards. In
15 1967, California established the State Water Resources Control Board. Two years later, in 1969,
16 California enacted the Porter-Cologne Act, also known as the California Water Code (the "CWC").
17 Together, the state and nine regional boards are responsible for implementing and enforcing the CWC.
18 Among other things, the CWC governs water quality in California including the discharge of "waste."
19 *CWC, § 13000 et seq.* The "waste discharge requirements" under the CWC are the equivalent of the
20 "permits" issued under the federal Clean Water Act (*infra*). *CWC, § 13374.*

21
22 In 1972, three years after California enacted its clean water act, the Federal Water Pollution
23 Control Act (33 U.S.C. § 1251, *et seq.*) enacted in 1948 was significantly reorganized and expanded.
24 The revised act, now commonly known as the Clean Water Act (the "CWA"), established a basic
25 structure for regulating pollutant discharges into United States waters. Pollutants may not be
26 discharged except in compliance with: (i) established effluent limitations or standards (33 U.S.C. §§
27 1312, 1317); (ii) established national standards (33 U.S.C. § 1316); or (iii) a National Pollution
28

1 Discharge Elimination System (“NPDES”) permit (33 U.S.C. §§ 1328, 1342, 1344). NPDES permits
2 impose limits on what can be discharged and set monitoring and reporting requirements. Under the
3 CWA, a state may adopt and enforce its own standards, so long as they are not “less stringent” than
4 national standards. 33 U.S.C. § 1370.

5
6 The year after the CWA was enacted, California became the first state approved to issue NPDES
7 permits. The state board and the nine regional boards implement the CWA (as well as the CWC). To
8 obtain a NPDES permit in California, a discharger applies to the relevant regional or state board,
9 depending on the type of discharge. NPDES applications are processed according to federal NPDES
10 rules. (CCR, tit. 23 §§ 2235.1-2235.2.)

11
12 **B. The Challenged Permit**

13
14 An MS4 is a system owned by a public entity (or entities) which collects and/or conveys
15 stormwater. 40 C.F.R. § 122.26(b)(8). The Regional Board issued the first Los Angeles County MS4
16 permit in 1990. It governed the County of Los Angeles and the incorporated areas therein. *Permit at*
17 *page 13*. The permit was renewed in 1996, 2001 and 2012. The 2012 permit is entitled the National
18 Pollutant Discharge Elimination System Permit for Municipal Separate Storm Sewer System within
19 the Coastal Watersheds of Los Angeles County, except for discharges originating from the City of
20 Long Beach MS4, Order No. R4-2012-0175, NPDES No. CAS004001. It was amended on June 16,
21 2015, by State Board Order WQ 2015-0075. (The permit and its amendments are collectively referred
22 to as the “2012 Permit.”)

23
24 The 2012 Permit was issued pursuant to both the CWA and the CWC. *Permit at p. 20*. The
25 2012 Permit regulates the Los Angeles County Flood Control District, the County of Los Angeles, and
26 84 incorporated cities within the coastal watersheds of Los Angeles County (the “Permittees”). It is the
27 permit challenged by Petitioners in these related cases.

1
2 Unlike the earlier permits, the 2012 Permit requires the Permittees to “comply with applicable
3 WQBELs [Water Quality-Based Effluent Limitations].” *2012 Permit*, § IV.A.2.a. and § VI.E. (“Water
4 Quality-based Effluent Limitations” are defined in Attachment A to the 2012 Permit as “Any restriction
5 imposed on quantities, discharge rates, and concentrations of pollutants, which are discharged from
6 point sources to waters of the U.S. necessary to achieve a water quality standard.”) “The inclusion of
7 water quality-based effluent limitations and receiving water limitations to implement applicable WLAs
8 [Waste Load Allocations] provides a clear means of identifying required water quality outcomes within
9 the permit and ensures accountability by Permittees to implement actions necessary to achieve the
10 limitations.” *2012 Permit at p. 23.*

11
12 **C. Petitioners’ Claims**

13
14 On July 2, 2015, Duarte and Huntington Park filed a Petition for Writ of Mandate challenging
15 the 2012 Permit in Los Angeles County Superior Court. On July 24, 2015, the city of Gardena filed
16 *City of Gardena v. Regional Water Quality Control Board, et al.* in Los Angeles County Superior
17 Court, also challenging the 2012 Permit. Although the organization and allegations of the Petitions
18 differ, the *Duarte* and *Gardena* writs both involve the 2012 Permit and raise overlapping issues. On
19 October 15, 2015, the cases were related and on May 9, 2016, they were transferred to the Orange
20 County Superior Court.

21
22 Among other things, Petitioners assert that numeric WQBEL compliance is more than what is
23 mandated by the CWA. They argue that to impose any requirement beyond that mandated by the
24 CWA, Respondents had to consider the factors listed in CWC §13421. *Writ*, ¶ 32. Section 13421
25 reads, in its entirety:
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Each regional board shall establish such water quality objectives in water quality control plans as in its judgment will ensure the reasonable protection of beneficial uses and the prevention of nuisance; however, it is recognized that it may be possible for the quality of water to be changed to some degree without unreasonably affecting beneficial uses. Factors to be considered by a regional board in establishing water quality objectives shall include, but not necessarily be limited to, all of the following:

- (a) Past, present, and probable future beneficial uses of water.
- (b) Environmental characteristics of the hydrographic unit under consideration, including the quality of water available thereto.
- (c) Water quality conditions that could reasonably be achieved through the coordinated control of all factors which affect water quality in the area.
- (d) Economic considerations.
- (e) The need for developing housing within the region.
- (f) The need to develop and use recycled water.

D. Findings

1. **Numeric WQBEL compliance is “more stringent” than the applicable CWA requirements.**

1 Petitioners argue that Respondents had to consider the factors set forth in CWC § 13241 because
2 numeric WQBEL compliance is not mandated by federal law but was an exercise of discretion.
3 *Proposed Statement of Decision of Real Parties in Interest West Covina, Santa Fe Springs and*
4 *Lakewood at 14:3-10; Petitioner/Plaintiff The City of Duarte’s Opening Brief in Support of Petition*
5 *for Writ of Mandate at 20:23-22:3; Proposed Outline of Statement of Decision of Petition, The City of*
6 *Gardena at 20:1-28:16.* While the issue of what is “mandated” may be relevant to reimbursement
7 (*Department of Finance v. Commission on State Mandates* (2016) 1 Cal.5th 749, 767-769), it is not the
8 governing standard for these matters. Here, the question that must be answered is whether numeric
9 WQBEL compliance is “more stringent” than the applicable federal requirement. *See City of Burbank*
10 *v. State Water Resources Control Board* (2005) 35 Cal.4th 613, 618; and *City of Rancho Cucamonga*
11 *v. Regional Water Quality Control Board-Santa Ana Region* (2006) 135 Cal.App.4th 1377. If so, then
12 Respondents were required to consider the § 13241 factors before issuing the 2012 Permit.
13 Although permits were not initially required for stormwater discharge, in 1987 Congress defined
14 industrial stormwater discharges and municipal separate storm sewer systems (commonly referred to
15 as “MS4”) as “point sources” and required them to obtain NPDES permits. 33 U.S.C. §1342
16 (p)(3)(B)(iii); 40 C.F.R. § 122.26(b)(8). Section 1342(p)(3) reads:

17
18 **(3) Permit requirements**

19
20 **(A) Industrial discharges.** Permits for discharges associated with industrial activity
21 shall meet all applicable provisions of this section and section 1311 of this title.

22 **(B) Municipal discharge** Permits for discharges from municipal storm sewers—

23 (i) may be issued on a system- or jurisdiction-wide basis;

24 (ii) shall include a requirement to effectively prohibit non-stormwater discharges
25 into the storm sewers; and

26 (iii) shall require controls to reduce the discharge of pollutants to the maximum
27 extent practicable, including management practices, control techniques and
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1 system, design and engineering methods, and such other provisions as the
2 Administrator or the State determines appropriate for the control of such
3 pollutants.

4
5 The statute sets forth two, separate standards. Permits for industrial discharges “shall meet all
6 applicable provisions of . . . section 1311 of this title.” 33 U.S.C. § 1311, entitled “Effluent
7 Limitations,” incorporates technology-based effluent limits and water quality standards. Permits for
8 *municipal* discharge, on the other hand, are *not* required to comply with the effluent limits of § 1311.
9 Instead, they “shall require controls to reduce the discharge of pollutants to the *maximum extent*
10 *practicable*, including *management practices, control techniques and system, design and engineering*
11 *methods*, and such other provisions as the Administrator or the State determines appropriate for the
12 control of such pollutants.”

13
14 Thus, while industrial discharges are required to meet numeric effluent limitations, municipal
15 discharges are not. 33 U.S.C. § 1342(p)(3).

16
17 The distinction between the two standards was addressed by the Ninth Circuit in *Defenders of*
18 *Wildlife v. Browner* (9th Cir. 1999) 191 F.3d 1159, 1165-1166:

19
20 “Applying that familiar and logical principle, we conclude that Congress' choice to require
21 industrial storm-water discharges to comply with 33 U.S.C. § 1311, but not to include the same
22 requirement for municipal discharges, must be given effect. When we read the two related
23 sections together, we conclude that 33 U.S.C. § 1342(p)(3)(B)(iii) does not require municipal
24 storm-sewer discharges to comply strictly with 33 U.S.C. § 1311(b)(1)(C).

25
26 Application of that principle is significantly strengthened here, because 33 U.S.C. §
27 1342(p)(3)(B) *is not merely silent* regarding whether municipal discharges must comply with
28

1 33 U.S.C. § 1311. Instead, § 1342(p)(3)(B)(iii) *replaces* the requirements of § 1311 with the
2 requirement that municipal storm-sewer dischargers "reduce the discharge of pollutants to the
3 maximum extent practicable, including management practices, control techniques and system,
4 design and engineering methods, and such other provisions as the Administrator . . . determines
5 appropriate for the control of such pollutants." 33 U.S.C. § 1342(p)(3)(B)(iii). In the
6 circumstances, the statute unambiguously demonstrates that Congress did not require municipal
7 storm-sewer discharges to comply strictly with 33 U.S.C. § 1311(b)(1)(C).

8
9 Indeed, the EPA's and Petitioners' interpretation of 33 U.S.C. § 1342(p)(3)(B)(iii) would render
10 that provision superfluous, a result that we prefer to avoid so as to give effect to all provisions
11 that Congress has enacted. [Citation] As all parties concede, § 1342(p)(3)(B)(iii) creates a lesser
12 standard than § 1311. Thus, if § 1311 continues to apply to municipal storm-sewer discharges,
13 the *more stringent* requirements of that section always would control. (Emphasis in the
14 original.)

15
16 As the Ninth Circuit recognized in the last sentence of that quote, the numeric WQBEL
17 requirements applied to industrial discharges are "more stringent" than the requirements applied, by
18 statute, to municipal discharges.

19
20 Respondents attempt to erase the distinction between the two standards by arguing that 33
21 U.S.C. § 1342 confers a discretion upon them to impose more stringent standards which means they
22 may impose numeric WQBELS, and may do so without complying with California law. *Respondents'*
23 *Proposed Statement of Decision, Proposed Finding 6 at pp.4-6.* Respondents rely on *Building Industry*
24 *Association of San Diego County v. State Water Resources Control Board* (2004) 124 Cal.App.4th 866
25 ("*BLA*") to support this argument. *Respondents' Proposed Statement of Decision at 4:5-15.* While *BIA*
26 recognizes that a state agency may impose "a more stringent water quality standard," it did not
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1 determine that such a standard could be imposed without compliance with § 13241. In arriving at the
2 decision, the *BIA* court looked to the *Defenders of Wildlife* decision and stated:

3
4 The only other court that has interpreted the "such other provisions" language of section
5 1342(p)(3)(B)(iii) has reached a similar conclusion. In *Defenders of Wildlife*, environmental
6 organizations brought an action against the EPA, challenging provisions in an NPDES permit
7 requiring several Arizona localities to adhere to various best management practice controls
8 without requiring numeric effluent limitations. (*Id.* at p. 1161.) The environmental
9 organizations argued that section 1342(p) did not allow the EPA to issue NPDES permits
10 without requiring strict compliance with effluent limitations. Rejecting this argument, the Ninth
11 Circuit found section 1342(p)(3)(B)(iii)'s statutory language "unambiguously demonstrates that
12 Congress did not require municipal storm-sewer discharges to comply strictly" with effluent
13 limitations.

14
15 But in a separate part of the opinion, the *Defenders of Wildlife* court additionally rejected the
16 reverse argument made by the affected municipalities (who were the interveners in the action)
17 that "the EPA may not, under the [Clean Water Act], require strict compliance with *state* water-
18 quality standards, through numerical limits or otherwise."

19 (Emphasis added; internal citations omitted)

20
21 The "maximum extent practicable" standard set forth in § 1342 is "a highly flexible concept
22 that depends on balancing numerous factors, including the particular control's technical feasibility, *cost*,
23 public acceptance, regulatory compliance, and effectiveness." *BIA*, 124 Cal.App.4th at 889. Although
24 it is a flexible standard, it is less stringent than the numeric WQBEL compliance applied to industrial
25 discharges and Respondents were required to consider the § 13241 factors. Respondents argue that
26 whether numeric WQBEL compliance is "more stringent" than the requirements of the CWA, is a
27 question of fact. In support of that proposition, they cite *City of Burbank*, 35 Cal.4th at 628, While
28

1 *City of Burbank* remanded the issue for determination by the trial court, it is apparent from the decision
2 that the distinctly different standards for industrial and municipal discharges set forth in 33 U.S.C. §
3 1342 had not been briefed. Eleven years later, the California Supreme Court recognized that the
4 requirements of the CWA are “largely a question of law.” *DOF*, 1 Cal.5th at 767 (“*DOF*”).
5 Accordingly, the Court is not required to defer to Respondents’ findings on whether numeric WQBEL
6 compliance is “more stringent” than the “maximum extent practicable” standard applied to municipal
7 discharges. (*See Permit at Finding II.S. and Attachment F, Section IV.B.*),

8
9 **2. Respondents failed to comply with the CWC in adopting the NEL requirements.**

10
11 The 2012 Permit includes a “finding” that Respondents were not required to comply with CWC §
12 13241 in issuing the numeric WQBELs. Hedging their bets, Respondents alternatively “find” that they
13 looked at “economic considerations” as required by CWC § 13241. *2012 Permit, Attachment F at F-*
14 *147 to F-155*. But the “economic considerations” section does not, at any point, include any reference
15 to or estimate of the possible cost or range of costs of compliance with numeric WQBELs. Respondents
16 do, however, acknowledge, that the cost of compliance will be “above and beyond” the cost of
17 complying with prior permits. The first sentence of the economic consideration section reads: “The
18 Regional Water Board recognizes that Permittees will incur costs in implementing this Order *above*
19 *and beyond* the costs from the Permittee’s prior permit.” *See SB-AR-013719 at § D.*

20
21 According to the Fact Sheet which is Attachment F to the 2012 Permit, the economic consideration
22 given to Permittees consisted of a review of the cost of compliance with the 2001 Permit and 2004
23 study. *See SB-AR-013721-722*. This Court finds that a consideration of economics of the 2001 permit
24 does not amount to economic consideration of the 2012 Permit, particularly as Respondents
25 acknowledge that compliance with the 2012 Permit will entail costs “above and beyond” those resulting
26 from the prior permit.

1 During this proceeding, Respondents did not identify any additional economic consideration in
2 connection with the 2012 Permit. Their opening brief referenced funding sources submitted under the
3 2001 permit and a 2004 study on the cost to the public of MS4 pollution. *Respondents' Opposition to*
4 *Petitioners' Opening Briefs at 33:19-34:15*. Further, Respondents admitted that they did not consider
5 the cost of compliance: "The Regional Board recognized that significant costs would be associated
6 with the Permit. However, when issuing the Permit, the Regional Board had to rely on currently
7 available cost data, including information reported by the permittees themselves during the *prior* permit
8 term and provided to the Board *prior* to issuance of the Permit. (SB-AR-013721-723.) Given the
9 significant flexibility afforded to permittees on how to comply with the standards in the Permit and the
10 variability of permittees' chosen individual or joint compliance paths, it was impossible for the Board
11 to predict 86 permittees' exact methods of compliance and fully consider those future associated long-
12 term costs. Petitioners' efforts to point to extra-record evidence not in existence at the time of Permit
13 issuance as evidence [that] costs were not considered is thus misleading." *Respondents' Opposition to*
14 *Petitioners' Opening Briefs at 34:16-35:2*. (Emphasis added).

15
16 Respondents also argued that they addressed "economic considerations" by *phasing in the*
17 *requirements and allowing the Permittees to join with other Permittees in the development and*
18 *implementation of watershed management programs* and enhanced watershed management programs
19 to "*share the cost of controls*." (Emphasis added) *Respondents' Opposition to Petitioners' Opening*
20 *Briefs at 17:3-18:10*. While those mechanisms *may* relieve the burden of the additional costs of
21 implementation, they do not address those costs at all, and so do not deal with "economic
22 considerations". Economic considerations must begin with *some kind of estimate of cost*.

23
24 Respondents' Proposed Statement of Decision continues the theme, identifying numerous pages
25 of the record which they assert establish compliance with § 13241. Those pages do not include any
26 kind of estimate or projection of possible costs associated with the 2012 Permit. *See Findings 10-16*
27 *at 9:14—13:9*.

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The pages of the record cited in support of these assertions are identified and summarized, below.

SB-AR-011550	First page of a slide show consisting of a photograph and the words "Environmental Groups' Proposal."
SB-AR-01372-73	Slide show referring to <i>2015</i> written comments. As the comments were made in 2015, they could not have been considered in connection with issuance of the 2012 Permit.
SB-AR-13209-13211 & 13230-13232	The cited pages are from the 2012 Permit and do not address cost or other economic considerations.
SB-AR-013313-14; 19; 43-47; 54; 59-60	The cited pages are from the 2012 Permit and do not address cost or other economic considerations.
SB-AR-013439-13443	The cited pages are from the 2012 Permit and do not address cost or other economic considerations.
SB-AR-013612-613	The cited pages are from the 2012 Permit and do not address cost or other economic considerations.
SB-AR-013678-80	The cited pages are from the 2012 Permit and do not address cost or other economic considerations.

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SB-AR-013712-013730	SB-AR-013719-730 include the Permit's recitation of "Economic considerations" which are addressed, above.
SB-AR-015813-15820	The cited pages are a portion of an undated transcript which includes, among other things, the following comment: "[MR. WYELS]: From my perspective, it's sort of the flip side of what the environmental petitioners want us to do is to look at the actual implementation of the permit now. We don't have these numbers, we don't know what the projects are the numbers are estimated for. I expect that those -- you know, these are SB-AR-015813 Government Contracts Page: 78 EWMPs so they're not yet even due to the Regional Board yet, but as the next phase, as the next step of implementing the project goes forward then I very much expect we'll be hearing about specific projects and actual cost estimates, as well as what those -- how those cost estimates are really raising hurdles for the cities. Again, we don't have any of this information ourselves, it's not currently in front of the board."
RB-AR-18119	A page of an undated slideshow entitled: "Tentative Order and Adoption Process

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Issues” presented by the cities of Baldwin Park, Compton, Duarte, Claremont, Duarte, Gardena, Irwindale, San Fernando, South El Monte, and West Covina. Page 18119 sets forth some provisional costs which would be incurred if the tentative [undefined] order were adopted as of the date of the slideshow. The remainder of the slideshow references that the water boards have not identified or considered costs. For example, RB-AR-18113 reads, in part: “Revised order permit should not be issued until: Staff provides a compliance cost-estimate – especially regarding TMDLs . . .” RB-AR-18116 asks: “How do we know what the costs will be in the final analysis without seeing the final order?” RB-AR-18117 reads, in its entirety: “Let’s Talk Cost Issues • In response to Board Member Camacho’s question about compliance costs staff (at the USC workshop) was unable to provide a dollar amount • Staff response (per Rene Purdy) is that permittees have no difficulty paying for permit costs based on annual reports • Rene did not answer the question which was pegged to the proposed new permit – not the existing one • The budgets do not contain TMDL compliance costs except for those cities subject

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	<p>to the trash TMDL because it is in the current permit • They are not representative costs”</p> <p>RB-AR-18125 includes the following: “Recommendation - hold off on adopting a final order until: 1. Staff provides an estimate of how much permit/TMDL compliance will cost and how permittees will pay for it”</p>
RB-AR-18164-18202	<p>A 2007 slideshow entitled: “The Strategic BMP Prioritization Analysis Tool: Implementation of the Los Angeles County-Wide Structural BMP Prioritization Methodology.” The slideshow does not address cost or other economic considerations except to identify “cost” as a “basis for evaluation & prioritization” at SB-AR-18180-18181 and to identify a “Cost Estimation module-BMP cost estimation component” as a “Major Component” at SB-AR-18201.</p>
RB-AR-21006-21011	<p>A November 8, 2012 slideshow entitled re: “Los Angeles County MS4 Permit Cost Considerations” reflecting 2005 numbers for “cost per household annually” for cities outside of Los Angeles County. There is no information regarding the type of permit issued to those cities or whether they are required to comply with numeric WQBELs.</p>

1	RB-AR-29487-502	A December 6, 2007 slideshow entitled
2		“Concept Development: Design Storm for
3		Water Quality in the Los Angeles Region.” It
4		does not include or reference any review of
5		economic considerations in connection with
6		the 2012 Permit.
7	RB-AR-30065-30095	An undated slideshow entitled “Exceedance
8		Frequency and Load Reduction Simulation;
9		Evaluation of Three BMP Types as a Function
10		of BMP Size and Cost.” The “cost estimates”
11		included on RB-AR30088 demonstrates that
12		the costs (based on 2003, 2004 and 2007
13		information) do not relate to the 2012 Permit
14		as they arise out of three Best Management
15		Practices scenarios “for designs achieving 5%,
16		10% and 20% exceedance of the dissolved
17		copper CTR benchmark of 13.2 ug/L”
18	RB-AR-30659-30694	A duplicate of RB-AR-18164-18202 without
19		the last three pages.
20	RB-AR-32975	A single page document dated 9/18/2013 (after
21		the 2012 Permit was issued) entitled
22		“International Stormwater BMP Database
23		2007 Release Cost Data Available for Media
24		Filters & Green Roofs.”
25	RB-AR-36754-757	Part of a larger report which references the
26		costs of the “Ballona Creek Trash TMDL.” It
27		does not address the cost of compliance or
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	other economic considerations related to the 2012 Permit.
RB-AR-37202-212	Part of a larger report on the Los Angeles Watershed Trash TMDL regarding catchments for trash. The document does not address the cost of compliance or other economic considerations related to the 2012
RB-AR-42636-639	A table from a June 16, 2005 report regarding "Proposed Implementation Plan." The costs are for "potential BMP projects at public sites by subwatershed" and addresses projects such as the addition of cisterns and rain barrels at various public sites identified as being located in the Los Angeles, Santa Monica, El Segundo and the County of Los Angeles.

Respondents argue that their review of economic considerations was sufficient because § 13241 does not specify how the factors must be considered nor require specific findings. In support of this proposition, they rely on *California Assoc. of Sanitation Agencies v. State Water Res. Control Bd.* (2008) 208 Cal.App.4th 1438, 1464-1465 ("*Sanitation Agencies*"). The court in that case found that the record included "multiple instances in which economic considerations [we]re discussed" including an analysis of comparative costs. *California Association*, 208 Cal.App.4th at 1465. Respondents have not identified any such instance in their administrative record. Further, in *Sanitation Agencies*, the court specified that there was no threshold showing that adverse economic consequences would result from the board's action. Here, Respondents specifically acknowledged in the 2012 Permit that the cost of compliance would be "above and beyond" what had been required previously. They admit the adverse economic consequences.

1
 2 “[A]t a minimum, the reviewing court must determine both whether substantial evidence
 3 supports the administrative agency's findings and whether the findings support the agency's decision.
 4 .. ”. *Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 512, 514-
 5 515. An agency’s decision should be upheld only if “the agency in truth found those facts which as a
 6 matter of law are essential to sustain its . . .[decision.] On the other hand, mere conclusory findings
 7 without reference to the record are inadequate.” *Environmental Protection Information Center v. Cal.*
 8 *Dept. of Forestry and Fire Protection* (2008) 44 Cal.4th 459, 516-517 (internal quotation marks and
 9 citations omitted).

10
 11 Respondents’ conclusory findings do not reveal the route from evidence to action and are
 12 inadequate to support compliance with § 13241. Put differently, in the words of the California Supreme
 13 Court, Respondents’ decision in approving the 2012 Permit is not supported by facts essential to sustain
 14 its decision. *Environmental Protection Information Center, supra* at 516-517.

15
 16 The Court does not make any finding as to the admissibility of the supplemental record as
 17 consideration of the record was not necessary for this ruling. Further, the Court does not address the
 18 additional arguments raised by the Petitioners as Respondents’ failure to comply with § 13241 is
 19 dispositive.

20
 21 **CONCLUSION**

22 The Petitions for Writs of Mandate are granted. Respondents, the California Regional Water
 23 Quality Control Board, and the Los Angeles and State Water Resources Control Board, are ordered to
 24 set aside the National Pollutant Discharge Elimination System Permit for Municipal Separate Storm
 25 Sewer System within the Coastal Watersheds of Los Angeles County, except for discharges originating
 26 from the City of Long Beach MS4, Order No. R4-2012-0175, NPDES No. CAS004001, as amended
 27 on June 16, 2015 by State Board Order WQ 2015-0075.
 28

1 Petitioners, the City of Duarte and the City of Gardena are ordered to prepare, serve and
2 submit Proposed Judgments pertaining to their respective Petitions, to the court within 10 days of the
3 date upon which this order is served pursuant to CRC, rule 3.1590 (i).

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5 **Date Judge Signed: April 18, 2019**



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7 **The Hon. Glenda Sanders**
8 **Superior Court of California,**
9 **Orange County**

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Southeast Water Coalition

A joint powers authority to protect the Central Groundwater Basin

SOUTHEAST WATER COALITION JOINT POWERS AUTHORITY AGENDA REPORT

Date: May 16, 2019
To: Southeast Water Coalition Administrative Entity
From: Kyle Cason, AE Chair, City of Whittier

Subject: Legislative Update

Recommendation: That the Administrative Entity take the following action:

Receive and file an update on current water-related bills under consideration in State Legislature

BOND MEASURES

SB-45 (Allen) Wildfire, Drought, and Flood Protection Bond Act of 2020

This bill would enact the Wildfire, Drought, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of \$4,100,000,000 worth of bonds pursuant to the State General Obligation Bond Law to finance projects to restore fire damaged areas, reduce wildfire risk, create healthy forest and watersheds, reduce climate impacts on urban areas and vulnerable populations, protect water supply and water quality, protect rivers, lakes, and streams, reduce flood risk, protect fish and wildlife from climate impacts, improve climate resilience of agricultural lands, and protect coastal lands and resources.

Bill passed the Senate Committee on Governance and Finance on April 24, 2019. Currently in Senate Appropriations Committee.

BILLS RELATED TO RIGHT TO WATER

SB-669 (Caballero) Water quality: Safe Drinking Water Fund

Bill would establish the Safe Drinking Water Trust (Trust) 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 Board of Directors send a letter of support of SB 669 in April, 2019. The Bill passed the Senate Committee on Governmental Organization on April 23, 2019 with a vote of 15-0-1 NVR. It was re-referred without amendments to the Senate Appropriations Committee.

AB-217 (Eduardo Garcia) Safe and Affordable Drinking Water Fund

As of May 1, 2019, bill “would establish a safe and affordable drinking water system charge in the amount of \$0.50 per service connection per month on all public water systems.”

Bill includes language that 20% of collected funds would have to be spent in the Division of Drinking Water region from which the revenues originate. Also amends Water Quality, Supply, and Infrastructure Improvement Act of 2014 that states that small, DACs receive priority for funding. AB 217 would amend this, stating that “priority is a preference and not a necessary element of funding.”

Currently in Assembly Committee on Environmental Safety & Toxic Materials.

AB-134 (Bloom) Safe Drinking Water Restoration

AB 134 has shifted to become the regulatory arm of AB 217 (Eduardo Garcia). The passage of AB 134 is contingent on the enactment of AB 217.

AB 134 would now mandate the SWRCB conduct a statewide needs assessment of failing water systems, and authorize the Board to order consolidation of failing water systems. If consolidation is not feasible, Board is authorized to conduct an administrator to order water systems become compliant.

By imposing additional duties on local agencies and administrators, this bill would impose a state-mandated local program.

Currently in Assembly Committee on Environmental Safety & Toxic Materials.

SB-414 (Caballero) Small System Water Authority Act of 2019

Bill would enact the Small System Water Authority Act of 2019 and require the State Water Resources Control Board (State Water Board) to order the consolidation of certain small water systems that are not in compliance with specified clean drinking water standards through the formation of a small system water authority, as specified.

Bill was passed out of the Senate Appropriations Committee on April 22, 2019 with a vote of 6-0 and placed on Appropriations suspense file.

SB-200 (Monning) Safe and Affordable Drinking Water Fund

On April 29, 2019, amended to eliminate appropriations. As written, would establish Safe and Affordable Drinking Water Fund in State Treasury and establish criteria for use of funds, including operations & maintenance costs and the consolidation of underperforming water systems.

Passed Senate Committee on Natural Resources and Water on April 23, 2019 and currently in Senate Appropriations Committee, as of April 29, 2019.

BILLS RELATED TO WATER QUALITY TESTING

AB-756 (Cristina Garcia) Public water systems: perfluoroalkyl substances and polyfluoroalkyl substances

This bill would authorize the State Water Resources Control Board to order a public water system to monitor for perfluoroalkyl substances and polyfluoroalkyl substances.

AB 756 passed the Assembly Appropriations Committee on May 1, 2019 with a vote of 13-0-5 NVR.

BILLS RELATED TO CENTRAL BASIN MUNICIPAL WATER DISTRICT

AB-591 (Cristina Garcia) Central Basin Municipal Water District: board of directors

Existing law requires the 3 directors appointed by the water purveyors, as specified, to live or work within the district and requires a term of an appointed director to be terminated if the appointed director no longer is employed by or a representative of the appointing city.

This bill would amend Section 71265 of the Water Code to define “representative” for these purposes to be a consultant or contractor of an entity, or a board member of an entity that is a mutual water company.

This bill passed the Assembly Floor on April 29, 2019 with a vote of 72-0-8 NVR. It is currently in the Senate Rules Committee.

AB 1220 (Cristina Garcia) Metropolitan Water Districts

This bill would amend Section 52 of the Metropolitan Water District Act to prohibit a member public agency from having fewer than the number of representatives it had as of January 1, 2019.

AB 1220 passed out of the Assembly Committee on Local Government on April 24, 2019 with a vote of 8-0. Bill was ordered to Consent Calendar on April 29, 2019.

Attachment(s):

1. SEWC Legislative Matrix - Right to Water Bills

**Southeast Water Coalition Joint Powers Authority
State Legislative Matrix – Right to Water Bills
May 16, 2019**

Bill Number Author	Amended Date; Location	Title – Summary	SEWC Position	Effects on SEWC Region
<p style="text-align: center;">Safe and Affordable Drinking Water Proposal</p> <p style="text-align: center;">-</p> <p>Governor Newsom’s FY 2019-2020 Budget Trailer Bill Language</p>	<p>Introduced January 2019</p> <p style="text-align: center;">-</p> <p>Revisions expected in May 2019</p> <p style="text-align: center;">-</p> <p>ebudget.ca.gov</p>	<p>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.</p>	<p style="text-align: center;">OPPOSE</p> <p>SEWC Board of Directors sent a letter of opposition to the Safe and Affordable Drinking Water Fund provision in the Governor’s budget in April, 2019.</p>	<p>Water tax would affect water purveyors; require increased staff time for administration; potentially raise water costs for ratepayers.</p>
<p>SB 669 (Caballero)</p> <p>Coauthors: Association of California Water Agencies and California Municipal Utilities Association</p>	<p>Passed Senate Com on Governmental Organization on 4/23/19 (15-0-1 NVR)</p> <p>Re-referred without amendments to Senate Appropriations Committee</p>	<p>Water quality: Safe Drinking Water Fund. Establishes the Safe Drinking Water Trust (Trust) 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.</p>	<p style="text-align: center;">SUPPORT</p> <p>SEWC Board of Directors sent a letter of support of SB 669 in April, 2019.</p>	<p>Would prevent tax revenue collected from local water purveyors from being sent to fund DACs in other parts of the State.</p>

**Southeast Water Coalition Joint Powers Authority
State Legislative Matrix – Right to Water Bills
May 16, 2019**

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**Southeast Water Coalition Joint Powers Authority
State Legislative Matrix – Right to Water Bills
May 16, 2019**

Bill Number Author	Amended Date; Location	Title – Summary	SEWC Position	Effects on SEWC Region
<p>AB 217 (Eduardo Garcia)</p> <p>Principal Coauthor: Blanca Rubio</p>	<p>As of 5/1/19, from Assembly Com. on E.S. & T.M., re-refer to Appropriations Com., read second time & amended</p>	<p>Safe Drinking Water for All Act. Bill would establish a safe and affordable drinking water system charge in the amount of \$0.50 per service connection per month on all public water systems. Would require board to annually allocate 20% of annual revenues to each Division of Drinking Water regions from the system charge to the region from which the revenues originate.</p> <p>Establishes fertilizer fee structure from 2020-34 to be deposited into Fund.</p> <p>Amends Water Code Section 79724.5 relating to the Water Quality, Supply, and Infrastructure Improvement Act of 2014 stating that small, DACs will receive “priority” for funds. Bill would amend that “priority is a preference and not a necessary element of funding.”</p>	<p style="text-align: center;">OPPOSE UNLESS AMENDED</p> <p>Oppose Unless Amended to exclude a water tax.</p>	<p>Would impose a \$0.50 per service connection per month on all public water systems, impacting all water service providers in the SEWC region.</p>
<p>AB 134 (Bloom)</p>	<p>As of 5/1/19, from Assembly Com. on E.S. & T.M., re-refer to Appropriations Com., read second time & amended</p>	<p>Safe Drinking Water Restoration. SWRCB would conduct a statewide needs assessment of failing water systems, & authorize Board to order consolidation of failing water systems. If consolidation is not feasible, Board is authorized to contract an administrator to order water systems become compliant.</p> <p>AB 134 is contingent on the enactment of AB 217 (Eduardo Garcia)</p>	<p style="text-align: center;">OPPOSE</p> <p>Since the passage of AB 134 is contingent on the enactment of AB 217, SEWC opposes AB 134</p>	<p>Supports water tax; bill would impose a state-mandated local program.</p>

**Southeast Water Coalition Joint Powers Authority
State Legislative Matrix – Right to Water Bills
May 16, 2019**

Bill Number Author	Amended Date; Location	Title – Summary	SEWC Position	Effects on SEWC Region
<p>SB 414 (Caballero)</p>	<p>Passed out of Senate Appropriations Com on 4/22/19 with 6-0 vote; placed on Appropriations suspense file.</p>	<p>Small System Water Authority Act of 2019. Would require the SWRCB to order the consolidation of certain small water systems that are not in compliance with specified clean drinking water standards through the formation of a small system water authority, as specified.</p>		
<p>SB 200 (Monning) Coauthor: Eduardo Garcia</p>	<p>Passed Senate Com on Natural Resources and Water with 6-0-3 NVR on 4/23/19; re-referred to Comm on Appropriations on 4/29/19</p>	<p>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. Include O&M costs & consolidation of water systems. Establishes Fund only. No appropriations.</p>	<p style="text-align: center;">CONTINUE TO MONITOR</p> <p>Amended 4/29/19 to eliminate appropriations. As written, simply establishes Fund in the Treasury.</p>	<p>N/A; no fiscal impact</p>

**Southeast Water Coalition Joint Powers Authority
State Legislative Matrix – Right to Water Bills
May 16, 2019**

<p>AB 134 (Bloom)</p>	<p>As of 5/1/19, from Assembly Com. on E.S. & T.M., re-refer to Appropriations Com., read second time & amended</p>	<p>Safe Drinking Water Restoration. SWRCB would conduct a statewide needs assessment of failing water systems, & authorize Board to order consolidation of failing water systems. If consolidation is not feasible, Board is authorized to contract an administrator to order water systems become compliant.</p> <p>AB 134 is contingent on the enactment of AB 217 (Eduardo Garcia)</p>	<p style="text-align: center;">OPPOSE</p> <p>Since the passage of AB 134 is contingent on the enactment of AB 217, SEWC opposes AB 134</p>	<p>Supports water tax; bill would impose a state-mandated local program.</p>



A joint powers authority to protect the Central Groundwater Basin

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

Date: May 16, 2019
To: Southeast Water Coalition Administrative Entity
From: Kyle Cason, AE Chair, City of Whittier
Subject: **Program Management Services Agreement**

Recommendation: That the Administrative Entity take the following action:

Recommend to the Board of Directors to award the Program Management Services Agreement to KJServices Environmental Consulting (KJS) of Santa Fe Springs, CA in the amount not to exceed \$20,000 per year.

Background:

At their February 7, 2019 Board of Directors meeting, the SEWC Policy Board voted to approve the Request for Proposals for Program Management Services for the Southeast Water Coalition (attached), and authorized the Administrative Entity to begin informal bid process for Program Management Services.

The Standard Consultant Agreement stipulates a two-year contract for Program Management Services. The agreement also includes the Scope of Work (Attachment A) and the SEWC Strategic Plan (Appendix C).

The RFP was sent out to prospective candidates on March 13, 2019. Proposals were due on April 10, 2019 by 5pm.

Discussion:

Staff received two proposals ranging from \$20,000 to \$21,475 from KJS and MNS Engineers. KJS is the current Program Management Services Agreement and has provided satisfactory service as the Program Manager. Their thorough understanding of the necessary commitments to the SEWC is evident in their proposal.

On April 23, 2019 we received a protest from MNS Engineers stating that they believe KJS could not fulfill the requires in the scope of work set forth in the RFP and therefore

SEWC ADMINISTRATIVE ENTITY AGENDA REPORT- SPECIAL MTG. OF 5/16/19
PROGRAM MANAGEMENT SERVICES AGREEMENT

Page 2 of 2

their bid was non-responsive. I have attached the protest email. On May 1, 2019 AE Staff provided response to the protest stating that the AE would be recommending award to KJS and therefore rejecting MNS's protest. This decision was based upon KJS previous demonstrations of performance as the SEWC program manager. MNS was given the date for this AE meeting and was given the option to provide input during public comments or submit comments in writing. MNS has stated they have no further comment.

Attachment(s):

1. Agreement
2. Protest Email

REQUEST FOR PROPOSALS

Program Management Services

Southeast Water Coalition

The Southeast Water Coalition (SEWC) invites qualified consultants to submit qualifications and a proposal to provide administrative support for the SEWC's Administrative Entity and Policy Board. For additional information with regard to this Request for Proposals, please contact Phuong Nguyen at (562)-567-9507 or via email at pnguyen@cityofwhittier.org.

Submission of a proposal shall constitute acknowledgement and acceptance of all terms and conditions contained in this RFP and all appendices hereto.

REQUIREMENTS OF PROPOSAL CONTENTS:

I. Statement of Qualification:

The statement of qualifications must include the following elements:

1. Cover Letter:
Proposal shall include a letter of interest signed by a principal or authorized representative who can make legally binding commitments for the entity. Include type of business entity.
2. Firm & Team Experience:
Proposal shall demonstrate firm's experience in managing tasks listed in Appendix A-Scope of Work and relevant experience in water resources and groundwater contaminated plume in Los Angeles County. Include resumes of key personnel who will perform the proposed services.
3. Scope of Services:
Proposal shall include a Scope of Services, which details the tasks to be accomplished and the deliverables to be provided.

II. Compensation & Reimbursable Cost:

1. Proposal shall include a not to exceed limit Fee Proposal and a Fee Schedule that clearly breaks down costs by task.
2. Include the firm's Standard Hourly Fee Schedule.
3. Provide a list of what your firm considers reimbursable.

TERM OF CONTRACT AGREEMENT:

The SEWC desires to enter into a contract with a two-year term. This term is outlined in the Standard Consultant Agreement, as contained in Appendix B: Standard Agreement in the Appendix of this RFP.

APPENDIX A
SCOPE OF WORK

SEWC PROGRAM MANAGEMENT SERVICES

SCOPE OF WORK

BACKGROUND

The Southeast Water Coalition Joint Powers (SEWC) was created in July 1991 and is comprised of eleven cities. These agencies formed a joint power authority to improve and protect the quantity and quality of the regional water supply. SEWC's water purveyors service a population of 670,000 in a service area of 93+ square miles.

The SEWC Board of Directors consists of one representative (normally a Councilmember) from each member city. The Administrative Entity acts as a steering committee consisting of one Public Works type staff member from each member city plus three non-voting (advisory) members from the Central Basin Watermaster, Golden State Water Company, and California Water Service (two private utilities serving several member cities).

SEWC's mission is to prevent the contamination of the Central Groundwater Basin from migrating contaminated groundwater and to encourage good governance of water policies to ensure the availability of reliable, quality, and affordable water.

DESCRIPTION OF WORK

Monthly Meetings

The consultant shall provide administrative support for the Southeast Water Coalition's Administrative Entity (AE) and Policy Board's bi-monthly meetings as well as prepare the meetings' agenda, staff reports (as requested) and the previous meetings' minutes. Responsibilities also include researching and providing supporting documents for each meetings' agenda items.

The consultant shall attend each monthly meetings and provide general administrative support including, but not limited to, the following:

1. Provide a meeting sign-in list.
2. Supply additional copies of the agenda packet and copies of supporting documents, as required.
3. Ensure that the approved minutes of the previous meeting are signed by the AE Chair or Policy Board Chair and provide them to the Lead Agency representative for retention.
4. Take minutes at each meeting.
5. Ensure necessary A/V or meeting equipment is provided at the meeting venue.
6. Ensure proper meeting room setup and assist with the coordination of meeting catering, as requested.
7. Provide general administrative support for the monthly meetings.
8. Coordinate meeting presentations with other agencies.

Monthly Support

The Consultant shall provide general administrative support to the AE and Policy Board. These activities may include the following:

1. Preparation of administrative documents such as the annual budget.
2. Preparation and submittal of State or Federal forms.
3. Preparation and submittal of position letters to regulatory agencies, elected officials, water providers, and other interested parties.
4. Assist with the coordination of communication and notifications among the AE members and between the AE and the Policy Board.
5. Coordinate meetings and presentations with other agencies.
6. Other duties as assigned.

Tracking and Updating

1. Track Strategic Plan progress and update project list (Appendix C-SEWC Strategic Plan).
2. Track grant opportunities.
3. Update and submit JPA and Form 700 filings.
4. Monitoring of legislative bills which affect SEWC member agencies and provide monthly updates.

APPENDIX B

STANDARD AGREEMENT FOR PROFESSIONAL SERVICES (SAMPLE)

**SOUTHEAST WATER COALITION
PROFESSIONAL SERVICES AGREEMENT
WITH MEANS CONSULTING, LLC
FOR STRATEGIC PLANNING SERVICES**

THIS AGREEMENT is made and entered into as of the ___day of _____ by and between the **Southeast Water Coalition**, a California joint powers entity, (hereinafter referred to as “SEWC”) and _____, (“Consultant”). SEWC and Consultant are sometimes individually referred to as “Party” and collectively as “Parties.”

R E C I T A L S

A. Consultant desires to assist SEWC in providing administrative support for the SEWC’s Administrative Entity and Policy Board on the terms and conditions set forth in this Agreement; and

B. Consultant represents that it has demonstrated competence and experience in providing professional consulting services for the specific services described in Exhibit “B” (Consultant’s Proposal); and

C. SEWC desires to retain Consultant to render such services subject to the terms and conditions set forth in this Agreement.

NOW, THEREFORE, in consideration of performance by the parties of the mutual promises, covenants, and conditions herein contained, the Parties hereto agree as follows:

1. Consultant’s Services.

1.1 Scope of Services. Consultant shall provide the professional services described in the Consultant’s Proposal (“Proposal”), attached hereto as Exhibit “B” and incorporated herein by this reference. All Services shall be subject to, and performed in accordance with, this Agreement, the exhibits attached hereto and incorporated herein by reference, and all applicable local, state and federal laws, rules and regulations.

1.2 Personnel. Consultant represents that it has, or will secure at its own expense, all personnel required to perform the Services. All of the Services will be performed by Consultant or under its supervision, and all personnel engaged in the work shall be qualified to perform such work.

1.3 Party Representatives. For the purposes of this Agreement, SEWC Representative shall be the Chair of the Administrative Entity or such other person designated by the SEWC Policy Board (the “SEWC Representative”). For the purposes

of this Agreement, the Consultant Representative shall be Mr. Ed Means (the "Consultant Representative").

1.4 Time of Performance. Consultant shall commence the Services upon receipt of a Notice to Proceed and shall perform and complete the Services within the time required in Exhibit B.

2. Term of Agreement. This Agreement shall commence on the Effective Date and continue for a period of _____ months, ending on _____, 20____, unless previously terminated as provided herein or as otherwise agreed to in writing by the parties.

3. Compensation. Subject to the maximum sum hereafter provided, SEWC shall pay Consultant at the rate of _____ (\$_____.00) per hour. The maximum amount of compensation which Consultant shall be entitled to receive pursuant to this Agreement is \$_____ for the term set forth in Section 2. SEWC shall not withhold applicable federal or state payroll and other required taxes, or other deductions from payments made to the Consultant. No claims for additional services performed by Consultant will be allowed unless such additional work is authorized by the SEWC Policy Board in writing prior to the performance of such services or the incurrence of such expenses. Any additional services authorized by the SEWC Policy Board shall be compensated at a rate mutually agreed to by the parties.

4. Method of Payment.

4.1 Invoices. Not later than the fifteenth (15th) day, Consultant shall submit to SEWC an invoice for all services performed. The invoices shall describe in detail the services rendered during the period and shall show the hours worked and services provided each day, SEWC Administrative Entity and Policy Board meetings attended, and expenses incurred since the last bill. SEWC shall review each invoice and notify Consultant in writing within ten (10) business days of any disputed amounts.

4.2 Payment. SEWC shall pay all undisputed portions of each invoice within thirty (30) calendar days after receipt of the invoice up to the maximum amount set forth in Exhibit B.

4.3 Audit of Records. Upon SEWC providing 24-hour prior notice, Consultant shall make all records, invoices, time cards, cost control sheets and other records created or maintained by Consultant in connection with this Agreement available to SEWC for review and audit by SEWC. SEWC shall conduct any such review and audit at any time during Consultant's regular working hours.

5. Standard of Performance. Consultant shall perform all Services under this Agreement in accordance with the standard of care generally exercised by like professionals under similar circumstances and in a manner reasonably satisfactory to SEWC.

6. Ownership of Work Product. All reports, documents or other written material developed by Consultant in the performance of this Agreement shall be and remain the property of SEWC without restriction or limitation upon its use or dissemination by SEWC. Such material shall not be the subject of a copyright application by Consultant. Any alteration or reuse by SEWC of any such materials on any project other than the project for which they were prepared shall be at the sole risk of SEWC unless SEWC compensates Consultant for such reuse.

7. Status as Independent Contractor. Consultant is, and shall at all times remain as to SEWC, a wholly independent contractor. Consultant shall have no power to incur any debt, obligation, or liability on behalf of SEWC. Neither SEWC nor any of its agents shall have control over the conduct of Consultant or any of Consultant's employees, except as set forth in this Agreement. Consultant shall not, at any time, or in any manner, represent that it or any of its officers, agents or employees are in any manner employees of SEWC, provided, however, that nothing contained in this provision shall be construed or interpreted so as to deprive Consultant of any and all defenses or immunities available to public officials acting in their official capacities. Consultant agrees to pay all required taxes on amounts paid to Consultant under this Agreement, and to indemnify and hold SEWC harmless from any and all taxes, assessments, penalties, and interest asserted against SEWC by reason of the independent contractor relationship created by this Agreement. Consultant shall fully comply with the workers' compensation law regarding Consultant and Consultant's employees. Consultant further agrees to indemnify and hold SEWC harmless from any failure of Consultant to comply with applicable workers' compensation laws. SEWC shall have the right to offset against the amount of any fees due to Consultant under this Agreement any amount due to SEWC from Consultant as a result of Consultant's failure to promptly pay to SEWC any reimbursement or indemnification arising under this Section 7.

8. Confidentiality. Consultant covenants that all data, documents, discussion, or other information developed or received by Consultant or provided for performance of this Agreement are deemed confidential and shall not be disclosed by Consultant to any person or entity without prior written authorization by SEWC. SEWC shall grant such authorization if disclosure is required by law. All SEWC data shall be returned to SEWC upon the termination of this Agreement. Consultant's covenant under this section shall survive the termination of this Agreement.

9. Conflict of Interest. Consultant and its officers, employees, associates and subconsultants, if any, will comply with all conflict of interest statutes of the State of California applicable to Consultant's services under this agreement, including, but not limited to, the Political Reform Act (Government Code Sections 81000, *et seq.*) and Government Code Section 1090. During the term of this Agreement, Consultant shall retain the right to perform similar services for other clients, but Consultant and its officers, employees, associates and subconsultants shall not, without the prior written approval of the SEWC Administrative Entity Chair, perform work for another person or entity for whom Consultant is not currently performing work that would require Consultant or one of its officers, employees, associates or subconsultants to abstain from a decision under this Agreement pursuant to a conflict of interest statute.

10. Indemnification. Consultant agrees to indemnify, defend and hold harmless SEWC, and its elected officials, officers, attorneys, agents, employees, designated volunteers, successors and assigns in accordance with the Indemnification and Hold Harmless Agreement and Waiver of Subrogation and Contribution attached hereto as Exhibit A and incorporated herein by this reference. Consultant's covenant under this Section 10 shall survive the termination of this Agreement.

11. Insurance. Consultant shall at all times during the term of this Agreement carry, maintain, and keep in full force and effect, with an insurance company admitted to do business in California, rated "A" or better in the most recent Best's Key Insurance Rating Guide, and approved by SEWC, workers' compensation insurance with a minimum limit of \$1,000,000 or the amount required by law, whichever is greater.

12. Cooperation. In the event any claim or action is brought against SEWC relating to Consultant's performance or services rendered under this Agreement, Consultant shall render any reasonable assistance and cooperation, which SEWC might require.

13. Termination. Either party may terminate this Agreement for any reason without penalty or obligation on thirty (30) calendar days' written notice to the other party. Consultant shall be paid for services satisfactorily rendered to the last working day the Agreement is in effect, and Consultant shall deliver all materials, reports, documents, notes, or other written materials compiled through the last working day the Agreement is in effect. Neither party shall have any other claim against the other party by reason of such termination.

14. Notices. Any notices, bills, invoices, or reports required by this Agreement shall be given by first class U.S. mail or by personal service. Notices shall be deemed received on (a) the day of delivery if delivered by hand or overnight courier service during Consultant's and SEWC's regular business hours or by facsimile before or during Consultant's regular business hours; or (b) on the third business day following deposit in the United States mail, postage prepaid, to the addresses heretofore set forth in the Agreement, or to such other addresses as the parties may, from time to time, designate in writing pursuant to the provisions of this section. All notices shall be delivered to the parties at the following addresses:

If to SEWC: City of Whittier (SEWC Lead Agency)
 13230 Penn St
 Whittier, CA 90602
 Phone: (562) 904-9500
 Attn: Kyle Cason, P.E., Assistant Director of Public Works

If to Consultant: _____

Phone: _____
Attn: _____

15. Non-Discrimination and Equal Employment Opportunity. In the performance of this Agreement, Consultant shall not discriminate against any employee, subcontractor, or applicant for employment because of race, color, creed, religion, sex, marital status, national origin, ancestry, age, physical or mental handicap, medical condition, or sexual orientation. Consultant will take affirmative action to ensure that subcontractors and applicants are employed, and that employees are treated during employment, without regard to their race, color, creed, religion, sex, marital status, national origin, ancestry, age, physical or mental handicap, medical condition, or sexual orientation.

16. Non-Assignability; Subcontracting. Consultant shall not assign or subcontract all or any portion of this Agreement. Any attempted or purported assignment or sub-contracting by Consultant shall be null, void and of no effect.

17. Compliance with Laws. Consultant shall comply with all applicable federal, state and local laws, ordinances, codes and regulations in the performance of this Agreement.

18. Non-Waiver of Terms, Rights and Remedies. Waiver by either party of any one or more of the conditions of performance under this Agreement shall not be a waiver of any other condition of performance under this Agreement. In no event shall the making by SEWC of any payment to Consultant constitute or be construed as a waiver by SEWC of any breach of covenant, or any default which may then exist on the part of Consultant, and the making of any such payment by SEWC shall in no way impair or prejudice any right or remedy available to SEWC with regard to such breach or default.

19. Attorney's Fees. In the event that either party to this Agreement shall commence any legal action or proceeding to enforce or interpret the provisions of this Agreement, the prevailing party in such action or proceeding shall be entitled to recover its costs of suit, including reasonable attorney's fees.

20. Exhibits; Precedence. All documents referenced as exhibits in this Agreement are hereby incorporated in this Agreement. In the event of any material discrepancy between the express provisions of this Agreement and the provisions of any document incorporated herein by reference, the provisions of this Agreement shall prevail.

21. Entire Agreement. This Agreement, and any other documents incorporated herein by specific reference, represents the entire and integrated agreement between Consultant and SEWC. This Agreement supersedes all prior oral or written negotiations, representations or agreements. This Agreement may not be amended, nor

any provision or breach hereof waived, except if approved by the SEWC Policy Board in a writing signed by the parties which expressly refers to this Agreement.

IN WITNESS WHEREOF, the parties, through their respective authorized representatives, have executed this Agreement as of the date first written above.

Southeast Water Coalition

By: _____
Fernando Dutra, Chair
SEWC Policy Board

ATTEST:

By: _____
Kyle Cason, Administrative Entity Chair

APPROVED AS TO FORM:

By: _____
Steve Dorsey
SEWC Attorney

_____ (Consultant)

By: _____
Name:
Title:

By: _____
Name:
Title:

(Please note, two signatures required for corporations pursuant to California Corporations Code Section 313.)

**INDEMNIFICATION AND HOLD HARMLESS AGREEMENT
AND WAIVER OF SUBROGATION AND CONTRIBUTION**

**Contract/Agreement/License/Permit No. or description: SOUTHEAST WATER
COALITION PROFESSIONAL SERVICES AGREEMENT WITH MEANS
CONSULTING, LLC. FOR STRATEGIC PLANNING SERVICES**

Indemnitor(s) *(list all names)*:

To the fullest extent permitted by law, Indemnitor hereby agrees, at its sole cost and expense, to protect, defend, indemnify, and hold harmless the Southeast Water Coalition and its elected officials, officers, attorneys, agents, employees, designated volunteers, successors, and assigns (collectively "Indemnitees") from and against any and all damages, costs, expenses, liabilities, claims, demands, causes of action, proceedings, expenses, judgments, penalties, liens, and losses of any nature whatsoever, including fees of accountants, attorneys, or other professionals and all costs associated therewith (collectively "Liabilities"), resulting from any negligent act, failure to act, error, or omission of Indemnitor or any of its officers, agents, servants, employees, subcontractors, materialmen, suppliers or their officers, agents, servants or employees, arising or claimed to arise, directly or indirectly, out of, in connection with, resulting from, or related to the above-referenced contract, agreement, license, or permit (the "Agreement") or the performance or failure to perform any term, provision, covenant, or condition of the Agreement, including this indemnity provision. This indemnity provision is effective regardless of any prior, concurrent, or subsequent passive negligence by Indemnitees and shall operate to fully indemnify Indemnitees against any such negligence. This indemnity provision shall survive the termination of the Agreement and is in addition to any other rights or remedies which Indemnitees may have under the law. Payment is not required as a condition precedent to an Indemnitee's right to recover under this indemnity provision, and an entry of judgment against the Indemnitor shall be conclusive in favor of the Indemnitee's right to recover under this indemnity provision. Indemnitor shall pay Indemnitees for any attorneys fees and costs incurred in enforcing this indemnification provision. Notwithstanding the foregoing, nothing in this instrument shall be construed to encompass (a) Indemnitees' active negligence or willful misconduct to the limited extent that the underlying Agreement is subject to Civil Code § 2782(a), or (b) the contracting public agency's active negligence to the limited extent that the underlying Agreement is subject to Civil Code § 2782(b). This indemnity is effective without reference to the existence or applicability of any insurance coverages which may have been required under the Agreement or any additional insured endorsements which may extend to Indemnitees.

SEWC agrees to promptly inform Indemnitor in writing of any claim that SEWC believes to be subject to this Indemnification Agreement.

EXHIBIT A

Indemnitor, on behalf of itself and all parties claiming under or through it, hereby waives all rights of subrogation and contribution against the Indemnitees, while acting within the

scope of their duties, from all claims, losses and liabilities arising out of or incident to activities or operations performed by or on behalf of the Indemnitor regardless of any prior, concurrent, or subsequent non-active negligence by the Indemnitees.

In the event there is more than one person or entity named in the Agreement as an Indemnitor, then all obligations, liabilities, covenants and conditions under this instrument shall be joint and several.

“Indemnitor”

Name _____

Name _____

By: _____
Its

By: _____
Its

APPENDIX C

SEWC STRATEGIC PLAN

2017 Southeast Water Coalition Strategic Plan

Message from the Board

Welcome to the Southeast Water Coalition's (SEWC) Strategic Plan. This document is a blueprint for how SEWC will respond to current challenges and make the best of future opportunities for the benefit of our customers. It confirms our vision, mission, goals, strategies, and objectives as a Joint Powers Authority dedicated to providing regional water service, supporting the high quality of life and economy of the region.

SEWC was created in July 1991 and is comprised of eleven member cities. The SEWC "region" represents the combined boundaries of the member cities. These agencies formed a Joint Powers Authority (JPA) to improve and protect the quantity and quality of their regional water supply. SEWC's water purveyors service a population of approximately 670,000 in a service area of 93+ square miles.



The initial purpose for the formation of the Southeast Water Coalition was to protect the Central Groundwater Basin from contamination migrating from the San Gabriel Valley Groundwater Basin. Over the years, SEWC has worked diligently with the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers to improve the monitoring of groundwater contaminants, determine cost-effective remediation to protect the Whittier Narrows and Central Groundwater Basin from the South El Monte plume, and lobby the EPA for early implementation of remediation projects.

The SEWC Policy Board consists of one representative (normally a Councilmember) from each member city. The Administrative Entity carries out the policies of the Policy Board and consists of: one representative from each member city; three representatives that are employees of three Public Utility Commission-regulated private water companies providing retail water service within the SEWC area; and one ex-officio, non-voting advisory member nominated by California Department of Water Resources. The member cities are:

- Commerce
- Cerritos
- Downey

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- Lakewood
- Norwalk
- Paramount
- Pico Rivera
- Santa Fe Springs
- South Gate
- Vernon
- Whittier

SEWC's Policy Board is charting a course for continued success in the future through the development and execution of this Strategic Plan. The Strategic Plan defines the vision, mission, goals, and future business strategy for SEWC. Our commitments to the communities we serve fall into three areas: Groundwater Protection, Advocacy and Communications, and Funding. These commitments are established as the six goals of the Strategic Plan. Our Board actions will consistently support these commitments and we will track the progress against this plan, revisiting the Strategic Plan regularly to adjust as conditions warrant.

Board Member Naresh Solanki
City of Cerritos

Board Member Oralia Rebollo
City of Commerce

Board Chairman Alex Saab
City of Downey

Board Member Todd Rogers
City of Lakewood

Board Member Leonard Shryock
City of Norwalk

Board Member Tom Hansen
City of Paramount

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Board Member Gustavo Camacho
City of Pico Rivera

Board Member Juanita Trujillo
City of Santa Fe Springs

Board Member Maria Davila
City of South Gate

Board Member Kelly Nguyen
City of Vernon

Board Member Fernando Dutra
City of Whittier

Administrative Entity Members

- Charlie Emig – Cerritos
- Vince Brar – Cerritos
- Maryam Babaki – Commerce
- Gina Nila – Commerce
- Dan Mueller – Downey
- Lourdes Vargas – Downey
- Jason Wen – Lakewood
- Adriana Figueroa – Norwalk
- Julian Lee – Norwalk
- Chris Cash – Paramount
- Sarah Ho – Paramount
- James Enriquez – Pico Rivera
- Gabriel Gomez – Pico Rivera
- Frank Beach – Santa Fe Springs
- Noe Negrete – Santa Fe Springs



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- Arturo Cervantes – South Gate
- Chris Castillo – South Gate
- Gladis Deras – South Gate
- Mike DeFrank – Vernon
- Todd Dusenberry -- Vernon
- David Schickling – Whittier

Consultant Support

- Ed Means – Means Consulting LLC
- Kristen Sales – KJ Services Environmental Consulting
- Kevin Sales - KJ Services Environmental Consulting

Introduction

The Strategic Plan was developed under the guidance of the SEWC Board of Directors and Administrative Entity. This team met over an approximate six-month period including multiple Administrative Entity and Board workshops.

The focus of strategic deliberations was the recognition of key issues SEWC will face in the next five-year planning horizon (and beyond). Workshops identified strengths, weaknesses, opportunities, and threats (SWOT Analysis) that the Strategic Plan should consider. Major challenges for SEWC include actively tracking and synthesizing information for Policy Board consideration related to protecting the Central Basin from contamination, advocating for water policy that is in the interest of the Central Basin, and seeking funding to support SEWC programs and member projects. The Board adopted the Strategic Plan in April of 2017.

The five-year Strategic Plan will be implemented and tracked through the annual budget process. Strategic Plan activities will be budgeted in later years and subject to Board review and approval. In the future, staff will ensure the proposed budgets reflect the priorities established in the Strategic Plan.

2017 Southeast Water Coalition Strategic Plan

Vision Statement

“SEWC is a valued advocate for safe and reliable water supplies that support the quality of life and economy of the southeast Los Angeles region”



Mission Statement

SEWC's mission is to advocate for water policies that ensure the availability of reliable, quality, and affordable water.

Values

The Policy Board and Administrative Entity have adopted the following values to guide the internal and external interactions of SEWC:

- Integrity - the quality of being honest and having strong moral principles
- Open communication – we will communicate in an unreserved and objective fashion
- Collaboration – we will work jointly to achieve the Coalition’s goals
- Public stewardship of resources – we will carefully and prudently manage the resources that are entrusted to us
- Transparency – our Coalition activities will be visible and information/deliberations accessible

2017 Southeast Water Coalition Strategic Plan

Goals / Strategies / Objectives

The Board developed three goals that represent SEWC's key commitments to the community it serves. SEWC is committed to:

- **Goal 1: Groundwater Protection** – SEWC will provide leadership and collaborate to protect and sustain the Central Basin groundwater supply of the SEWC region
- **Goal 2: Advocacy and Communications** – SEWC will track, develop, coordinate, and communicate input into water policy affecting the SEWC region
- **Goal 3: Funding** – SEWC will seek funding for water resource projects and programs benefiting the SEWC region

Goal 1: Groundwater Protection – SEWC will provide leadership and collaborate to protect and sustain the Central Basin groundwater supply of the SEWC region

Strategy 1.1 – Enhance understanding of area hydrogeology:

Objective 1.1.1 Support tracking of groundwater quality/plume information (including modeling)

Objective 1.1.2 Engage Water Replenishment agencies, to periodically update SEWC on existing contamination plume movement



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Strategy 1.2 – Identify and support projects that enhance and protect groundwater in the SEWC region to “shovel-ready” status to take advantage of funding opportunities:

Objective 1.2.1 Develop a SEWC region plan including projects, policies, or programs that protect and enhance water quality within the SEWC region

Objective 1.2.2 Identify and collaborate to develop the conceptual project components required to achieve “shovel-ready” status, including preparation of preliminary studies for regional projects (including groundwater storage)

Objective 1.2.3 Analyze opportunities for developing system interties between member agencies to increase water supply resiliency

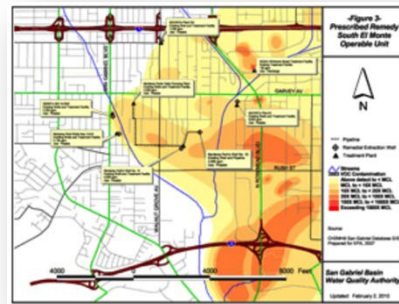
Goal 2: Advocacy and Communications – SEWC will track, develop, coordinate, and communicate input into water policy affecting the SEWC region

Strategy 2.1 – As directed by the Board, monitor and advocate for improvements to State, federal, and regional water policy and regulations:

Objective 2.1.1 Monitor and track State, federal and regional water-related legislation including tracking of Central Basin Water Association legislative reports

Objective 2.1.2 Develop and present water policy positions to the Board for action

Objective 2.1.3 Advocate Board positions



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Objective 2.1.4 Support good governance policy changes at regional water agencies

Objective 2.1.5 Actively develop relationships with regulators

Strategy 2.2 – Work in partnership with the Gateway Water Management Authority (GWMA) to implement the Integrated Regional Water Management Plan (IRWMP) for the southeast Los Angeles County and lower Los Angeles and San Gabriel Rivers Watershed:

Objective 2.2.1 Establish SEWC project priorities

Objective 2.2.2 Attend meetings of the GWMA

Objective 2.2.3 Advocate for SEWC priorities

Strategy 2.3 – Represent the regions' interests before local, State and federal agencies:

Objective 2.3.1 Work in partnership with USEPA and other agencies to continue to protect Central Basin drinking water wells from detectable contamination

Objective 2.3.2 Work in partnership with USEPA, State and local agencies to continue to prioritize cleanup of the Omega Chemical Site, to ensure compliance with State and federal drinking water standards



Objective 2.3.3 Work in partnership with DTSC, federal, and local agencies to continue to prioritize cleanup of the Whittier Narrows Operable Unit (WNOU), to ensure compliance with State and federal drinking water standards

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Objective 2.3.4 Track the San Gabriel Basin Water Quality Authority (SGBWQA) / South El Monte Operable Unit (SEMOU) barrier project and the long term SEMOU remediation project by USEPA/SGBWQA

Objective 2.3.5 Track the Water Quality Protection Program monitoring results

Strategy 2.4 – Support the development of recycled water:

Objective 2.4.1 Track the Groundwater Reliability Improvement Project (GRIP) including monitoring of costs, benefits, and mitigation of impacts on local agencies

Objective 2.4.2 Track and engage the Sanitation Districts of Los Angeles County /Metropolitan Water District of Southern California Joint Water Pollution Control Facility recycled water indirect potable reuse project, and other potable reuse projects that affect the SEWC region

Objective 2.4.3 Track other regional recycled water projects (e.g. Central Basin MWD projects)

Strategy 2.5 – Communications: SEWC will inform, engage and respond to the community it serves:

Objective 2.5.1 Prepare coordinated message points for members to ensure uniform factual communications

Strategy 2.6 – Track and participate in area water policy groups:

Objective 2.6.1 Monitor Central Basin Municipal Water District activities

Objective 2.6.2 Monitor WRD activities

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Objective 2.6.3 Monitor Central Basin Water Association activities

Objective 2.6.4 Participate in activities of the Central Basin Watermaster

Goal 3: Funding and Effective SEWC Administration – SEWC will seek funding for water resource projects and programs benefiting the SEWC region

Strategy 3.1 – Identify funding opportunities for SEWC priority projects:

Objective 3.1.1 Maintain an updated list of funding resources for SEWC region projects and programs

Objective 3.1.2 Where appropriate, identify, advocate and pursue local, State, and federal commitment to fund projects and programs (including groundwater contamination cleanup) in the SEWC region

Objective 3.1.3 Track funding success

Strategy 3.2 – Identify, advocate and pursue improvements to the State and federal funding process for water, wastewater, and storm water projects and facilities:

Objective 3.2.1 Engage in State and federal funding initiatives to ensure the terms are supportive of SEWC project funding objectives

Strategy 3.3 – Administration of SEWC:

Objective 3.3.1 Schedule and support the activities of the Administrative Entity and the Policy Board

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Objective 3.3.2 Develop a staffing strategy/plan that meets the resource needs of SEWC

Objective 3.3.3 Create and present annual budgets to the Policy Board for approval
Objective 3.3.4 Effectively manage consultants to achieve the directives of the Policy Board

Objective 3.3.5 Develop an “on-boarding” process for new SEWC Administrative Entity and Policy Board members (consider mentoring, communication of JPA, responsibilities, “SEWC 101”, etc.)

Objective 3.3.6 Periodically review JPA documents to ensure they are current

- - - - -

Implementation

The Strategic Plan is intended to be a living document that will be reviewed and updated periodically. It will be used in planning and budgeting the activities of SEWC. Implementation will occur through the SEWC management plans, action/implementation plans, programs, and the allocation of resources through the annual budget process.

We will establish clear priorities for implementation of our Strategic Plan in order to use our limited resources as effectively as possible. We will set these priorities using criteria developed by the Policy Board and staff, and will assess them regularly to ensure they reflect changes in our internal and external environments. We will effectively communicate these priorities so that staff can adjust their work program and our customers and ratepayers will understand the basis for our actions.

2017 Southeast Water Coalition Strategic Plan

Glossary

The following key terms are used in this strategic plan:

Goal – SEWC’s commitment to the community it serves

Issue – a problem or opportunity facing SEWC

Mission – the primary reason(s) for the existence of the organization

Objective – measurable work activity that, when accomplished, will directly lead to the success of the strategy

Plume – areas of elevated concentrations of groundwater contaminants

Strategy – how an issue is solved to achieve the goal

Strategic Plan – a structured plan to drive SEWC to achieve its goals

SWOT Analysis – description of strengths, weaknesses, opportunities, and threats to identify areas of focus in the strategic plan

Vision – what effect SEWC aspires to have

Hello, Phuong.

I've given our discussion some thought and I have decided I am hereby officially protesting the consultant selection decision which would award the contract to KJ Services. I am firmly convinced that their not-to-exceed fee of \$20,000 for one year (12 months) is non-responsive to the requirements in the scope of work set forth in the Request for Proposals. The qualifications and the level of effort required if all listed tasks were to be carried out on monthly basis could not possibly be delivered for \$1,667/month. The tasks related to preparation of position letters and monitoring of legislation require the sort of experience and background that alone would command a substantial professional service rate and fee. The entire list of tasks as a whole require a substantial number of hours and I challenge how KJ Services could possibly demonstrate an hourly by position breakdown of their costs that would be sufficiently be covered by \$1,667/month. I've attached a recent proposal from Koa Consulting to provide program management services to the Gateway Water Management Authority (GWMA) for which GWMA selected to award Koa a contract. Note there is a great deal of similarity in the scope of services and Koa's proposal is for a monthly fee of \$33,000/month.

I respectfully request the City of Whittier, as lead agency for the Southeast Water Coalition (SEWC), to reject the proposals, even if it requires retraction of an informal notice of award, and request resubmittal of proposals. I also request the selection committee to re-read both proposals with the thoughts and information I offer here in mind. I believe a resubmittal of proposals will bear a more clear and accurate representation of the costs associated with the scope of work and the qualifications required to deliver the scope. Rejection of the proposals might also allow for reconsideration of the scope of work in order to align it with the budget initially contemplated or possibly increase the budget. As much as my comments here seek to afford our firm another opportunity to serve SEWC, I truly believe they provide a frame a reference valuable to SEWC's consideration of what it needs to carry its program forward.

Thank you and I look forward to your response.

Greg Jaquez, PE
Principal Project Manager
MNS Engineers, Inc.
(323) 797-1498 Mobile