

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, CA
Board of Directors Meeting
Agenda
June 1, 2015 at 1:30 p.m.

Teleconference Location: 10213 Overland Trail
Cherry Valley, CA 92223

- 1. Call to Order, Flag Salute**
- 2. Statement Regarding Teleconferencing**
 - This meeting is also being held at a Teleconference Location which has been identified on the agenda.
- 3. Roll Call**
- 4. Procedures for holding meeting at the Teleconference Location**
- 5. Adoption and Adjustment of Agenda**
- 6. Public Comment**

Members of the public may address the Board at this time concerning items relating to any matter within the Agency's jurisdiction. To comment on specific agenda items, please complete a speaker's request form and hand it to the board secretary.
- 7. Consent Calendar:**

If any board member requests that an item be removed from the Consent Calendar, it will be removed so that it may be acted upon separately.

 - A. Approval of the Minutes of the Regular Board Meeting, May 4, 2015* (Page 2)
 - B. Approval of the Minutes of the Engineering Workshop, May 11, 2015* (Page 6)
 - C. Approval of the Minutes of the Finance and Budget Workshop, May 26, 2015* (Page 8)
 - D. Approval of the Finance and Budget Workshop Report, May 26, 2015* (Page 10)
- 8. Reports (Discussion and Possible Action)**
 - A. General Manager's Report
 1. Operations Report
 2. General Agency Updates
 - B. General Counsel Report
 - C. Directors' Reports
- 9. New Business (Discussion and Possible Action)**
 - A. Consideration of Adoption of Updated CEQA Guidelines* (Page 11)
 - B. Consideration of ACWA Region 9 Board Nominations* (Page 19)
 - C. Overview of State Budget Trailer Bills Related to Drought Response* (Page 33)
 - D. Presentation on State Water Contractors Objectives* (Page 41)
- 10. Topics for Future Agendas**
- 11. Announcements**
 - A. Engineering Workshop, June 8, 2015 at 1:30 p.m.
 - B. Regular Board Meeting, June 15, 2015 at 1:30 p.m.
 - C. Finance and Budget Workshop, June 22, 2015 at 1:30 p.m.
- 12. Adjournment**

Information included in Agenda Packet

(1) Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the Agency's office at 1210 Beaumont Avenue, Beaumont during normal business hours. (2) Pursuant to Government Code section 6257.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting shall be available for public inspection at the Agency's office, located at 1210 Beaumont Avenue, Beaumont, California 92223, during regular business hours. Where public records will also be made available on the Agency's Internet Web site, accessible at www.sgpwa.com. (3) Any person with a disability who requires accommodation in order to participate in this meeting should telephone the Agency (951 845-2577) at least 48 hours prior to the meeting in order to make a request for a disability-related modification or accommodation.

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, California 92223
Minutes of the
Board of Directors Meeting
May 4, 2015

Directors Present: Bill Dickson, Vice President
Blair Ball, Director
Ron Duncan, Director
Leonard Stephenson, Director

Directors Absent: John Jeter, President
Mary Ann Melleby, Treasurer
Ray Morris, Director

Staff Present: Jeff Davis, General Manager
Jeff Ferré, General Counsel
Tom Todd, Finance Manager
Cheryle Rasmussen, Executive Assistant

1. **Call to Order, Flag Salute and Roll Call:** The meeting of the San Gorgonio Pass Water Agency Board of Directors was called to order by Board Vice President Bill Dickson at 1:47 p.m., May 4, 2015 in the Agency Boardroom at 1210 Beaumont Avenue, Beaumont, California. Vice President Dickson led the Pledge of Allegiance to the flag. A quorum was present.
2. **Adoption and Adjustment of the Agenda:** *Vice President Dickson asked if there were any adjustments to the agenda.* There being none the agenda was adopted as presented.
3. **Public Comment:** *Vice President Dickson asked the members of the public for comments.* No members of the public requested to speak at this time.
4. **Consent Calendar:**
 - A. Approval of the Minutes of the Regular Board Meeting, April 20, 2015
 - B. Approval of the Minutes of the Finance and Budget Workshop, April 28, 2015
 - C. Approval of the Finance and Budget Workshop Report, April 28, 2015

Director Duncan moved, seconded by Director Stephenson, to approve the consent calendar as presented. Motion carried 4-0, with President Jeter, Directors Melleby and Morris absent.

5. Reports:

A. General Manager's Report:

(1) Operations Report: General Manager Davis reported on the following: **(a) SWP Water Deliveries:** The Agency delivered a total of 549 acre-feet to the Noble Creek connection, for the month of April. Pumping has been cut back to one shift per day. **(2) General Agency Updates: (a) Delta Fix:** General Manager Davis reported that Governor Brown had announced that the state is scaling back wildlife habitat

restoration that involves the Delta Fix (formerly known as the Bay Delta Conservation Plan). The revision calls for restoring 30,000 acres of wildlife habitat, down from an initial 100,000 acres. Instead of a 50-year permit, a shorter permit would be sought and it would likely be a permit that could be altered over time, as additional science becomes available. **(b) Community Outreach:** General Manager Davis reported on the number of speaking engagements that he has attended, as well as upcoming engagements that he will be participating in. The Agency has received numerous phone calls relating to the drought. Quite a few callers are inquiring if there are any turf removal rebates in the Pass area. **(c) Drought Workshop:** A special Riverside County Board of Supervisors workshop on the drought will be held on Monday, May 18 from 9:30 a.m. to 12 noon, and is open to the public. The workshop will be held at the County Administrative Center, located at 4080 Lemon Street in downtown Riverside; General Manager Davis will be attending. The County Board will discuss the current drought and its potential impacts on Riverside County. This special meeting is taking place on the same date that the Agency has scheduled one of its regular board meetings. Further discussion on this scheduling conflict will take place on item 8b. **(d) Sustainable Groundwater Management Act (SGMA):** The Department of Water Resources hosted a Public Listening Session on April 29th. The purpose of the session was regarding the development of emergency regulations on groundwater basin boundary revisions, as part of the SGMA. Paeter Garcia (Best, Best & Krieger) attended the session and obtained several documents of which he submitted to General Manager Davis for review. Mr. Garcia stated that DWR wants to ensure that science and sustainability will be the driving considerations in determining basin boundary revisions. General Manager Davis will continue to keep the Board informed on this topic.

B. General Counsel Report: **(a)** General Counsel Ferré stated that the State Board is meeting tomorrow and will be issuing its final emergency regulation for implementing the required 25% reduction in urban water use. He provided detailed information on who is targeted and how much reduction will be imposed. **(b)** A California appeals court made a ruling on whether San Juan Capistrano's tiered water rate system is illegal. The ruling by the 4th District Court of Appeal emphasizes that the general idea of tiered pricing, in which customers are charged higher rates as they use more water, is in agreement with state law as long as the prices correspond with service costs.

C. Directors Reports: **(1) Director Stephenson** reported on the following meetings that he attended: April 20th – Calimesa City Council meeting where the primary topic was the Agency's proposed capacity fee. On April 28th he attended the YVWD Board meeting. Director Stephenson provided a detailed report on the items that were discussed at that meeting. **(2) Director Ball** gave a report on Nexus e-Water's grey water treatment system demonstration that was held on April 27th, at Pardee's housing development located on Highland Springs Avenue in Beaumont. Pardee is proposing to include the system in 50 – 100 homes at that development. The system has been approved by the state of California. **(3) Director Duncan** provided a report on the Inland Solar Challenge that he participated in as a judge; the event took place May 1 through May 3rd. He revealed that Banning High School came in 1st place overall. Director Duncan stated that the Banning Chamber of Commerce has hired Jim Smith as its interim director. The City of Banning has hired Jim Smith (not associated with Jim Smith of the Chamber) as an advisor. **(4) Vice President Dickson** reported that he also attended the Inland Solar Challenge as a judge.

6. New Business: (Discussion and Possible Action)

A. Consideration of Sponsorship of Pass Summit: A staff report and a copy of the Pass Summit Sponsorship Opportunities were included in the agenda packet. General Manager Davis reminded the Board that Riverside County Supervisor Marion Ashley has in the past put on conferences for the Pass area covering various subjects of regional interest, including water, transportation, etc. In past years, board members have attended. The purpose of this proposed Board action is to determine if the Board wishes to be a sponsor of this year's event, which will be held on May 14th at the Morongo Casino. Sessions will include water and transportation, health care, and economic development. There are five board members that will be attending, as well as General Manager Davis, who has been invited to participate on the water panel. After discussion, Director Stephenson made a motion, seconded by Director Duncan, to approve the Bronze Sponsor level in the amount of \$1,000. The motion carried unopposed 4-0, with President Jeter, Directors Melleby and Morris absent.

B. Report on Current Turf Removal Grant Efforts in Southern California: A staff report was included in the agenda packet. General Manager Davis provided information relating to the emergency drought grant funding that SAWPA received in the amount of \$11 million, of which \$5.6 million has been set aside for turf removal. SAWPA is partnering with SBVMD, and possibly local retailers, to form a turf removal rebate (up to \$3.00 per sq. foot) program. The rebates would only be granted to public agencies and HOA's for areas that are publicly visible, transforming ornamental turf grass to drought tolerant landscaping. At this time there are no funds available for turf removal for residential homes in Southern California. General Counsel Ferré interjected that one of the provisions by the Governor was that DWR is to lead a statewide initiative in partnership with local agencies to collectively replace 50 million sq. feet of ornamental lawns with drought tolerant landscape. DWR shall provide funding to allow lawn replacement programs in underserved communities, which might apply to some of the Agency's service areas.

C. Report on AB654 Dissolved Redevelopment Agency Revenues: AB654 related materials were included in the agenda packet. General Manager Davis provided information on what the redevelopment agencies were trying to accomplish when they existed, and what the Governor was trying to accomplish by dissolving the redevelopment agencies. Some special districts that fell within the redevelopment areas seem to not be receiving their share of the RDA revenues. General Manager Doug Headrick (SBVMWD) has introduced AB654 to ensure that property tax revenues formerly passed through RDAs will be distributed in the ways that California voters decided upon. General Manager Davis stated that the Board could submit a letter of support for AB654 or opt to do nothing. If the Board favors submitting a letter of support it would need to be placed on a future agenda for consideration. Vice President Dickson was in favor of bringing this item back to the full board for consideration. General Manager Davis stated that he will continue to report on this item at future board meetings.

7. Topics for Future Agendas: There were no topics for future agendas given at this time.

8. Announcements: *Vice President Dickson reviewed the following announcements:*

- A. Engineering Workshop, May 11, 2015 at 1:30 p.m.
- B. Regular Board Meeting, May 18, 2015 at 1:30 p.m. General Manager stated that he and a number of directors will be present for the Riverside County Board of Supervisors Drought Workshop on this date. He stated that he does not have any pressing matters that would need to be addressed at the May 18th Board meeting and inquired if the Board wishes to cancel said meeting. After discussion, the Board was unanimous in canceling the May 18th Board meeting.
- C. Riverside County Board of Supervisors Drought Workshop, May 18th from 9:30 a.m. to 12 noon. Location: Board Chambers - 4080 Lemon St., Riverside
- D. Office Closed May 25, 2015 in Observance of Memorial Day
- E. Finance and Budget Workshop, **Tuesday**, May 26, 2015 at 1:30 p.m.

9. Adjournment: *Vice President Dickson adjourned the meeting at 2:42 p.m.*

DRAFT – SUBJECT TO BOARD APPROVAL

Jeffrey W. Davis, Secretary of the Board

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue, Beaumont, CA 92223
Minutes of the
Board of Directors Engineering Workshop
May 11, 2015

Directors Present: John Jeter, President
Blair Ball, Director
Bill Dickson, Vice President
Ron Duncan, Director
Mary Ann Melleby, Director
Leonard Stephenson, Director

Director Absent: Ray Morris, Director

Staff Present: Jeff Davis, General Manager
Jeff Ferre, General Counsel

1. Call to Order, Flag Salute and Roll Call. The Engineering workshop of the San Gorgonio Pass Water Agency Board of Directors was called to order by President John Jeter at 1:30 p.m., May 11, 2015 in the Agency Board room at 1210 Beaumont Avenue, Beaumont, California. Director Dickson led the Pledge of Allegiance to the flag. A quorum was present. President Jeter turned the meeting over to Vice President Dickson, Chair of the Engineering Committee.

2. Public Comment. Jennifer Ares of the Yucaipa Valley Water District presented President Jeter with a participation award for this year's Inland Solar Challenge. Several Board members commented that the event was very successful. Banning High School won the overall award for first place. No other members of the public wished to comment at this time.

3. Further Discussion of Valley District Conjunctive Use Project. General Manager Davis presented a Power Point summarizing the key points of the proposed San Bernardino Valley Municipal Water District Bunker Hill Conjunctive Use Project. He noted that he is not asking the Board for any decisions today, but he wants to keep the Board up to date on the project. He indicated that, within a few months, he may come to the Board and ask if the Board would like to participate in the project. There will be two opportunities for participation—a Firm basis and an Interruptible basis. Shares in the "Firm" option would cost more. He noted that the project presents some intriguing options to the Agency to meet regional water demands and bears a close look. He answered a number of questions from Board members and from the public.

4. Announcements:

- A. **Canceled** – Board of Directors Meeting, May 18, 2015 at 1:30 pm
- B. Riverside County Board of Supervisorfs Drought Workshop, May 18, 2015 From 9:30 am to 12 noon. Location: Board Chambers – 4080 Lemon Street, Riverside.
- C. Office Closed—May 25, 2015, in Observance of Memorial Day
- D. Finance and Budget Workshop, **Tuesday**, May 27, 2015 at 1:30 pm.
- E. San Gorgonio Pass Regional Water Alliance – Technical Committee Meeting, May 27, 2017 at 4:30 pm – Banning City Hall Conference Room
- F. San Gorgonio Pass Regional Water Alliance – Committee Meeting, May 27, 2015 at 6:00 pm – Banning City Council Chambers.

5. **Adjournment:** Chairman Dickson adjourned the meeting at 2:27 p.m.

DRAFT – SUBJECT TO BOARD APPROVAL

Jeffrey W. Davis, Secretary to the Board

SAN GORGONIO PASS WATER AGENCY
1210 Beaumont Avenue
Beaumont, California 92223
Minutes of the
Board Finance and Budget Workshop
May 26, 2015

Directors Present: John Jeter, President
Bill Dickson, Vice President
Mary Ann Melleby, Treasurer
Ron Duncan, Director
Ray Morris, Director (by teleconference)

Directors absent: Blair Ball, Director
Leonard Stephenson, Director

Staff and Consultants Present:
Jeff Davis, General Manager
Tom Todd, Jr., Finance Manager

- 1. Call to Order, Flag Salute and Roll Call:** The Finance and Budget workshop of the San Gorgonio Pass Water Agency Board of Directors was called to order by President John Jeter at 1:30 p.m., May 26, 2015, in the Agency Conference Room at 1210 Beaumont Avenue, Beaumont, California.

President Jeter turned the meeting over to the Chair of the Finance & Budget Committee, Director Mary Ann Melleby.

Director Melleby led the Pledge of Allegiance to the flag. A quorum was present.

- 2. Statement Regarding Teleconferencing:** General Manager Jeff Davis stated that participation in this meeting was possible by teleconference, at 10213 Overland Trail, Cherry Valley, CA 92223. The agenda had been posted as required at that location, and it was determined that listeners in both locations could hear the meeting and any responses.
- 3. Adoption and Adjustment of Agenda:** The agenda was adopted as published.
- 4. Public Comment:** No members of the public wished to make any comment at this time.
- 5. New Business:**
 - A. Ratification of Paid Invoices and Monthly Payroll for the Month of April, 2015 by Reviewing Check History Reports in Detail:** After review and discussion, a motion was made by Director Dickson, seconded by President Jeter, to recommend that the Board ratify paid monthly invoices of \$482,983.91 and

payroll of \$30,488.13 for the month of April, 2015, for a combined total of \$513,472.04. The motion passed 5 in favor, no opposed, with Director Ball and Director Stephenson absent.

- B. Review and Consideration of Pending Legal Invoices for April, 2015: After review and discussion, a motion was made by Director Duncan, seconded by President Jeter, to recommend that the Board approve payment of the pending legal invoices for April, 2015. The motion passed 5 in favor, no opposed, with Director Ball and Director Stephenson absent.
 - C. Review of April, 2015 Bank Reconciliation: After review and discussion, a motion was made by Director Duncan, seconded by Director Dickson, to recommend that the Board acknowledge receipt of the Wells Fargo bank reconciliation for April, 2015 as presented. The motion passed 5 in favor, no opposed, with Director Ball and Director Stephenson absent.
 - D. Review of Budget Report for April, 2015: After review and discussion, a motion was made by Director Duncan, seconded by Director Dickson, to recommend that the Board acknowledge receipt of the Budget Report for April, 2015. The motion passed 5 in favor, no opposed, with Director Ball and Director Stephenson absent.
 - E. Review of Proposed General Fund Budget for FY 2015-16: General Manager Davis introduced the budget for the upcoming FY 2015-16. This is the first presentation of the budget. The consensus of the Board was that no major changes need to be made. It will be presented for recommendation to the Board at the June, 2015 Finance and Budget workshop.
6. **Announcements:** Chair Melleby reviewed the following announcements:
- A. San Gorgonio Pass Regional Water Alliance, Technical Committee Meeting, May 27, 2015 at 4:30 p.m., Banning City Hall Conference Room
 - B. San Gorgonio Pass Regional Water Alliance Meeting, May 27, 2015 at 6:00 p.m., Banning City Hall Council Chambers
 - C. Regular Board Meeting, June 1, 2015 at 1:30 p.m.
 - D. Engineering Workshop, June 8, 2015 at 1:30 p.m.
 - E. Added: San Gorgonio Pass Water Alliance, Administrative Committee Meeting, May 27, 2015 at 3:30 p.m., Banning City Hall Council Chambers
7. **Adjournment:** The Finance and Budget workshop of the San Gorgonio Pass Water Agency Board of Directors was adjourned at 2:34 p.m.

Draft - Not Approved

Jeffrey W. Davis, Secretary of the Board

Finance and Budget Workshop Report

From Treasurer Mary Ann Melleby, Chair of the Finance and Budget Committee

The Finance and Budget Workshop was held on May 26, 2015. The following recommendations were made:

1. The Board ratify payment of Invoices of \$482,983.91 and Payroll of \$30,488.13 as detailed in the Check History Report for Accounts Payable and the Check History Report for Payroll for April, 2015 for a combined total of \$513,472.04.

2. The Board authorize payment of the following vendor's amounts:

Best, Best & Krieger LLP	\$14,103.49
Best, Best & Krieger LLP	4,600.00

3. The Board acknowledge receipt of the following:
 - A. Wells Fargo bank reconciliation for April, 2015
 - B. Budget Report for April, 2015

MEMORANDUM

TO: Board of Directors

FROM: General Manager

RE: Updating of CEQA Guidelines

DATE: June 1, 2015

Summary:

The Agency has long had guidelines by which it implements CEQA, the California Environmental Quality Act. Ongoing legislative and judicial actions cause occasional changes to the Guidelines. The purpose of this proposed Board action is to update the Agency's local CEQA guidelines as recommended by the General Counsel.

Background:

Each year, the State legislature passes new laws that impact how the California Environmental Quality Act should be implemented. In addition, court decisions occasionally bring about changes in how CEQA is to be implemented at the local level. Thus, public agencies throughout the State need to revise their own local guidelines for implementation of CEQA to reflect the new laws, plus any new court decisions or other administrative actions that would impact implementation of CEQA. Best Best & Krieger has presented the Agency with its recommended 2015 revisions to local CEQA guidelines. These recommended revisions are relatively minor and should have little or no impact in how the Agency implements CEQA. However, adoption of the revised guidelines is important, as it demonstrates that the Agency intends to fully implement CEQA for all actions that require it.

Detailed Report:

The General Counsel has prepared a proposed updated set of local CEQA Guidelines in compliance with CEQA's requirements. These Guidelines reflect recent changes in the Public Resources Code, the State CEQA Guidelines, and relevant court opinions. Notably, pursuant to Assembly Bill 52, the legislation amended several

sections of the CEQA statutes. Assembly Bill 1140 added a new section regarding pipelines. And, Senate Bill 674 amended the Code regarding exemptions for affordable housing projects. These local CEQA Guidelines provide instructions and forms for preparing all environmental documents required under CEQA. The General Counsel will provide the Board with a brief summary of the changes at the Board meeting.

Fiscal Impact:

No fiscal impact is anticipated from amending the Agency's local CEQA Guidelines.

Relationship to Strategic Plan:

Adopting the updated local CEQA Guidelines is not directly related to the strategic plan, as it involves complying with California law and Agency policies.

Recommendation:

Staff recommends that the Board adopt the revised local CEQA Guidelines as summarized by the General Counsel, and incorporate the revisions into the Agency's local Guidelines.

Memorandum

TO: Project 5 Clients (Agency)
FROM: Best Best & Krieger LLP
DATE: May 5, 2015
RE: 2015 Summary of Changes to Local CEQA Guidelines

Important changes in the law have been incorporated into the 2015 Update to your Local Guidelines for Implementing the California Environmental Quality Act (“Local Guidelines”). For easy reproduction and access to these Local Guidelines, as well as the California Environmental Quality Act (“CEQA”) forms your Agency will need, and other important legal alerts, please access BBK’s CEQA client portal at www.bbklaw.net/CEQA. For technical support, please contact Gar House at Gar.House@bbklaw.com.

Public agencies are required to adopt implementing procedures for administering their responsibilities under CEQA. These procedures include provisions governing how the Agency will process environmental documents and provide for adequate comment, time periods for review, and lists of permits that are ministerial actions and projects that are considered categorically exempt. The Agency’s procedures should be updated within 120 days after the State CEQA Guidelines are revised.

This memorandum summarizes the substantive amendments to your Local Guidelines made in response to regulations, legislation and legal cases that changed or impacted certain aspects of CEQA between January 2014 and February 2015. Your Local Guidelines and this memorandum are designed to assist in assessing the environmental implications of a project prior to its approval, as mandated by CEQA. We still recommend, however, that you consult with an attorney when you have specific questions on major, controversial or unusual projects or activities.

Revisions to Local CEQA Guidelines.

1. SECTION 2.03 DUTIES OF A LEAD AGENCY.

Pursuant to AB 52, Public Resources Code section 21080.3.1 was added establishing the duties of a lead agency with respect to consultation with California Native American Tribes (“Tribe”) that are traditionally and culturally affiliated with a proposed project area.

Section 21080.3.1 requires that if a Tribe so situated has requested consultation, the lead agency shall begin consultation with the Tribe within 14 days after determining that an application for a project is complete or a decision to undertake a project.

In addition, section 21080.3.1 requires that upon a Tribe’s written request to be informed of any proposed project, a lead agency must begin consultation with the Tribe prior to the release of an EIR.

These provisions may be found in subdivisions (a) and (c) of Local Guidelines section 2.03. Definitions of *California Native American Tribe* and *consultation* have been added to Local Guidelines sections 10.06 and 10.12, respectively.

Additional language was also added to this section of the Local Guidelines pursuant to *Citizens for the Restoration of L Street v. City of Fresno* (2014) 229 Cal.App.4th 340. The new language requires that if a subsidiary board or official has been given authority by an agency to approve a project, then that subsidiary board or official shall also be given authority to make all necessary CEQA determinations. The subsidiary board or official's CEQA determination shall be subject to appeal consistent with the agency's established procedures for appeal.

2. SECTION 3.11 PIPELINES WITHIN A PUBLIC RIGHT-OF-WAY AND LESS THAN ONE MILE IN LENGTH.

This section of the Local Guidelines was amended for clarity pursuant to Public Resources Code section 21080.21, and provides that pipelines that are within a public right-of-way and less than one mile in length are exempt from CEQA requirements. The definition of "pipeline" employed here is specific to this section and may be found in Local Guidelines section 3.11.

3. SECTION 3.12 PIPELINES WITHIN A PUBLIC RIGHT-OF-WAY AND LESS THAN EIGHT MILES IN LENGTH.

This section of the Local Guidelines was added for clarity pursuant to Public Resources Code section 21080.23, and provides that pipelines that are within a public right-of-way and less than eight miles in length are exempt from CEQA requirements, subject to certain additional requirements.

In addition, pursuant to AB 1140, Public Resources Code section 21080.23.5 was added to temporarily expand the definition of "pipeline" in Public Resources Code section 21080.23 to include pipelines located in certain counties and used to transmit biogas. The expanded definition will be repealed as of January 1, 2018. The definitions of "pipeline" employed here are specific to this section and may be found in Local Guidelines section 3.12.

4. SECTION 3.13 CERTAIN RESIDENTIAL HOUSING PROJECTS.

Pursuant to SB 674, Public Resources Code section 21159.24, regarding residential infill projects, was amended to exempt certain residential infill projects meeting particular criteria. The amended language may be found at Local Guidelines section 3.13(d)(8). The definition of *residential* was amended accordingly and added to Local Guidelines section 10.61.

5. SECTION 5.21 FINAL DETERMINATION.

New language was added to Local Guidelines section 5.21, regarding final determinations, pursuant to *Citizens for the Restoration of L Street v. City of Fresno* (2014) 229 Cal.App.4th 340. The new language requires that if a subsidiary board or official has been given authority by an agency to approve a project, then that subsidiary board or official shall also be given the authority to make all necessary CEQA determinations. The subsidiary

board or official's CEQA determination shall be subject to appeal consistent with the agency's established procedures for appeal.

6. SECTION 6.07 CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES.

Local Guidelines section 6.07 is newly added pursuant to AB 52 and Public Resources Code section 21080.3.1 and requires a lead agency to begin consultation with a California Native American Tribe ("Tribe") prior to the release of a Negative Declaration or Mitigated Negative Declaration for a project, upon written request by the Tribe. This section also requires a lead agency to provide formal notification to a Tribe that has requested such notice within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project.

Pursuant to AB 52 and Public Resources Code section 21080.3.2, if consultation is requested by a Tribe, the parties may propose mitigation measures capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource.

Definitions of *California Native American Tribe*, *consultation*, and *tribal cultural resources* have been added to Local Guidelines sections 10.06, 10.12, and 10.77, respectively.

7. SECTION 6.08 IDENTIFICATION OF TRIBAL CULTURAL RESOURCES AND PROCESSING OF INFORMATION AFTER CONSULTATION WITH THE CALIFORNIA NATIVE AMERICAN TRIBE.

Local Guidelines section 6.08 is newly added pursuant to AB 52 and Public Resources Code section 21082.3 and provides that any mitigation measures agreed upon during consultation with a California Native American Tribe shall be recommended for inclusion in the environmental document and in a Mitigated Monitoring and Reporting Program. In addition, confidential information related to tribal cultural resources shall not be disclosed subject to certain requirements and exceptions.

Pursuant to this section, a lead agency may only adopt a mitigated negative declaration for a project with a significant impact on an identified tribal cultural resource if certain conditions are met.

Definitions of *California Native American Tribe*, *consultation*, and *tribal cultural resources* have been added to Local Guidelines sections 10.06, 10.12, and 10.77, respectively.

8. SECTION 6.09 SIGNIFICANT ADVERSE IMPACTS TO TRIBAL CULTURAL RESOURCES.

Local Guidelines section 6.09 is newly added pursuant to AB 52 and Public Resources Code section 21084.3 and provides possible mitigation measures to protect tribal cultural resources when none are identified during the consultation process.

Definitions of *consultation* and *tribal cultural resources* have been added to Local Guidelines sections 10.12 and 10.77, respectively.

9. SECTION 7.07 CONSULTATION WITH CALIFORNIA NATIVE AMERICAN TRIBES.

Local Guidelines section 7.07 is newly added pursuant to AB 52 and Public Resources Code section 21080.3.1 and requires a lead agency to begin consultation with a California Native American Tribe (“Tribe”) prior to the release of a Draft EIR for a project, upon written request by the Tribe. This section also requires a lead agency to provide formal notification to a Tribe that has requested such notice within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project.

Pursuant to AB 52 and Public Resources Code section 21080.3.2, if consultation is requested by a Tribe, the parties may propose mitigation measures capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource.

Definitions of *California Native American Tribe*, *consultation*, and *tribal cultural resources* have been added to Local Guidelines sections 10.06, 10.12, and 10.77, respectively.

10. SECTION 7.08 IDENTIFICATION OF TRIBAL CULTURAL RESOURCES AND PROCESSING OF INFORMATION AFTER CONSULTATION WITH THE CALIFORNIA NATIVE AMERICAN TRIBE.

Local Guidelines section 7.08 is newly added pursuant to AB 52 and Public Resources Code section 21082.3 and provides that any mitigation measures agreed upon during consultation with a California Native American Tribe shall be recommended for inclusion in the environmental document and in a Mitigated Monitoring and Reporting Program. In addition, confidential information related to tribal cultural resources shall not be disclosed subject to certain requirements and exceptions.

Pursuant to this section, a lead agency may only certify an EIR for a project with a significant impact on an identified tribal cultural resource if certain conditions are met.

Definitions of *California Native American Tribe*, *consultation*, and *tribal cultural resources* have been added to Local Guidelines sections 10.06, 10.12, and 10.77, respectively.

11. SECTION 7.09 SIGNIFICANT ADVERSE IMPACTS TO TRIBAL CULTURAL RESOURCES.

Local Guidelines section 7.09 is newly added pursuant to Pursuant to AB 52 and Public Resources Code section 21084.3 and provides possible mitigation measures to protect tribal cultural resources when none are identified during the consultation process.

Definitions of *consultation* and *tribal cultural resources* have been added to Local Guidelines sections 10.12 and 10.77, respectively.

12. SECTION 10 DEFINITIONS.

A. Section 10.06 “California Native American Tribe”

The definition of *California Native American Tribe* was added pursuant to AB 52. (See Public Resources Code section 21073.)

B. Section 10.12 “Consultation”

The definition of *consultation* was added pursuant to AB 52. (See Public Resources Code section 21080.3.1 and Government Code section 65352.4.)

C. Section 10.55 “Pipeline”

The definition of *pipeline* was amended to reflect the difference in definitions between Local Guidelines sections 3.11 and 3.12.

D. Section 10.61 “Residential”

Pursuant to SB 674, the definition of *residential* was amended for the purposes of Public Resources Code section 21159.24 to include residential units only or residential units and primarily neighborhood-serving goods, services, or retail uses not exceeding 25 percent of the total building square footage of a project. (See Public Resources Code section 21159.24.)

E. Section 10.77 “Tribal Cultural Resources”

The definition of *tribal cultural resources* was added pursuant to AB 52. (See Public Resources Code section 21074.)

Other Changes.

Department of Fish and Wildlife. Effective January 1, 2015, the Department of Fish and Wildlife has increased its fees. For a Negative Declaration or a Mitigated Negative Declaration, the new filing fee is \$2,210.00. For an Environmental Impact Report, the new filing fee is \$3,069.75. For an environmental document pursuant to a Certified Regulatory Program, the new filing fee is \$1,043.75.

Conclusion.

As always, CEQA remains complicated and, at times, challenging to apply. The only constant in this area of law is how quickly the rules change. Should you have questions about any of the provisions discussed above, or about the environmental review of any of your Agency’s projects, please contact a BB&K attorney for assistance.

BEST BEST & KRIEGER LLP

INDEX TO ENVIRONMENTAL FILING BY COUNTY

County	County Administration Fee - Special Requirements	County Contact	Phone Number	Address
Riverside	\$50.00 all situations Original Signatures Required for Filing & 2 copies Office will not accept filings on Fridays (Check payable: Riverside County Clerk)	County Clerk	951-486-7000 Hours: M-Th 8:00 a.m.-4:30 p.m. (No filing on Fridays)	County Clerk's Office Riverside County P.O. Box 751 Riverside, CA 92502-0751 2720 Gateway Drive Riverside, CA 92507

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MEMORANDUM

TO: Board of Directors
FROM: General Manager
RE: ACWA Region 9 Board 2016-2017
DATE: June 1, 2015

Summary:

It is time to consider whether the Board wishes to nominate one of its members to ACWA's Region 9 Board for the 2016-2017 term. Director Melleby currently serves on the Region 9 Board; this term will end in December. If the Board wishes to nominate someone for the Region 9 Board, it would have to adopt a resolution at the June 15 Board meeting.

Background:

The Agency has long had a strong relationship with the Association of California Water Agencies, or ACWA. Previously, Board members have served on the Region 9 Board and on various committees. Director Melleby is also currently a member of the Communications Committee. The Agency has occasionally sponsored ACWA events.

Detailed Report:

ACWA is a large and diverse organization that depends on its committees and regions to bring forth issues and concepts for consideration at the Board level. The Region Boards also plan events for their respective regions, in addition to national ACWA conferences.

Fiscal Impact:

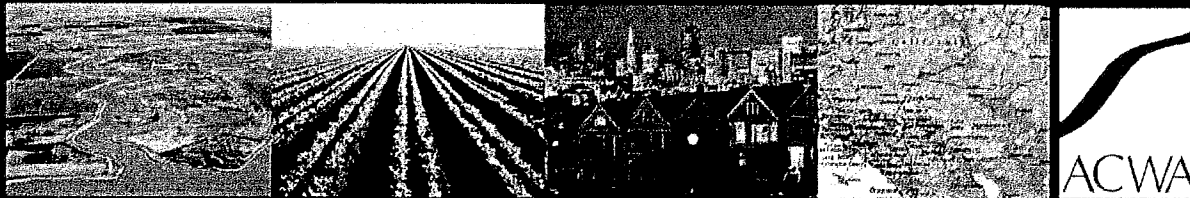
There is a minor, relatively insignificant fiscal impact to having a member on the Region 9 Board; some travel expenses will likely be incurred by the Board member that must be reimbursed by the Agency.

Relationship to Strategic Plan:

There is no direct relationship to the strategic plan. This proposed Board action involves participation at the regional level of ACWA, an organization of which the Agency is a member.

Recommendation:

Staff has no recommendation. However, if the Board wishes to nominate one of its members to the Region 9 Board, it should select that candidate today so that staff may prepare a nominating resolution for the June 15 Board meeting. The deadline for submitting applications is the end of June (see attached email from ACWA).



MEMORANDUM

Date: May 4, 2015

To: ACWA REGION 9 MEMBER AGENCY PRESIDENTS AND GENERAL MANAGERS
(sent via e-mail)

From: ACWA REGION 9 NOMINATING COMMITTEE
Greg Morrison, Esinore Valley Municipal Water District
Kirby Brill, Mojave Water Agency
John Mura, East Valley Water District
Nancy Wright, Mission Springs Water District

The Region 9 Nominating Committee is looking for ACWA members who are interested in leading the direction of ACWA Region 9 for the 2016-2017 term. The Nominating Committee is currently seeking candidates for the Region 9 Board, which is comprised of Chair, Vice Chair and up to five Board Member positions.

The leadership of ACWA's ten geographical regions is integral to the leadership of the Association as a whole. The Chair and Vice Chair of Region 9 serve on ACWA's Statewide Board of Directors and recommend all committee appointments for Region 9. The members of the Region 9 Board determine the direction and focus of region issues and activities. Additionally, they support the fulfillment of ACWA's goals on behalf of members.

If you, or someone within your agency, are interested in serving in a leadership role within ACWA by becoming a Region 9 Board Member, please familiarize yourself with the Role of the Regions and Responsibilities; the Election Timeline; and the Region 9 Rules and Regulations (all located at <http://www.acwa.com/content/region-elections>) and complete the following steps:

- Complete the attached Region Board Candidate Nomination Form
- Obtain a Resolution of Support from your agency's Board of Directors
- Submit the requested information to ACWA as indicated by Tuesday, June 30, 2015

The Region 9 Nominating Committee will announce their recommended slate on July 31, 2015, which will mark the start of the election. The election will be completed by September 30, 2015. On October 5, 2015, election results will be announced. The newly elected Region 9 Board Members will begin their two-year term of service on January 1, 2016.

If you have any questions, please contact ACWA Regional Affairs Representative Brandon Ida, at brandoni@acwa.com or (916) 441-4545.