

Agenda
Rio Linda / Elverta Community Water District
Planning Committee

Sacramento Metro Fire Dept.
6609 Rio Linda Blvd.
Rio Linda, CA 95673

Friday, February 1, 2019
2:00 pm

Public documents relating to any open session items listed on this agenda that are distributed to the Committee members less than 72 hours before the meeting are available for public inspection on the counter of the District Office.

The public may address the Committee concerning any item of interest. Persons who wish to comment on either agenda or non-agenda items should fill out the Comment Card and give it to the General Manager. The Committee Chair will call for comments at the appropriate time. Comments will be subject to reasonable time limits (3 minutes).

In compliance with the Americans with Disabilities Act, if you have a disability, and you need a disability-related modification or accommodation to participate in this meeting, please contact the District office at (916) 991-1000. Requests must be made as early as possible and at least one full business day before the start of the meeting.

Call to Order

Public Comment

This is an opportunity for the public to comment on non-agenda items with the subject matter jurisdiction of the Committee. Comments are limited to 2 minutes.

Items for Discussion and Action

1. Status update on the agreement with Elverta Specific Plan owners to fund the District's processing cost.
2. Status update on the Irrevocable Offer of Dedication for the Well #16 project site.
3. Committee Directors Questions and Answers with the District Engineer on the status of engineering projects.
4. Review legislatively mandated training and reporting requirements for RLECWD Board Members, e.g. ethics., preventing unlawful harassment, and conflict of interest statements.
5. Discuss the efforts of various member agency groups to cooperate and collaborate on most effective and efficient means for complying with water use legislation, e.g. PF-8, SB-555, SB-606 SB-998.

Items Requested for Next Month's Committee Agenda

Adjournment

Next Scheduled Planning Committee Meeting: Friday, March 1, 2019



Planning Committee

Agenda Item: 1

Date: February 1, 2019
Subject: Status of Funding Agreement with ESP Owners
Staff Contact: Timothy R. Shaw, General Manager

Recommended Committee Action:

If necessary due to lack of submittal by ESP owners by the deadline for the February 25th Board meeting agenda preparation, place an item on the February 25th agenda to consider authorizing a Board response/notice.

Current Background and Justification:

The RLECWD Board approved the funding agreement with ESP owners in November 2018. The District has been waiting to receive a signed agreement from the ESP owners since then. The ESP owners' representative has corresponded twice since November with some simple requests, which were promptly addressed by staff. The most recent request for updating the list of owners in the agreement was received on January 10th and addressed the next day. I reached out again today (January 28th) to request an update.

There is no immediate damage to the District for the agreement execution stalling. The most immediate impact is unpaid invoices from Legal Counsel. If the stall persists, the District could consider formal notice to the owners' representative to request the owners pay the unpaid invoices. If the stall becomes substantially protracted, the District might need to consider impacts on planning documents, e.g. Water Master Plan, ESP Water Supply Strategy etc.

Staff recommendation:

Receive an up to the minute status report and consider the necessity for placing an item on the February 25th Board agenda to have the Board consider authorizing a response to the stalled agreement execution.



Planning Committee

Agenda Item: 2

Date: February 1, 2019
Subject: Status of Irrevocable Offer of Dedication for Well #16 Parcel
Staff Contact: Timothy R. Shaw, General Manager

Recommended Committee Action:

Direct the placement of an item on the February 25th Board agenda to discuss the District's next step(s) in response to non-responsive Well #16 landowner. Dependent upon guidance from Legal Counsel, such agenda item may be closed session.

Current Background and Justification:

The District has been requesting a signed irrevocable offer of dedication from the Well #16 parcel owner since September 2018. The stipulation for the irrevocable offer of dedication is a condition of the fully executed Property Donation Agreement and was previously described in the Term Sheet Agreement with the Well #16 parcel owner.

The occasional responses from the parcel owner representative indicate a signed irrevocable offer is forthcoming, but we've received no response to repeated request for status since December 19th.

Staff recommendation:

Place an item on the February 25th Board agenda to allow the Board to discuss options with Legal Counsel regarding the status of the Well #16 parcel.



Planning Committee Agenda Item: 3

Date: February 1, 2019
Subject: Q&A with District Engineer on Engineering Projects
Staff Contact: Timothy R. Shaw, General Manager

Recommended Committee Action:

There are no recommended Committee actions.

Current Background and Justification:

Due to timing anomalies, this Planning Committee is being held only a few days after the January 28th Board meeting. This agenda item is a chance for the Committee Directors to engage in Questions and Answers with the District Engineer generally on District engineering matters.

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Staff recommendation:

N/A. However, the Planning Committee Directors may direct an item on the February 25th Board agenda based on discussion consequent to this item.



Planning Committee

Agenda Item: 4

Date: February 1, 2019
Subject: Board Member Mandatory Training and Reports
Staff Contact: Timothy R. Shaw, General Manager

Recommended Committee Action:

I recommend the Planning Committee direct an item be placed on the February 25th Board agenda to remind Board Members of the training/reporting requirements and to discuss the various means for compliance.

Current Background and Justification:

Generally, it is a good practice to perform an annual reminder to Directors at this time each year. The general election schedule occasionally results in new Board members needing to receive training within 6-months of taking office, and other mandate require submittal of reports of economic interest.

Additionally, discussing these topics early in the calendar year provides more opportunities for planning and consolidating efforts.

Mandatory Board Member Training includes bi-annual harassment prevention training and ethics training. Mandatory Board Member reporting includes statement of economic interests (FPPC Form 700).

Staff recommendation:

I recommend the Planning Committee place an item on the February 25th Board agenda to discuss mandatory Board Member training/reporting.

Assembly Bill No. 1661

CHAPTER 816

An act to add Article 2.4.5 (commencing with Section 53237) to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, relating to local government.

[Approved by Governor September 29, 2016. Filed with
Secretary of State September 29, 2016.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1661, McCarty. Local government: sexual harassment prevention training and education.

Existing law requires all local agency officials to receive training in ethics, at specified intervals, if the local agency provides any type of compensation, salary, or stipend to those officials. Existing law also requires any civil or political subdivision of the state and all cities to provide at least 2 hours of training and education regarding sexual harassment to all supervisory employees, as specified.

This bill would additionally require local agency officials, as defined, to receive sexual harassment prevention training and education if the local agency provides any type of compensation, salary, or stipend to those officials, and would allow a local agency to require employees to receive sexual harassment prevention training or information. The bill would also require an entity that develops curricula to satisfy this requirement to consult with the city attorney or county counsel regarding the sufficiency and accuracy of that proposed content.

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

SECTION 1. Article 2.4.5 (commencing with Section 53237) is added to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 2.4.5. Sexual Harassment Prevention Training and Education

53237. For the purposes of this article, the following terms have the following meanings:

(a) "Local agency" means a city, county, city and county, charter city, charter county, charter city and county, or special district.

(b) "Local agency official" means any member of a local agency legislative body and any elected local agency official.

53237.1. (a) If a local agency provides any type of compensation, salary, or stipend to a local agency official of that agency, then all local agency officials of that agency shall receive sexual harassment prevention training and education pursuant to this article. A local agency may also require any of its employees to receive sexual harassment prevention training and education pursuant to this article.

(b) Each local agency official, or employee who is so required, shall receive at least two hours of sexual harassment prevention training and education within the first six months of taking office or commencing employment, and every two years thereafter.

(c) An entity that develops curricula to satisfy the requirements of this section shall consult with the city attorney or county counsel regarding the sufficiency and accuracy of that proposed content. An entity is permitted to include local sexual harassment prevention training and education policies in the curricula.

(d) The training and education required by this section shall include information and practical guidance regarding the federal and state statutory provisions concerning the prohibition against, and the prevention and correction of, sexual harassment and the remedies available to victims of sexual harassment in employment. The training and education shall also include practical examples aimed at instructing the local agency official in the prevention of sexual harassment, discrimination, and retaliation, and shall be presented by trainers or educators with knowledge and expertise in the prevention of sexual harassment, discrimination, and retaliation.

(e) A local agency or an association of local agencies may offer one or more training courses, or sets of self-study materials with tests, to meet the requirements of this section. These courses may be taken at home, in person, or online.

(f) All providers of training courses shall provide participants with proof of participation to meet the requirements of this article.

(g) A local agency shall provide a recommendation on training available to meet the requirements of this article to its local agency officials and its employees at least once in written form before assuming a new position and every two years thereafter.

(h) A local agency official who serves more than one local agency shall satisfy the requirements of this article once every two years without regard to the number of local agencies he or she serves.

53237.2. (a) A local agency that requires its local agency officials or employees to complete the sexual harassment prevention training and education prescribed by this article shall maintain records indicating both of the following:

(1) The dates that local agency officials or employees satisfied the requirements of this article.

(2) The entity that provided the training.

(b) Notwithstanding any other law, a local agency shall maintain these records for at least five years after local agency officials or employees receive the training. These records are public records subject to disclosure

under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

53237.5. The requirements of this article are in addition to any other law requiring similar or related training, and nothing in this article shall be construed to supersede the requirements of Section 12940 or 12950.1.

SEC. 2. The Legislature finds and declares that all employees should have the same opportunity to work in a safe and harassment-free environment and therefore, sexual harassment prevention training and education for all local agency officials is a matter of statewide concern and not merely a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to charter cities, charter counties, and charter cities and counties. The Legislature finds and declares that there have been incidents in which the employees of local governments have been sexually harassed by their colleagues. The Legislature further finds and declares that the harassment of local government employees by their colleagues can be prevented if local governments provide training and educating to their employees.



State Ethics Training Requirements For Local Officials: Frequently Asked Questions (FAQs)

9/04/12 Edition

Overview of Requirement

1. What requirements does AB 1234 create regarding ethics training for local officials?

The basic thrust of AB 1234 is to require covered officials (see next question) to take two hours of training in ethics principles and laws every two years.¹

Who's Covered

2. Who must receive mandatory ethics training?

Basically the requirement applies to those elected or appointed officials who are compensated for their service or reimbursed for their expenses.² The specific trigger for this requirement is whether the agency either compensates or reimburses expenses for members of any of its Brown Act covered bodies; if it does, then all elected and appointed “local agency officials” (as defined) must receive this training.³ “Local agency official” means any member of a legislative body or any elected local agency official who receives compensation or expense reimbursement.⁴

“Local agency” means “a city, county, city and county, charter city, charter county, charter city and county, or special district.”⁵ Thus the training requirement does *not* include agencies on which local officials serve (for example, redevelopment agency governing boards or joint powers agencies), although many such officials will likely be covered by virtue of their status with cities, counties and special districts. Note that it also does not include school districts.

Note that local agencies also have the option of requiring certain employees to receive this training.⁶

3. What if an agency has a number of board members and commissioners who could theoretically get reimbursed for such expenses but as a practical matter haven't been for a long time?

Determining whether such officials should receive such training involves a judgment call in consultation with one's agency attorney. Some agencies are rethinking whether they want to reimburse the members of *all* their commissioners and board members or be more selective.

Another consideration is whether the nature of such officials' duties are such that the official would benefit from such training and the agency would benefit from having this official be trained (in terms of reducing the likelihood of missteps).

Another approach is for an agency to identify all commissioners and board members that have been reimbursed and/or compensated in the past year and notify them of their need to receive training. For others who haven't been reimbursed and/or compensated, the expense reimbursement forms required by AB 1234⁷ could include an advisory which alerts board members and commissioners of the need to get training if they are seeking reimbursement for expenses.

4. What about those who serve on multiple local agency bodies?

The official only has to satisfy the requirement once (within one year of taking office and every two years after that).⁸

5. Can AB 1234's ethics training requirements constitutionally apply to charter cities?

Many city attorneys are not convinced that AB 1234 contains the necessary findings to make it applicable to charter cities, although the bill purports to apply to charter cities by including charter cities within the definition of local agency.⁹ However, a number of charter cities already have such training programs and/or think they would be helpful and hence, are voluntarily complying with the spirit of AB 1234. Such an approach may reflect well on a city and city officials should the local media inquire about city officials' compliance with AB 1234.

Timing and Deadline Issues

6. By when must an official receive such training and how often again after that?

- **Officials in Service as of January 1, 2006.** Except for officials whose term of office ends before January 1, 2007, those in office on January 1, 2006 must receive the training before January 1, 2007.¹⁰ After that, they must receive the training at least once every two years.¹¹ Officials whose term of office ends before January 9, 2007 were excused.¹²
- **Those Beginning Service After January 1, 2006.** Those who enter office after January 1, 2006 must receive the training within a year of starting their service. They must then receive the training every two years after that.¹³

Reasonable attorneys disagree how the "every two years" requirement should be interpreted. One interpretation would be that, if an official received the required training on May 15, 2011, the official would need to receive training again on or before May 14, 2013. Another would be that this same official satisfied the requirement in 2011 and needs to again satisfy the requirement in 2013.

Compliance and Enforcement

7. How do officials demonstrate compliance with the mandatory ethics requirements?

When local agency officials receive the training, they will be given proof of participation.¹⁴ Copies of these certificates must be provided to the agency's custodian of records and maintained as public records subject to disclosure to the media, the public and others for at least five years.¹⁵

8. What is the enforcement mechanism to assure that local officials receive such training?

The new law is directory; there is no specific penalty for failing to complete the required training.¹⁶ Presumably there will be a periodic public records requests by the media, candidates and others to verify which officials have and have not met the requirements.¹⁷

Local agencies are using a variety of techniques to encourage compliance. Options include:

- 1. Circulate a List of Complying and Non-complying Officials within the Agency.** Putting who has (and who has not) complied in writing along with a reminder that the agency is expecting media and other inquiries may be one way to encourage compliance. This list can be circulated to officials with a thank you to those who have satisfied the requirement and a list of options for compliance for those who have not.
- 2. Create a Financial Penalty.** Another option for encouraging compliance is to adopt a policy that officials who have not complied with their AB 1234 training requirements will not be eligible to have their expenses reimbursed.
- 3. Make Compliance a Condition of Agency Service for Appointees.** In situations where the non-compliant official is an appointee, a local policy could provide the appointment be either rescinded or that the non-complying individual is ineligible for re-appointment.
- 4. Post Certificates on Agency's Website.** The agency can post scans of those within the agency who have complied with the requirement, which also lets the media and the public know how the official satisfied the training.

Content Issues, Options for Satisfying the Requirement and Trainer Qualifications

9. Where can local officials get this training?

Local agencies must provide covered officials with a list of options for satisfying this requirement at least once a year.¹⁸ The training can occur in-person, online or on a self-study basis (read materials and take a test).¹⁹ Agencies are not required to provide the training themselves, although a number may choose to do so.

A variety of organizations offer such training (including law firms and nonprofit organizations). In addition, there are self-study materials available from the Institute for Local Government's website (www.ca-ilg.org/AB1234compliance) as well as a free online course at <http://localethics.fppc.ca.gov> or <http://www.localethics.fppc.ca.gov> that the Institute developed in collaboration with the FPPC.

The Institute also has materials for in-house counsel and others who are interested in offering such training.

10. How do people or organizations become certified as AB 1234 ethics trainers?

Strictly speaking, they don't. The Attorney General and FPPC have adopted guidelines for course curriculum accuracy and sufficiency, but there is no trainer-certification requirement.²⁰

The Attorney General's guidelines require that the ethics law portion of AB 1234 training be given only by attorneys licensed to practice law in California and knowledgeable about California's ethics laws.

11. What issues must AB 1234 ethics training programs address?

The training must cover general ethics principles relating to public service and ethics laws.²¹ "Ethics laws" are defined as including:²²

- Laws relating to personal financial gain by public officials (including bribery and conflict of interest laws);
- Laws relating to office-holder perks, including gifts and travel restrictions, personal and political use of public resources and prohibitions against gifts of public funds;

- Governmental transparency laws, including financial disclosure requirements and open government laws (the Brown Act and Public Records Act);
- Law relating to fair processes, including fair contracting requirements, common law bias requirements and due process.

The Institute has materials to address these issues. The ILG resources can be found at www.ca-ilg.org/AB1234compliance.

Given the breadth of the subjects that need to be covered, the goal of the training cannot be to teach local officials the law in each of these areas. Instead the goal needs to be to acquaint local officials with the fact that there are laws that govern their behavior in each of these areas, to motivate officials to comply with such laws (among other things by explaining the consequences of missteps) and to alert them on when they need to seek the advice of qualified legal counsel when issues arise with respect to such laws.

Note that the Attorney General's Guidelines allow those who have taken the initial overview course to go deeper into certain aspects of ethics law in subsequent compliance efforts.²³

12. Can I get State Bar minimum continuing legal education (MCLE) credit for attending AB 1234 training?

Yes. AB 1234 training is eligible for MCLE participatory credit,²⁴ provided the training complies with MCLE requirements. It is not, however, eligible for MCLE *legal ethics* credit.²⁵

Brown Act Compliance

13. Must an AB 1234 training session that will be attended by a quorum of a legislative body comply with the Brown Act?

The consensus appears to be that the Brown Act applies and therefore, the meeting must be open to the public and properly noticed.

The Brown Act requires regular "meetings" of "legislative bodies" of local public agencies be open and public.²⁶ A "meeting" is "any congregation of a majority of the members of a legislative body at the same time and place to *hear, discuss*, or deliberate upon any item that is within the subject matter jurisdiction of the legislative body or the local agency to which it pertains."²⁷ Theoretically, it is possible for a majority of the members of a legislative body to attend an AB 1234 training session without triggering the Brown Act provided that they neither hear

nor discuss any topic that arguably comes within the legislative body's subject matter jurisdiction.

The goal of AB 1234 training, however, is to acquaint local officials with the laws that govern their behavior and motivate them to comply with such laws. In light of this goal, it is highly likely that training attendees will ask questions related to matters within the legislative body's subject matter jurisdiction. Accordingly, the Institute believes that the best course of action is to comply with the Brown Act.

Note that AB 1234 training that occurs at conference sessions are subject to the conference session exception to the Brown Act.²⁸

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¹ Cal. Gov't Code § 53235(a), (b).

² The language is potentially confusing on this point. The new law says that if a local agency provides any type of compensation or reimbursement for members of its legislative bodies, then all "local agency officials" must receive training. *See* Cal. Gov't Code § 53235(a). But the definition of "local agency official" means "any member of a local agency legislative body or any elected official who receives any type of compensation . . . or reimbursement for actual and necessary expenses incurred in the performance of official duties." *See* Cal. Gov't Code § 53234(c)(1).

³ Cal. Gov't Code § 53235(a) ("If a local agency provides any type of compensation, salary, or stipend to a member of a legislative body, or provides reimbursement for actual and necessary expenses incurred by a member of a legislative body in the performance of official duties, then all local agency officials shall receive training in ethics pursuant to this article"); § 53234(a) (defining legislative body by reference to the Brown Act, Government Code section 54952).

⁴ Cal. Gov't Code § 53234(c)(1).

⁵ Cal. Gov't Code § 53234(b).

⁶ Cal. Gov't Code § 53234(c)(2).

⁷ Cal. Gov't Code § 53232.3(a).

⁸ *See* Cal. Gov't Code § 53235.1(c).

⁹ Cal. Gov't Code § 53234(b).

¹⁰ *See* Cal. Gov't Code § 53235.1(a).

¹¹ *See* Cal. Gov't Code § 53235.1(a).

¹² Cal. Gov't Code § 53235.1(a).

¹³ *See* Cal. Gov't Code § 53235.1(b). The law requires that subsequent training occur "at least once every two years." Some agencies interpret this to mean that training may occur in successive two year periods, not necessarily before the two year anniversary of the last training. This is an area where substantial compliance based on the spirit of the law should be sufficient.

¹⁴ Cal. Gov't Code § 53235.1(e).

¹⁵ Cal. Gov't Code § 53235.2.

¹⁶ Cal. Gov't Code § 53235.2.

¹⁷ Note: in addition to maintaining records on compliance with the minimum standards imposed by AB 1234, local agencies may also want to maintain records of any additional training local agency officials received. This will enable those inquiring to ascertain the agency's and individual's full scope of commitment to understanding the ethical and legal obligations associated with public service.

¹⁸ Cal. Gov't Code § 53235(f).

¹⁹ Cal. Gov't Code § 53235(d).

²⁰ *See* Cal. Gov't Code § 53235(c). The FPPC adopted it's guidelines as a [regulation](#)²⁰ and the Attorney General issued [General Guidelines on Course Accuracy and Sufficiency](#), which are available on the Department of Justice website: http://caag.state.ca.us/ethics/eth_loc_guide_final.pdf. A summary of the state's guidelines for training is also available at www.ca-ilg.org/AB1234compliance.

²¹ Cal. Gov't Code § 53235(b).

²² Cal. Gov't Code § 53234(d).

²³ See Attorney General Guidelines, bottom of page 3, available at http://oag.ca.gov/sites/all/files/pdfs/ethics/eth_loc_guide_final.pdf?

²⁴ State Bar's response to an inquiry by the Institute, November 6, 2006.

²⁵ *Id.*

²⁶ Cal. Gov't Code § 54953.

²⁷ Cal. Gov't Code § 54952.2 (emphasis added).

²⁸ Cal. Gov't Code § 54952.2(c)(2) (Conference must be open to the public and attendees must be mindful of restrictions on discussing items with colleagues).


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AB-1234 Local agencies: compensation and ethics. (2005-2006)

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Assembly Bill No. 1234

CHAPTER 700

An act to amend Sections 25008 and 36514.5 of, and to add Article 2.3 (commencing with Section 53232) and Article 2.4 (commencing with Section 53234) to Chapter 2 of Part 1 of Division 2 of Title 5 of, the Government Code, to amend Sections 6060 and 7047 of the Harbors and Navigation Code, to amend Sections 2030, 2851, 4733, 4733.5, 6489, 9031, 13857, 13866, and 32103 of the Health and Safety Code, to amend Section 1197 of the Military and Veterans Code, to amend Sections 5536, 5536.5, 5784.15, and 9303 of the Public Resources Code, to amend Sections 11908, 11908.1, 11908.2, 16002, and 22407 of the Public Utilities Code, and to amend Sections 20201, 21166, 30507, 30507.1, 34741, 40355, 50605, 55305, 56031, 60143, 70078, 71255, and 74208 of, and to add Section 20201.5 to, the Water Code, relating to local agencies.

[Approved by Governor October 07, 2005. Filed with Secretary of State October 07, 2005.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1234, Salinas. Local agencies: compensation and ethics.

Existing law provides for the establishment and operations of cities, counties, cities and counties, districts, and other local government agencies, the composition of their governing bodies, and the payment of governing body members for attending meetings and performing other duties, and prescribes conflicts of interest.

This bill would require a local agency that provides reimbursement for expenses to members of its legislative body to adopt a written policy on the duties for which legislative body members may receive compensation, other than meetings of the legislative body or an advisory body or attendance at a conference or organized educational activity. The bill would require such a governing body to adopt a written policy concerning what occurrences qualify a member to receive reimbursement of expenses for travel, meals, and lodging and would impose related requirements, including the filing of expense reports, which would be public records.

This bill would also require that if a local agency provides any type of compensation, salary, or stipend to, or reimburses the expenses of, a member of the legislative body, all local agency officials, except a member whose term of office ends before January 1, 2007, in local agency service as of January 1, 2006, or thereafter receive training in ethics, as specified. This bill would provide that if any entity develops criteria for the ethics training, then the Fair Political Practices Commission and the Attorney General shall be consulted regarding any proposed course content. This bill would specify, with respect to certain special districts, how a director's activities on a specific day are determined to be compensable and would make related changes.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 25008 of the Government Code is amended to read:

25008. Members shall be allowed their actual expenses in going to, attendance upon, and returning from state association meetings and their actual and necessary traveling expenses when traveling outside their counties on official business. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3.

SEC. 2. Section 36514.5 of the Government Code is amended to read:

36514.5. City council members may be reimbursed for actual and necessary expenses incurred in the performance of official duties. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3.

SEC. 3. Article 2.3 (commencing with Section 53232) is added to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 2.3. Compensation

53232. For the purposes of this article, the following terms have the following meanings:

(a) "Governing body" means the board of supervisors in the case of a county or a city and county, the city council or board of trustees in the case of a city, and the board of directors or other governing body in the case of a special district.

(b) "Legislative body" has the same meaning as specified in Section 54952.

(c) "Local agency" means a city, county, city and county, charter city, charter county, charter city and county, or special district.

(d) "Meeting" has the same meaning as specified in subdivision (a) of Section 54952.2.

53232.1. (a) When compensation is otherwise authorized by statute, a local agency may pay compensation to members of a legislative body for attendance at the following occurrences:

(1) A meeting of the legislative body.

(2) A meeting of an advisory body.

(3) A conference or organized educational activity conducted in compliance with subdivision (c) of Section 54952.2, including, but not limited to, ethics training required by Article 2.4 (commencing with Section 53234).

(b) A local agency may pay compensation for attendance at occurrences not specified in subdivision (a) only if the governing body has adopted, in a public meeting, a written policy specifying other types of occasions that constitute the performance of official duties for which a member of the legislative body may receive payment.

(c) This section shall not apply to any local agency that pays compensation in the form of a salary to members of a legislative body, including, but not limited to, those local agencies whose legislative bodies' compensation is subject to Section 36516 or 36516.1, subparagraph (B) or (C) of paragraph (2) of subdivision (a) of Section 21166 or Section 22840 of the Water Code, Section 11908.1 of the Public Utilities Code, Section 6060 of the Harbors and Navigation Code, or subdivision (b) of Section 1 or Section 5 of Article XI of the California Constitution.

53232.2. (a) When reimbursement is otherwise authorized by statute, a local agency may reimburse members of a legislative body for actual and necessary expenses incurred in the performance of official duties, including, but not limited to, activities described in Article 2.4 (commencing with Section 53234).

(b) If a local agency reimburses members of a legislative body for actual and necessary expenses incurred in the performance of official duties, then the governing body shall adopt a written policy, in a public meeting, specifying the types of occurrences that qualify a member of the legislative body to receive reimbursement of expenses relating to travel, meals, lodging, and other actual and necessary expenses.

(c) The policy described in subdivision (b) may also specify the reasonable reimbursement rates for travel, meals, and lodging, and other actual and necessary expenses. If it does not, the local agency shall use the Internal Revenue Service rates for reimbursement of travel, meals, lodging, and other actual and necessary expenses as established in Publication 463, or any successor publication.

Agenda Item 4

(d) If the lodging is in connection with a conference or organized educational activity conducted in compliance with subdivision (c) of Section 54952.2, including, but not limited to, ethics training required by Article 2.4 (commencing with Section 53234), lodging costs shall not exceed the maximum group rate published by the conference or activity sponsor, provided that lodging at the group rate is available to the member of a legislative body at the time of booking. If the group rate is not available, the member of a legislative body shall use comparable lodging that is consistent with the requirements of subdivisions (c) and (e).

(e) Members of the legislative body shall use government and group rates offered by a provider of transportation or lodging services for travel and lodging when available.

(f) All expenses that do not fall within the adopted travel reimbursement policy or the Internal Revenue Service reimbursable rates as provided in subdivision (c), shall be approved by the governing body, in a public meeting before the expense is incurred, except as provided in subdivision (d).

(g) This section shall not supersede any other laws establishing reimbursement rates for local agencies.

53232.3. (a) If a local agency reimburses members of a legislative body for actual and necessary expenses incurred in the performance of official duties, then a local agency shall provide expense report forms to be filed by the members of the legislative body for reimbursement for actual and necessary expenses incurred on behalf of the local agency in the performance of official duties. Reimbursable expenses shall include, but not be limited to, meals, lodging, and travel.

(b) Expense reports shall document that expenses meet the existing policy, adopted pursuant to Section 53232.2, for expenditure of public resources.

(c) Members of a legislative body shall submit expense reports within a reasonable time after incurring the expense, as determined by the legislative body, and the reports shall be accompanied by the receipts documenting each expense.

(d) Members of a legislative body shall provide brief reports on meetings attended at the expense of the local agency at the next regular meeting of the legislative body.

(e) All documents related to reimbursable agency expenditures are public records subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

53232.4. Penalties for misuse of public resources or falsifying expense reports in violation of expense reporting policies may include, but are not limited to, the following:

(a) The loss of reimbursement privileges.

(b) Restitution to the local agency.

(c) Civil penalties for misuse of public resources pursuant to Section 8314.

(d) Prosecution for misuse of public resources, pursuant to Section 424 of the Penal Code.

SEC. 4. Article 2.4 (commencing with Section 53234) is added to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, to read:

Article 2.4. Ethics Training

53234. For the purposes of this article, the following terms have the following meanings:

(a) "Legislative body" has the same meaning as specified in Section 54952.

(b) "Local agency" means a city, county, city and county, charter city, charter county, charter city and county, or special district.

(c) "Local agency official" means the following:

(1) Any member of a local agency legislative body or any elected local agency official who receives any type of compensation, salary, or stipend or reimbursement for actual and necessary expenses incurred in the performance of official duties.

(2) Any employee designated by a local agency legislative body to receive the training specified under this article.

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(d) "Ethics laws" include, but are not limited to, the following:

(1) Laws relating to personal financial gain by public servants, including, but not limited to, laws prohibiting bribery and conflict-of-interest laws.

(2) Laws relating to claiming prerequisites of office, including, but not limited to, gift and travel restrictions, prohibitions against the use of public resources for personal or political purposes, prohibitions against gifts of public funds, mass mailing restrictions, and prohibitions against acceptance of free or discounted transportation by transportation companies.

(3) Government transparency laws, including, but not limited to, financial interest disclosure requirements and open government laws.

(4) Laws relating to fair processes, including, but not limited to, common law bias prohibitions, due process requirements, incompatible offices, competitive bidding requirements for public contracts, and disqualification from participating in decisions affecting family members.

53235. (a) If a local agency provides any type of compensation, salary, or stipend to a member of a legislative body, or provides reimbursement for actual and necessary expenses incurred by a member of a legislative body in the performance of official duties, then all local agency officials shall receive training in ethics pursuant to this article.

(b) Each local agency official shall receive at least two hours of training in general ethics principles and ethics laws relevant to his or her public service every two years.

(c) If any entity develops curricula to satisfy the requirements of this section, then the Fair Political Practices Commission and the Attorney General shall be consulted regarding the sufficiency and accuracy of any proposed course content. When reviewing any proposed course content the Fair Political Practices Commission and the Attorney General shall not preclude an entity from also including local ethics policies in the curricula.

(d) A local agency or an association of local agencies may offer one or more training courses, or sets of self-study materials with tests, to meet the requirements of this section. These courses may be taken at home, in-person, or online.

(e) All providers of training courses to meet the requirements of this article shall provide participants with proof of participation to meet the requirements of Section 53235.2.

(f) A local agency shall provide information on training available to meet the requirements of this article to its local officials at least once annually.

53235.1. (a) Each local agency official in local agency service as of January 1, 2006, except for officials whose term of office ends before January 1, 2007, shall receive the training required by subdivision (a) of Section 53235 before January 1, 2007. Thereafter, each local agency official shall receive the training required by subdivision (a) of Section 53235 at least once every two years.

(b) Each local agency official who commences service with a local agency on or after January 1, 2006, shall receive the training required by subdivision (a) of Section 53235 no later than one year from the first day of service with the local agency. Thereafter, each local agency official shall receive the training required by subdivision (a) of Section 53235 at least once every two years.

(c) A local agency official who serves more than one local agency shall satisfy the requirements of this article once every two years without regard to the number of local agencies with which he or she serves.

53235.2. (a) A local agency that requires its local agency officials to complete the ethical training prescribed by this article shall maintain records indicating both of the following:

(1) The dates that local officials satisfied the requirements of this article.

(2) The entity that provided the training.

(b) Notwithstanding any other provision of law, a local agency shall maintain these records for at least five years after local officials receive the training. These records are public records subject to disclosure under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1).

SEC. 6. Section 6060 of the Harbors and Navigation Code is amended to read:

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6060. The commissioners shall serve without salary until the yearly gross income of the district, exclusive of taxes levied by the district, exceeds twenty thousand dollars (\$20,000) per year, when the board may, by ordinance, fix their salaries, which shall not exceed the sum of six hundred dollars (\$600) per month each.

In addition to any salary received pursuant to this section, the commissioners shall be allowed any actual and necessary expenses incurred in the performance of their duties. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 7. Section 7047 of the Harbors and Navigation Code is amended to read:

7047. Each director shall receive a sum as may be fixed by the board, not exceeding fifty dollars (\$50) for each meeting of the board attended by him or her, for not exceeding four meetings in any calendar month. A director may also receive traveling and other expenses incurred by him or her when performing duties for the district other than attending board meetings. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 8. Section 2030 of the Health and Safety Code is amended to read:

2030. (a) The members of the board of trustees shall serve without compensation.

(b) The members of the board of trustees may receive their actual and necessary traveling and incidental expenses incurred while on official business. In lieu of paying for actual expenses, the board of trustees may by resolution provide for the allowance and payment to each trustee a sum not to exceed one hundred dollars (\$100) per month for expenses incurred while on official business. A trustee may waive the payments permitted by this subdivision.

(c) Notwithstanding subdivision (a), the secretary of the board of trustees may receive compensation in an amount determined by the board of trustees.

(d) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 9. Section 2851 of the Health and Safety Code is amended to read:

2851. The members of the district board shall hold office at the pleasure of the board of supervisors. They shall serve without compensation, but shall be allowed their necessary traveling and other expenses incurred in performance of their official duties. In lieu of expenses, the district board may, by resolution, provide for the allowance and payment to each member of the board of a sum not exceeding one hundred dollars (\$100) as expenses incurred in attending each business meeting of the board. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 10. Section 4733 of the Health and Safety Code is amended to read:

4733. (a) The district board may fix the amount of (a) compensation per meeting to be paid each member of the board for services for each meeting attended by the member. Subject to subdivision (b), the compensation shall not exceed one hundred dollars (\$100) for each meeting of the district board attended by the member or for each day's service rendered as a member by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incident thereto.

(b) The district board, by ordinance adopted pursuant to Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code, may increase the compensation received by the district board members above the amount of one hundred dollars (\$100) per day.

(c) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

(d) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 11. Section 4733.5 of the Health and Safety Code is amended to read:

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4733.5. Where two or more county sanitation districts have joined in the purchase, ownership, use, construction, maintenance, or operation of a sewerage system, or sewage disposal or treatment plant, or refuse transfer or disposal system, or both, either within or without the districts, or have so joined for any combination of these purposes, as provided in Section 4742, and the districts hold their meetings jointly, and one or more of the directors serve as a director on more than one of these districts meeting jointly, the districts may, by joint resolution approved by each district, limit the compensation of a director to compensation equal to not more than fifty dollars (\$50) for each jointly held meeting attended by him or her, not to exceed one hundred dollars (\$100) in any one month for attendance at jointly held meetings. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 12. Section 6489 of the Health and Safety Code is amended to read:

6489. (a) Subject to subdivision (b), each of the members of the board shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incident thereto.

(b) The district board, by ordinance adopted pursuant to Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code, may increase the compensation received by board members above the amount of one hundred dollars (\$100) per day.

(c) The secretary of the sanitary board shall receive compensation to be set by the sanitary district board, which compensation shall be in lieu of any other compensation to which he or she may be entitled by reason of attendance at the meeting or meetings of the sanitary board.

(d) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

(e) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 13. Section 9031 of the Health and Safety Code is amended to read:

9031. (a) The board of trustees may provide, by ordinance or resolution, that each of its members may receive compensation in an amount not to exceed one hundred dollars (\$100) for attending each meeting of the board. A member of the board of trustees shall not receive compensation for more than four meetings of the board in a month.

(b) The board of trustees, by ordinance adopted pursuant to Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code, may increase the amount of compensation received for attending meetings of the board.

(c) In addition, members of the board of trustees may receive their actual and necessary traveling and incidental expenses incurred while on official business other than a meeting of the board.

(d) A member of the board of trustees may waive any or all of the payments permitted by this section.

(e) For the purposes of this section, a meeting of the board of trustees includes, but is not limited to, regular meetings, special meetings, closed sessions, emergency meetings, board field trips, district public hearings, or meetings of a committee of the board.

(f) For purposes of this section, the determination of whether a trustee's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

(g) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 14. Section 13857 of the Health and Safety Code is amended to read:

13857. (a) Subject to subdivision (b), each member of the district board may receive compensation in an amount set by the district board not to exceed one hundred dollars (\$100) for attending each meeting of the district board. The number of meetings for which a member of the board of directors may receive compensation shall not exceed four meetings in any calendar month.

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(b) The district board, by ordinance adopted pursuant to Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code, may increase the compensation received by the district board members above the amount prescribed by subdivision (a).

(c) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 15. Section 13866 of the Health and Safety Code is amended to read:

13866. A district may authorize its directors and employees to attend professional or vocational meetings and pay their actual and necessary traveling and incidental expenses while on official business. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 16. Section 32103 of the Health and Safety Code is amended to read:

32103. The board of directors shall serve without compensation except that the board of directors, by a resolution adopted by a majority vote of the members of the board, may authorize the payment of not to exceed one hundred dollars (\$100) per meeting not to exceed five meetings a month as compensation to each member of the board of directors.

Each member of the board of directors shall be allowed his or her actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 17. Section 1197 of the Military and Veterans Code is amended to read:

1197. The board shall consist of five members who shall be registered electors residing within the district or proposed district at the time of their election and shall be elected by the qualified electors of the district. A majority of the seats on the board shall be designated for veterans, as defined in Section 940. Any board seat that is so designated, but is not currently filled by a qualifying individual, shall be filled by a qualified individual at the next election at which that seat is to be filled. Members shall serve without compensation, but shall be entitled to actual and necessary expenses incurred in the performance of duties. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 18. Section 5536 of the Public Resources Code is amended to read:

5536. (a) The board shall establish rules for its proceedings.

(b) The board may provide, by ordinance or resolution, that each of its members may receive an amount not to exceed one hundred dollars (\$100) per day for each attendance at a meeting of the board. For purposes of this section, a meeting of the board includes, but is not limited to, closed sessions of the board, board field trips, district public hearings, or meetings of a committee of the board. The maximum compensation allowable to a board member on any given day shall be one hundred dollars (\$100). Board members shall not receive any other compensation for meetings, and no board member shall receive more than five hundred dollars (\$500) compensation under this section in any one calendar month, except that board members of the East Bay Regional Park District may receive compensation for not more than 10 days in any one calendar month. A board member may elect to waive the per diem. In addition, the board may provide, by ordinance or resolution, that each of its members not otherwise eligible for an employer-paid or partially employer-paid group medical or group dental plan, or both, may participate in any of those plans available to permanent employees of the district on the same terms available to those district employees or on terms and conditions as the board may determine. A board member who elects to participate in any plan may also elect to have the premium for the plan charged against his or her per diem and may further elect to waive the balance of the per diem.

(c) All vacancies on the board shall be filled in accordance with the requirements of Section 1780 of the Government Code, except that, in the case of vacancies caused by the creation of new wards or subdistricts, the directors shall, prior to the vacancies being filled, determine by lot, for the purpose of fixing the terms of the first directors to be elected to the wards or subdistricts, which ward or subdistrict shall have a four-year

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term and which ward or subdistrict shall have a two-year term. The persons who fill the vacancies caused by the establishment of new wards or subdistricts shall hold office until the next general election and until their successors are elected and qualified for the terms previously determined by lot.

(d) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 19. Section 5536.5 of the Public Resources Code is amended to read:

5536.5. Members of the board of directors may be allowed actual necessary traveling and incidental expenses incurred in the performance of official business of the district as approved by the district board. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 20. Section 5784.15 of the Public Resources Code is amended to read:

5784.15. (a) The board of directors may provide, by ordinance or resolution, that each of its members may receive compensation in an amount not to exceed one hundred dollars (\$100) for attending each meeting of the board. The board of directors, by ordinance adopted pursuant to Chapter 2 (commencing with Section 20200) of Division 10 of the Water Code, may increase the amount of compensation received for attending meetings of the board.

(b) The maximum compensation in any calendar month shall be five hundred dollars (\$500).

(c) In addition, members of the board of directors may receive their actual and necessary traveling and incidental expenses incurred while on official business.

(d) A member of the board of directors may waive the compensation.

(e) For the purposes of this section, a meeting of the board of directors includes, but is not limited to, regular meetings, special meetings, closed sessions, emergency meetings, board field trips, district public hearings, or meetings of a committee of the board.

(f) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

(g) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 21. Section 9303 of the Public Resources Code is amended to read:

9303. The directors shall receive no compensation for their services as such, but each shall be allowed reasonable and necessary expenses incurred in attendance at meetings of the directors or when otherwise engaged in the work of the district at the direction of the board of directors. The directors shall fix the amount allowed for necessary expenses, but no director shall be appointed to any position for which he or she would receive compensation as a salaried officer or employee of the district. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 22. Section 11908 of the Public Utilities Code is amended to read:

11908. The board shall establish rules for its proceedings and may provide, by ordinance or resolution, that each member shall receive for each attendance at the meetings of the board, or for each day's service rendered as a director by request of the board, the sum of one hundred dollars (\$100). No director shall receive any other compensation, nor receive pay for more than six days in any one calendar month. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 23. Section 11908.1 of the Public Utilities Code is amended to read:

11908.1. (a) Notwithstanding Section 11908, a district with a board having seven directors may provide, by resolution or ordinance, that each director shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at public meetings of the board or for each day's

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service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, or, in lieu of that compensation, a salary of not to exceed six hundred dollars (\$600) per month subject to annual adjustments pursuant to subdivision (b), together with any expenses incurred in the performance of his or her duties required or authorized by the board. No resolution or ordinance establishing compensation pursuant to this subdivision shall provide for any automatic increase in that compensation.

(b) Any district which adopts salaries for directors pursuant to subdivision (a) may increase those salaries by not more than 5 percent for each calendar year following the operative date of the last adjustment, commencing with the calendar year following adoption of the salary or increase.

(c) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 24. Section 11908.2 of the Public Utilities Code is amended to read:

11908.2. Notwithstanding Section 11908, the board of a district which has owned and operated an electric distribution system for at least eight years and has a population of 250,000 or more may provide, by ordinance or resolution, that each director shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at public meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of 10 days in any calendar month, together with any expenses incurred in the performance of his or her duties required or authorized by the board. The board may, by resolution or ordinance, increase the compensation per day by not more than 5 percent for each calendar year following the operative date of the last adjustment, commencing with the 1988 calendar year. No resolution or ordinance establishing compensation pursuant to this subdivision shall provide for any automatic increase in that compensation. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 25. Section 16002 of the Public Utilities Code is amended to read:

16002. Each member of the board shall receive the compensation that the board by ordinance provides, not exceeding four thousand eight hundred dollars (\$4,800) a year. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 26. Section 22407 of the Public Utilities Code is amended to read:

22407. Each member of the board of directors shall receive compensation in an amount not to exceed one hundred dollars (\$100) for each attendance at the meeting of the board held within the district, which amount shall be fixed from time to time by the board. No director, however, shall receive pay for more than four meetings in any calendar month.

Each director shall be allowed, with the approval of the board, all traveling and other expenses necessarily incurred by the member in the performance of the member's duties. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 27. Section 20201 of the Water Code is amended to read:

20201. Notwithstanding any other provision of law, the governing board of any water district may, by ordinance adopted pursuant to this chapter, provide compensation to members of the governing board, unless any compensation is prohibited by its principal act, in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board, or for each day's service rendered as a member of the board by request of the board, and may, by ordinance adopted pursuant to this chapter, in accordance with Section 20202, increase the compensation received by members of the governing board above the amount of one hundred dollars (\$100) per day.

It is the intent of the Legislature that any future increase in compensation received by members of the governing board of a water district be authorized by an ordinance adopted pursuant to this chapter and not by an act of the Legislature.

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For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

SEC. 28. Section 20201.5 is added to the Water Code, to read:

20201.5. Reimbursement for expenses of members of a governing board of a water district is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 29. Section 21166 of the Water Code is amended to read:

21166. Notwithstanding any other provision of law, a director, for sitting on the board or acting under its orders, shall receive both of the following:

(a) (1) Except as specified in paragraphs (2) and (3), compensation not to exceed one hundred dollars (\$100) per day, not exceeding six days in any calendar month.

(2) In districts that produce or distribute electric power, one of the following methods of compensation:

(A) Compensation not to exceed one hundred dollars (\$100) per day.

(B) A monthly salary of not to exceed six hundred dollars (\$600) per month.

(C) Annual compensation not to exceed fifteen thousand dollars (\$15,000). Any annual compensation pursuant to this subparagraph shall be fixed by the adoption of an ordinance pursuant to Sections 20203 to 20207, inclusive.

(3) Districts containing 500,000 acres or more are governed by Section 22840.

(b) Actual and necessary expenses when acting under the orders of the board.

For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 30. Section 30507 of the Water Code is amended to read:

30507. Each director shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his or her duties required or authorized by the board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 31. Section 30507.1 of the Water Code is amended to read:

30507.1. Each director of the Contra Costa Water District shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board and for each day's service rendered as a director by request of the board, not exceeding a total of 10 days in any calendar month, together with any expenses incurred in the performance of duties required or authorized by the board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 32. Section 34741 of the Water Code is amended to read:

34741. Until their compensation is fixed by the adoption of bylaws, the officers shall receive the following compensation for their services:

(a) The secretary, tax collector, treasurer, and assessor, such sums as shall be fixed by the board.

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(b) Each director shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his or her duties required or authorized by the board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 33. Section 40355 of the Water Code is amended to read:

40355. (a) A director, when sitting on the board or acting under its orders, shall receive not exceeding:

- (1) One hundred dollars (\$100) per day, not exceeding six days in any calendar month.
- (2) Ten cents (\$0.10) per mile for each mile traveled from his place of residence to the office of the board.

(3) Actual and necessary expenses while engaged in official business under the order of the board.

(b) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code.

(c) Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 34. Section 50605 of the Water Code is amended to read:

50605. (a) Each member of the board shall receive such compensation for services actually and necessarily performed as the board determines to be just and reasonable, and shall be reimbursed for expenses necessarily incurred in the performance of his duties as trustee.

(b) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 35. Section 55305 of the Water Code is amended to read:

55305. (a) The board of directors may fix the compensation of its members for their services as directors not to exceed ten dollars (\$10) for each meeting attended, not exceeding two meetings in any calendar month. If allowed by the board, a director shall also receive for performing duties for the district other than attending board meetings the following:

- (1) An amount not to exceed one hundred dollars (\$100) for each day performing such duties.
- (2) Traveling and other expenses incurred by him or her in performing his duties.

(b) For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 36. Section 56031 of the Water Code is amended to read:

56031. The district board shall have power to fix the amount of compensation per meeting to be paid each member of the board for his or her services for each meeting attended by him or her; provided, that the compensation shall not exceed ten dollars (\$10) for each meeting of the district board attended by him or her, together with expenses necessarily incurred by him or her in traveling between his or her place of residence and the place of meeting. However, no member shall receive compensation for attending more than three meetings of the board during any calendar month. This compensation shall be in addition to any other fees or compensation allowed by law for the other official positions specified in Section 56030 that are occupied by members of the district board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

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SEC. 37. Section 60143 of the Water Code is amended to read:

60143. Each director shall receive compensation in an amount not exceeding one hundred dollars (\$100) for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his or her duties required or authorized by the board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 38. Section 70078 of the Water Code is amended to read:

70078. Each member of the board shall receive compensation for services actually and necessarily performed, as the board determines to be just and reasonable, and shall be reimbursed for expenses necessarily incurred in the performance of his or her duties as director. The salaries of all officers and employees of the district shall be fixed and determined by the directors. The board of directors shall fix the compensation that the election officers shall receive for district elections. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 39. Section 71255 of the Water Code is amended to read:

71255. Each director shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his or her duties required or authorized by the board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 40. Section 74208 of the Water Code is amended to read:

74208. Each director shall receive compensation in an amount not to exceed one hundred dollars (\$100) per day for each day's attendance at meetings of the board or for each day's service rendered as a director by request of the board, not exceeding a total of six days in any calendar month, together with any expenses incurred in the performance of his or her duties required or authorized by the board. For purposes of this section, the determination of whether a director's activities on any specific day are compensable shall be made pursuant to Article 2.3 (commencing with Section 53232) of Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code. Reimbursement for these expenses is subject to Sections 53232.2 and 53232.3 of the Government Code.

SEC. 41. The Legislature finds and declares that transparency in the activities of local governments is a matter of statewide concern and not merely a municipal affair, as that term is used in Section 5 of Article XI of the California Constitution. Therefore, this act shall apply to charter cities, charter counties, and charter cities and counties.



Planning Committee

Agenda Item: 5

Date: February 1, 2019

Subject: Area Water Agencies Collaboration and Other Ways to Meet Mandates

Staff Contact: Timothy R. Shaw, General Manager

Recommended Committee Action:

Provide feedback and direction to staff on the District's level of embrace for multi-agency collaboration to help address many water issues confronting the entire region.

Current Background and Justification:

Evidently, the storm door is open for, new laws, and new reporting requirements challenging water agencies and stretching already thin resources beyond limits. SB-555 will set water loss objectives in correlation to the reporting requirements already in place. SB-606 will set minimum water efficiency objectives. SB-998 will establish new standards and procedures for termination of service. PF-8 already stipulates no net increase in groundwater pumping. Theories on what a water tax and what Water Fix programs may inject by way of new administrative burdens are emerging almost daily. Conservation is a way of life in California, but the new way has substantial administrative burdens!

There are at least three examples of regional collaboration efforts currently underway to explore the potential for addressing these complex issues collaboratively. The RWA Water Reliability Group, the RWA Legislative Advocacy Committee and the Sacramento Area Water Agencies group are all exploring different avenues with hopes of improving our chances of surviving the legislative storm surge.

Staff recommendation:

Provide direction on the limits of participation the Planning Committee deems appropriate following a general discussion of the relative benefits and costs for

LEGAL ALERTS | OCT 3, 2018

New Restrictions on Residential Water Service Discontinuation in California

SB 998 Will Require Written Policies, Detailed Notices and Alternative Payment Options



There will be new restrictions on residential water service discontinuation when customers are delinquent in paying their water bills under [Senate Bill 998](#), signed last week by California Gov. Jerry Brown. The legislation will impact existing practices, policies and procedures

relating to delinquent accounts and discontinuation of water service by retail water purveyors.

The new law applies to all urban and community water systems, public or private, that provide water to more than 200 service connections. For water systems regulated by the Public Utilities Commission, or those supplying water to more than 3,000 customers annually, the new requirements will go into effect on Feb. 1, 2020. For any other water systems with more than 200 service connections, the new requirements will go into effect April 1, 2020.

Among other things, SB 998 mandates:

- Water systems must adopt written discontinuation policies that are available in English, Spanish, Chinese, Tagalog, Vietnamese, Korean and any other language spoken by 10 percent or more people within the system's service area. The policies must contain certain information, and be posted on the water system's website.
- Water systems may not discontinue residential water service due to delinquent payment until payments are delinquent for at least 60 days. After that time, the water system must attempt to provide notice to customers by telephone or in writing, and provide information about appeals, extensions and alternative repayment options.
- Water systems may not discontinue residential water service if all of the following take place: 1.) a primary care provider certifies that the discontinuation of water service will pose a serious or potentially fatal threat to a resident, 2.) the customer demonstrates inability to pay and 3.) the customer is willing to enter into an alternative payment arrangement. A customer can demonstrate an inability to pay based on the receipt of certain

People



Nicholaus W. Norvell

ASSOCIATE

(619) 525-1380

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public assistance by someone in the household, or a declaration from the customer that the household is below 200 percent of the federal poverty level.

- Water systems must limit certain low-income customers' reconnection fees to no more than \$50 during regular business hours, and \$150 during non-regular hours.
- Water systems must attempt to provide notice to renters and mobile home residents that their service may be discontinued due to delinquent payments by their landlords, and that the residents have the right to become customers of the water system without paying the past-due amounts on the landlords' accounts.
- Water systems must annually post on their websites the number of times the system has discontinued service due to inability to pay.

These new rules, and others contained in SB 998, are in addition to existing discontinuation of service requirements that apply to special districts that provide retail water service under Government Code section 60370, et seq.

In light of SB 998, water systems should carefully evaluate their existing policies and procedures relating to delinquent accounts and discontinuation of water service, and update any necessary policies, procedures, ordinances or administrative codes to ensure compliance with the new requirements.

If you have any questions about SB 998 and how it may impact your agency, please contact the author of this Legal Alert listed to the right in the firm's [Special Districts](#) practice group, or your [BB&K attorney](#).

Please feel free to share this Legal Alert or subscribe by clicking [here](#). Follow us on Facebook [@BestBestKrieger](#) and on Twitter [@BBKlaw](#).

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DRAFT - For discussion

Proposed Fees to Fund Phase 2 of the Regional Water Reliability Plan

Phase 2	
California American Water	\$ 50,000
Carmichael Water District	\$ 10,000
Citrus Heights Water District	\$ 20,000
City of Folsom	\$ 30,000
City of Lincoln	\$ 15,000
City of Roseville	\$ 30,000
City of Sacramento	\$ 60,000
Del Paso Manor Water District	\$ 3,000
El Dorado County Water Agency	\$ 10,000
El Dorado Irrigation District	\$ 10,000
Elk Grove Water District	\$ 15,000
Fair Oaks Water District	\$ 20,000
Golden State Water Company	\$ 20,000
Orange Vale Water Company	\$ 3,000
Placer County Water Agency	\$ 30,000
Rio Linda/Elverta Community Water District	\$ 4,000
Sacramento County Water Agency	\$ 60,000
Sacramento Regional County Sanitation District	\$ 50,000
Sacramento Suburban Water District	\$ 35,000
San Juan Water District	\$ 25,000
	\$ 500,000

Highlighted agencies part of Sacramento Central Groundwater Authority

**Sacramento County Water Agencies
Collaboration/Integration Study
1-14-19**

Problem Statements

1. Water supplies in the American River basin are becoming more variable and likely less reliable than in the past, due in part to climate change, environmental regulatory requirements and competing demands.
2. The areas served by the participating agencies were extensively developed during the second half of the last century and the water supply infrastructure installed at that time is in need of repair and replacement.
3. During normal to wet years, various water agencies in the Sacramento region have more water available under their water rights and contracts than necessary to meet customer demands, and use of this surplus water is not optimized.
4. Water supply infrastructure among the agencies in this analysis has varying levels of underutilized collection, treatment, storage and delivery capacity.
5. The agencies in this analysis face various financial and operational challenges in providing services to their customers and performing business functions.
6. The agencies in this analysis face increasing operational costs.
7. The sizes of the agencies in this analysis limit their ability to dedicate staff time to legislative, policy and regulatory issues.

Goals

The participating agencies will collaborate to:

1. Enhance water supply reliability by optimizing the use of surface water and groundwater supplies. Plan for and develop resilient responses to changes in water supplies that result from climate change and new regulatory requirements.
2. Repair, replace and improve water supply infrastructure and related agency assets in the most efficient and cost-effective manner possible.
3. Provide excellent service and the best value to customers.
4. Achieve more effective advocacy and the best outcomes possible on legislation and regulations in both Sacramento and Washington, D.C.

Project Tasks

1. Solidify problem statements/goals for the study
2. Inventory existing conditions of each potential partner agency (quantitative and qualitative review) (governance, legal, non-legal technical and organizational)
3. Identify options, identify evaluative factors or benchmarks to study each option
4. Winnow down to a preferred alternative or option (which may include a synthesis of parts of one or more discrete options identified in Phase 3)
5. Development of an implementation action plan for each Agency (includes public outreach strategy for each agency)
6. Governing Board/Council buy-in/support for preferred option

Initial Assessment of Collaboration Opportunities

Water agency managers have identified the following projects/options as candidates for collaboration.

Project/Option	Participants	Timeline

Proposed Framework for Performance Standards for Water Loss

Background

[California](#) Water Code section 10608.34 (Senate Bill 555, 2015) sets statutory requirements for monitoring and reducing water losses through leaks in distribution systems. The State Water Resources Control Board (State Water Board) is required to develop performance standards for water loss by July 2020 for urban retail water suppliers (URWS). One important factor the State Water Board is required to evaluate in the development of the performance standards is a life cycle cost assessment¹.

URWS's have been required to submit [water loss audits](#) since October 2017 pursuant to Water Code section 10608.34, subdivision (b) and [regulations](#) developed by Department of Water Resources. The water loss audits are required to be conducted per the M36 manual by the American Water Works Association (AWWA). The accuracy of the water loss estimates from these audits depends on the quality of entered data. The process of assessing the quality of data entered in the audit is called validation. State law requires the submitted audits to be validated as pursuant to California Water Code section 638.3, subdivision (a).

[Assembly Bill 1668 and Senate Bill 606](#), passed in 2018, require URWS's to calculate their own individual urban water use objective beginning in 2023. The objectives will be calculated based on efficient indoor, outdoor and commercial, industrial and institutional irrigation, and an allowable water loss volume.

As part of the pre-rulemaking process for Senate Bill 555, the State Water Board has been engaging with stakeholders, including, water suppliers, industry experts, and environmental justice groups, through [public meetings and workshops](#), and correspondence received from stakeholders. The stakeholder engagement covered topics such as data accuracy and variability, focus areas, program implementation, costs, feasibility and efficiency of interventions. Public meetings were held in Sacramento, Oakland, and Los Angeles in 2018.

Additionally, the State Water Board is collecting data through the Electronic Annual Report (eAR) on existing distribution system characteristics and incurred costs, and the corresponding achieved water loss reduction, to inform the development of cost-effective volumetric standards. Stakeholder feedback was incorporated through public meetings and comment letters to inform the data collection through the eAR.

The formal rulemaking process is expected to begin in June 2019. The regulatory package is anticipated to include appropriate environmental analyses to comply with the California Environmental Quality Act and an assessment of the state-wide fiscal and economic impacts of this regulation.

This document describes the staff framework proposal for performance standards required to be adopted by the State Water Board in 2020 pursuant to California Water Code 10608.34. The

¹ The lifecycle cost assessment will consider costs, and benefits, projected to accrue while implementing interventions over their lifetime, including planning, installation, implementation, and operation of interventions that may be used to meet the performance standards.

framework is an initial staff proposal. After obtaining feedback from stakeholders, staff will develop a regulatory proposal for the formal rulemaking process.

Overview of proposed framework for performance standards

Leakage reduction relies in part on planning infrastructure maintenance and replacement, thus indicating a long-term approach to achieve cost-effective outcomes. The typical approach includes assessment of current leakage, selection of technologies, implementation of water loss reduction technologies, and continued operation of these technologies [1] [2].

For example, to determine a strategy to cost-effectively reduce losses for a distribution system, it is necessary to determine the nature of losses in the system and conduct trials and pilot implementations to assess different available technologies and vendors. The results of these feasibility assessments and technology selection processes can then be used to implement a system-wide strategy. Reductions in water loss are typically observed after the assessment, planning, and implementation in this multi-step process. Hence, the State Water Board proposes to follow a similar phased, progressive approach.

Initial performance standards will be adopted in 2020 by the State Water Board for all URWS through its regulations. Compliance with the regulations will be in the form of volumetric water loss reduction and performance measures. The regulations for performance standards would require compliance in each of four Phases:

1. Improved data collection and quality, as needed (2020 - 2022)
2. Initial implementation (2023 - 2027)
3. System-wide implementation (2028 - 2035)
4. Ongoing water loss control (2036 onwards)

The initial performance standards will include allowable water loss volumes during Phases 2, 3, and 4. The proposed approach will provide opportunities for adjustments to those volumes based on additional data in Phase 1. The allowable water loss volumes for Phases 3 and 4 could be adjusted at the end of Phase 2. Additional details are provided below in sections describing the proposed individual phases.

Adjustments: Staff proposes opportunities and processes for URWS's to request adjustments of either their allowable water loss volume based on updated, validated data or a compliance deadline in case of exceptional scenarios. Additional details on the format and provisions of these adjustments are outlined in the section titled Provision for Filing of Adjustments by UWRS's.

Phase 1: Improved data collection and quality (2020 - 2022)

The State Water Board provided \$3.2 million in funding to the California-Nevada section of AWWA (CA-NV AWWA) to develop and execute a Technical Assistance Program (TAP) over a period of two years to facilitate the reporting of water loss volumes through AWWA audits. The report on TAP [3] outlined gaps in collected data and monitoring practices that could impact the reliability of data from water loss audits. The gaps identified were uncertainty in estimating source and customer meter inaccuracy and average operating pressure and negative or technically implausible estimates for water loss. The stakeholder process, water audits and the electronic annual reports together show that some URWS's in California lack adequate data to

reasonably assess the potential for water loss reduction and select appropriate technologies and approaches.

Validated water loss audits have a provision to assess the reliability of the data entered, known as “grades.” Grades are entered by the reporter and validated by a certified individual distinct from the reporter for various data such as water produced, water exported or imported, billed or unbilled consumption, metered and unmetered consumption, system characteristics such as length of mains, number of service connections, and average operational pressure. The grades are in the form of numbers from one through ten, where a higher numeric grade represents higher data reliability owing to more effective practices. The TAP report provides recommendations for certain monitoring practices and analyses which can improve data quality to resolve such uncertainties and provide a more robust estimate of real losses.² Improving the quality of these data supports planning of water loss control strategies.

The objective for Phase 1 is to improve collection and quality of data that will increase the reliability of real loss estimates and provide the basis for determining available and appropriate water loss control strategies. This objective will be achieved through the following compliance requirements:

1. Conduct and submit Leakage Component Analysis in 2022

Water loss through leaks consist of three broad categories: reported, unreported and background leakage. Water suppliers are alerted of reported leaks through visual observation, as these leaks present visible signs. Large main breaks fall into this category. Unreported leaks are detected by specialized equipment and typically are smaller in size than reported leaks. Background leakage is generally comprised of small flows of leakage that cannot be easily detected through leak detection equipment, and is affected by the operational pressure, age, and condition of the system. Assessment of the nature and composition of leakage is crucial for determining a cost-effective water loss control strategy.

A spreadsheet-based tool,³ known as the Leakage Component Analysis Model developed by the Water Research Foundation, provides a system-level assessment of the nature of water losses. The Leakage Component Analysis is informed by reports on leaks, results from any leak detection activities conducted throughout the distribution system, and the operational pressure and age of the distribution system. Thus, the analysis relies on data collected on individual leakage events and broad operational characteristics to obtain the real loss volume for the distribution system. In addition to providing a high-level leakage profile for the system, it also provides a check for the real loss estimated in the water loss audit [4]. The tool and report provide guidelines for a data collection for the Component Analysis. Staff proposes that the Leakage Component Analysis be conducted according to the Leak Repair Data Collection Guide provided with the Leakage Component Analysis Model.³

² ‘Real losses’ are water losses through physical leaks in the system, as opposed to ‘apparent losses’ which are revenue losses due to billing, systematic or metering errors, or theft of water.

³ Leakage Component Analysis Model (2014): <http://www.waterrf.org/resources/Pages/PublicWebTools-Detail.aspx?ItemID=27>

Real Loss Component Analysis: A Tool for Economic Water Loss Control, 2014, <http://www.waterrf.org/Pages/Projects.aspx?PID=4372>

The Component Analysis may entail instituting practices for systematic data collection and improving records. The proposed regulation would allow a URWS to file for an adjustment for an extension to the submission date if the URWS can demonstrate that additional time is required to complete and submit a Component Analysis.

2. Achieve at least grade 4 for average operational pressure in AWWA M36 validated water loss audit submitted in 2021

High operational pressure and variation can increase the amount of leakage from distribution systems [5] [6] [7] [8]. Higher operational pressure can cause higher loss of water through defects in infrastructure, as it tends to increase flow of water through such defects. Additionally, overall variations such as extremely high maximum operational pressure and short-term spikes in pressure can strain infrastructure. These effects are pronounced within distribution systems with high operational pressure, pressure fluctuations and a higher portion of flexible pipe material. Pressure reduction and management are established interventions, recommended by industry experts, to reduce leakage and main breaks in such distribution systems. Further, pressure management provides benefits such as increased infrastructure durability and energy-efficient operation due to the reduced operational pressure for the distribution system [9].

The first step towards determining the potential benefits of pressure management is to effectively monitor the operational pressure in the distribution system. A distribution system is typically divided into pressure zones according to pressure needs for different areas of the service area [10]. Each pressure zone is typically operated at an average operational pressure. These individual pressure zone measurements are used to determine the average operational pressure for the entire system. As the Leakage Component Analysis incorporates system condition and operational pressure to determine the leakage profile, determining the average operational zone pressure for the entire system is a crucial data input for conducting a sound and constructive Component Analysis.

Receiving grade 4 for the data entered for average operational pressure represents pressure monitoring for individual zones from limited pressure monitoring and supplementary calculations using ground elevation data. As reflected in water loss audits submitted in 2017, 63 URWS's received a grade lower than grade 4 in average operational pressure monitoring. These utilities did not implement practices that could provide a basis for obtaining reasonable estimates for the pressure in individual pressure zones (Figure 1). Lack of basic pressure monitoring could prove to be roadblock in determining the potential of leakage reduction through pressure management, and thus restrict options that might be available to an URWS for cost-effective water loss reduction.

Accordingly, State Water Board staff propose compliance with the practices included in grade 4 at minimum for the operational pressure entry of the AWWA water loss audit to establish data collection and estimation techniques to obtain average operational pressure estimates. This would allow and ensure all URWS's to progress towards obtaining estimates of average operational pressure in their distribution system for the

Component Analysis and to determine potential pressure management strategies. *The proposed compliance deadline is October 1, 2021, in alignment with the annual water loss audit submission date.*

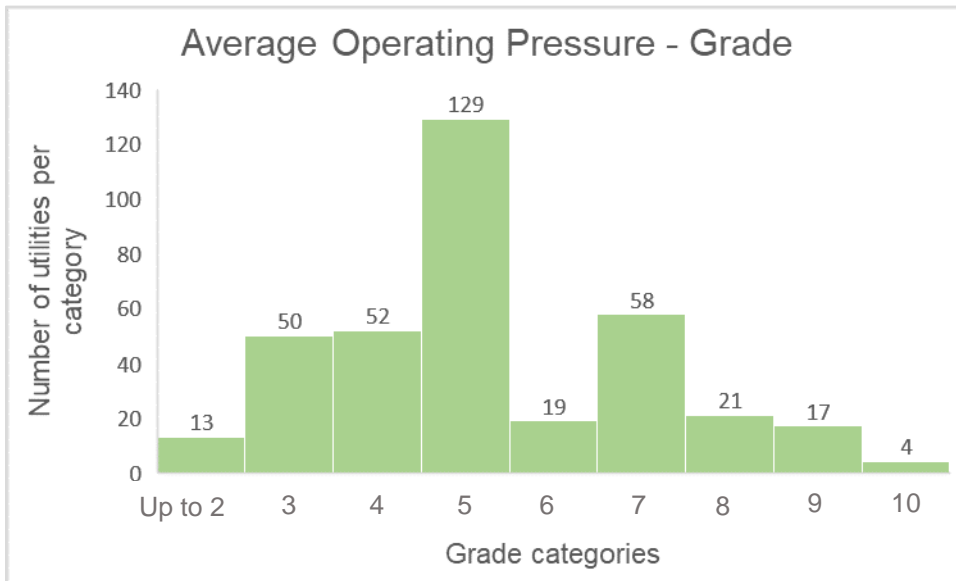


Figure 1 Distribution of Grades for Average Operating Pressure (2017)

URWS's would be able to request adjustments to the compliance date for Phase 2 in case of inability to collect data of adequate quality. Approval by the State Water Board of an adjustment will require evidence of inability to collect data by established methods required for compliance with regulatory requirements for this phase. Please refer to the section on adjustments for additional details and deadlines.

Phase 2: Initial Implementation (2023-2027)

Allowable water loss volume to be included in urban water use objective by 2027

Water loss control can be addressed through four foundational approaches: Detecting and locating leaks, efficient responses to reported leaks, reducing operational pressure and pressure variations, and prioritizing infrastructure replacement (Figure 2). These approaches can be implemented through various types of interventions currently available in the industry. The feasibility of implementation for different interventions depends on a given distribution system's unique characteristics, including the nature of leakage in the system. The objective of this phase is to utilize findings from the Component Analysis submitted in 2022, determine suitable interventions and require initiation of feasible and effective intervention strategies.

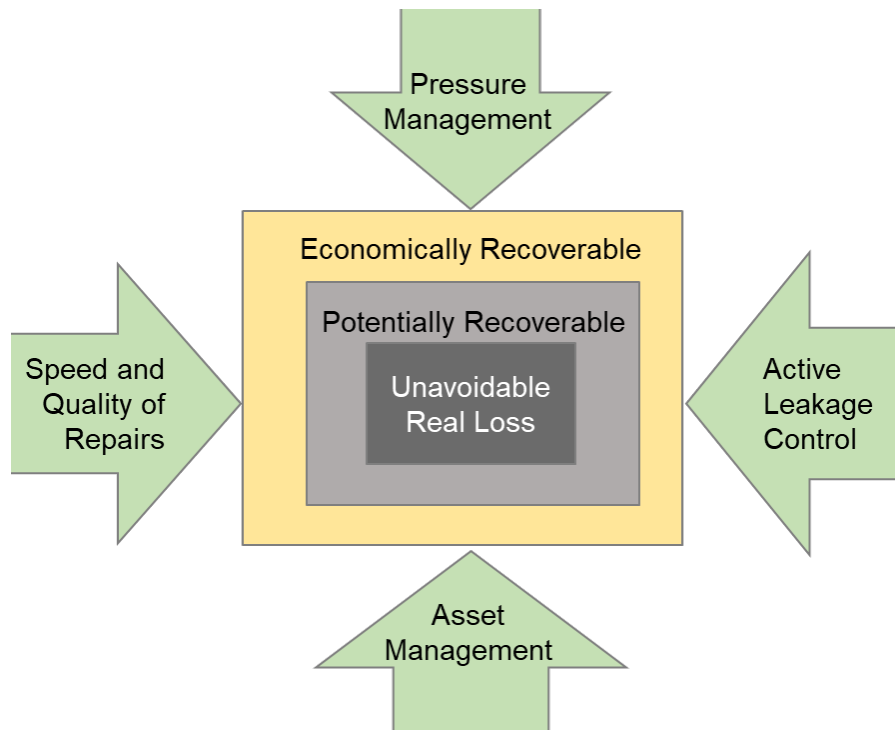


Figure 2 Foundational Approaches to Leak Detection

Based on stakeholder feedback and several reports on planning for water loss control, [11] [12] [13], a crucial step in technology selection is conducting pilot studies and observing efficiencies on a small scale before a full-scale implementation. The proposed regulation would provide time for URWS’s to conduct these pilot studies to select efficient technologies and begin initial implementation towards reducing water losses.

From 2023 to 2026, staff proposes that URWS’s submit Leakage Component Analyses during at least two years. For example, URWS’s would be able to choose two years from 2023, 2024, 2025 and 2026 as their submission years for two separate submissions of the Leakage Component Analysis. The objective behind this proposed requirement is that the Component Analyses and findings from initial implementation of water loss control interventions inform each other for an efficient system-wide implementation in the later phases.

During this phase, URWS’s will also have to comply with their urban water use objective, which will include an allowable water loss volume determined from the real loss reduction achieved through the initial implementation of interventions. The allowable water loss volume will be based on the initial performance standards adopted in 2020. This volume will be determined through an economic assessment using data from electronic annual reports and available literature. Additional details are provided in the section “Framework of Economic Model.”

State Water Board staff anticipate that additional data on costs incurred and associated water loss reduction will be available from improved data quality and initial implementation in Phases 1 and 2, which will be reported via Leakage Component Analyses and Electronic Annual Reports. Staff proposes an additional assessment in 2027 of the initial (2020) performance standards after Phase 2 to determine final performance standards. Compliance with these final

performance standards would be required at the end of Phase 3 in 2035 and on an ongoing basis in Phase 4 beginning in 2036.

Phase 3: System-wide Implementation (2028 - 2035)

This phase will require URWS's to implement feasible technologies on a system-wide scale to effectively detect and locate leaks, prioritize infrastructure replacement and repair or replace infrastructure cost-effectively. For URWS's that opt for pressure management in part or whole of their system, large-scale implementation of pressure management [8] will be expected in this phase. The objective of this phase is for URWS's to achieve an economically achievable water loss reduction as part of a sustainable water loss control strategy.

Staff proposes that in 2035 URWS's comply with the allowable water loss volume adjusted as per the additional assessment in 2027 of the initial 2020 performance standards. Findings from the Component Analyses, data from water loss audits and Electronic Annual Reports submitted by URWS's after 2020 will be incorporated in this assessment.

Phase 4: Ongoing Water Loss Control (2036 onwards)

Maintaining an appropriately low level of leakage efficiently requires continued infrastructure maintenance to control newly emerging leakage over time. These maintenance efforts involve regular monitoring of the distribution system, prioritizing infrastructure replacement and continued repair (and replacement as suitable) for system components. From 2036 onwards, URWS's would be required to comply with their final allowable water loss volume on a three-year average basis with a maximum allowed deviation of 5%.

Staff proposes that URWS's be able to request adjustments to this deviation during Phase 3. This would enable the State Water Board to incorporate this adjustment in the assessment of the initial performance standards while providing the final performance standards for Phase 3 and beyond.

Figure 3 provides an overview of the compliance and adjustment requirements.

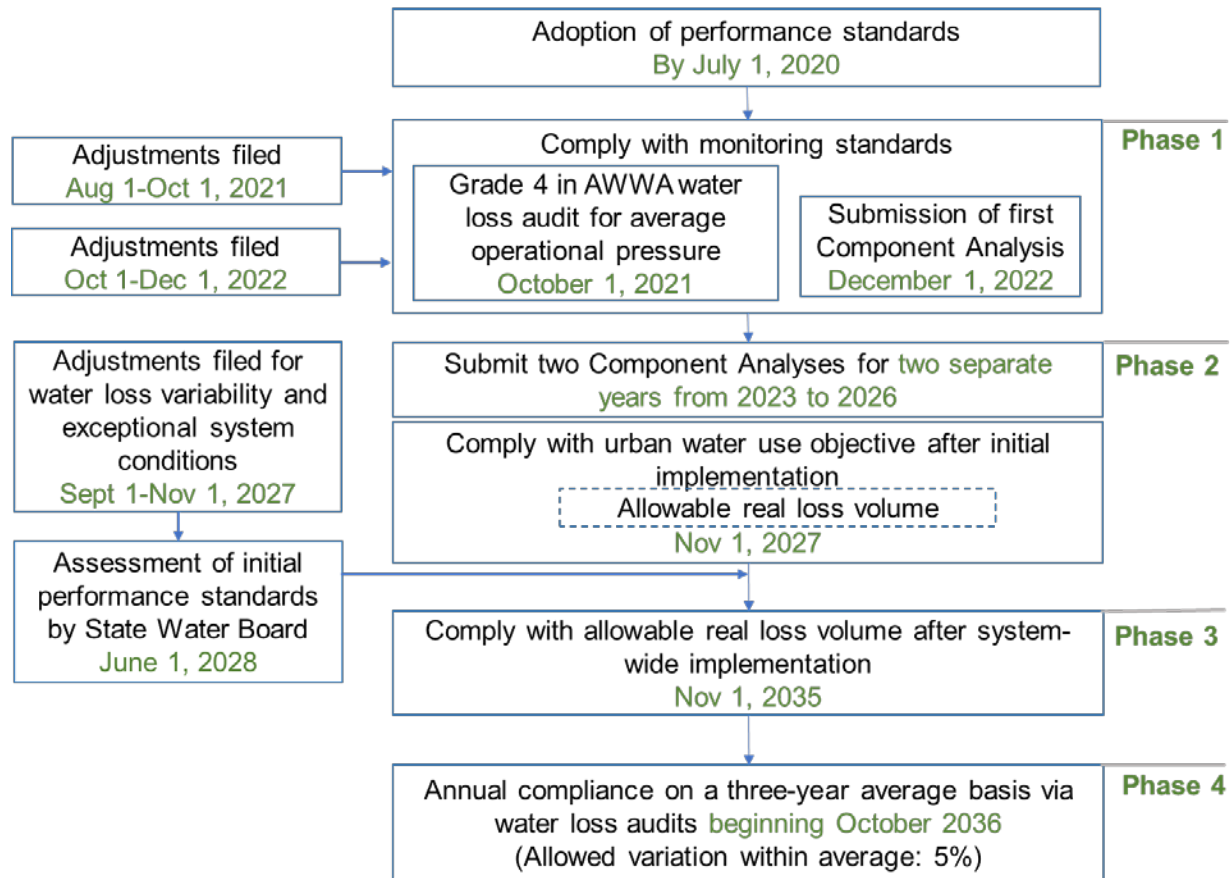


Figure 3 Overview of water loss performance standard setting process and compliance milestones

Framework for Economic Model

Water Code section 10608.34 requires the State Water Board to consider life-cycle cost accounting in its development of water loss performance standards. For URWS’s, cost-effective water loss reduction requires a balance between the potential benefits, and costs associated with reducing and maintaining losses at a lower level. For example, eliminating leakage completely from a water distribution system may not be economical, with the costs incurred being out of proportion with the benefits achieved (this is reflected in Figure 2 as economically recoverable leakage). The objective of these regulations is to determine the water loss volume that can be cost-effectively achieved for each URWS, with costs and benefits estimated over the life cycle of an intervention strategy or combination of intervention strategies.

Costs and benefits need to be evaluated in light of climate change. The effects of climate change are expected to be extended and severe droughts and warmer temperatures that affect precipitation patterns. At the same time, California faces an increasing demand for water. Water loss control from distribution systems is an effective way of conserving water and strengthening drought resilience and potentially avoiding the need for additional water resources. Additionally, water lost through leakage from URWS’s infrastructure is usually treated to potable quality, conveyed from treatment facilities to the end user, and at times imported from distant sources of

water before being lost as leakage. Accordingly, the water lost can also have a high energy and carbon footprint for the URWS.

The major anticipated costs and benefits associated with compliance with the approach outlined in this document are expected to be:

Costs

- Equipment and staffing to improve pressure monitoring to AWWA water loss audit grade 4
- Data collection, software requirements and staffing for the three submissions of Leakage Component Analysis
- Technology, staffing, selection, procurement, installation, operation, monitoring, and analysis for implementing interventions pertaining to:
 - Active leak detection and associated repair
 - Efficient response to repairing reported leaks
 - Pressure management including operational pressure and transient reduction
 - Prioritized pipe replacement
- Communications and outreach for activities related to pipe replacement and pressure reduction
- Staffing for reporting

Benefits

- Avoided costs of water owing to:
 - Avoided future “demand” or other water supply needs due to water loss reduction
 - Operational energy reduction
- Additional benefits associated with preventing main breaks that surface to the ground. In the initial performance standards, the estimates will be proportioned based on number of breaks reported in the electronic annual reports. In the assessment in 2027, the Component Analysis will inform this estimation:
 - Avoided damage to property
 - Avoided water outages and associated economic and public health impacts: The extent of outages will be determined from pipe sizes and typical leak flows from affected pipes [14].
 - Avoided traffic increase: Available methods to calculate the extent and impacts of traffic will be used to determine the benefits [15] [16]. The extent of impact will be estimated from case studies and examples.
 - Reduced firefighting capability due to water outages: The impact on firefighting capability affected by water outages can be determined from the pipe size and typical flows from the pipe.

Different intervention approaches incur different costs depending on various system characteristics. Based on stakeholder feedback and various studies, certain distribution system characteristics can pose constraints to the implementation of commonly used technologies and incur higher costs per mile of pipe, per pressure zone or per leak [17]. The economic model will incorporate the effect of such system characteristics on costs and efficiencies of intervention technologies. Such system characteristics are broadly outlined as follows:

- Number of pressure zones: Distribution systems are typically divided into zones based on pressure requirements. Large pressure zones can increase the cost of implementation for pressure monitoring and management. The average size of pressure zones will be derived from data provided in electronic annual reports and water loss audit reports.
- Pipe material: Acoustic or sound-based leak detection methods, which detect typical noises due to water leaking through a pipe defect, are widely used for water loss control. Such technologies may have decreased efficiencies in non-metallic, that is, plastic or cement-based pipes. Leak detection on such pipe materials require additional methods such as sound amplifiers or technologies that are advanced, for example, leak correlators, that can detect sounds at lower sound frequencies and require additional training. Such technologies are available for leak detection in non-metallic pipes, but that implies a constrained group of available technologies for leak detection in such pipes. Data on distribution system composition will be obtained from electronic annual reports [18] [19].
- Pipe size: Acoustic technologies typically have reduced efficiencies in pipes larger than sixteen inches due to attenuation of the leak noise being detected. In many cases this effectively constrains the availability of cost-effective technologies for leak detection [18].
- Terrain: Rough terrain can pose challenges in leak detection and accessibility for monitoring. Cost estimates from implementation examples for conducting leak detection and monitoring in such terrains will be incorporated in the model.
- Leak size: Smaller leaks often require additional technology with a higher sensitivity for locating leaks. The occurrence of small leaks can be determined from the Component Analysis and can be incorporated in the assessment after Phase 2 [18].

Economic Analysis for the Initial Performance Standards

The initial performance standards for allowable water loss volume for Phases 3, 4 and beyond will be based on currently available data from electronic annual reports, water loss audits and literature on implemented water loss case studies [12] [8] [20] [21] [22] [23]. Limited data on costs and water loss reduction from different intervention strategies are currently available from the annual reports. Additional data from literature on water loss control implementation will be used to develop curves relating cost and the level of leakage for different intervention strategies. Case studies reporting implementation of the intervention strategies at different levels of leakage will inform these curves, thus incorporating costs for water loss control for distribution systems at low initial leakage levels.

System characteristics, and cost estimates, will be put into appropriate groups to create cost curves that apply to distribution systems with similar characteristics. Data from electronic annual reports will provide information on the pipe material composition. Water loss audits will provide estimates of water loss volumes and average operational pressure.

Allowable water loss volume for Phase 2: Data from electronic annual reports will provide cost estimates for implementation of different interventions on a pilot scale. These estimates will be supplemented with estimates from literature [8] [12] [20] [21] [22] [23]. The allowable water loss volume will be based on a conservative estimate of water loss reduction typically achieved through pilot implementations, given the toolbox of

technologies available to the URWS. URWS's will be required to comply with their urban water use objective, which includes this allowable water loss volume.

Allowable water loss volume for Phase 3: Cost curves developed from the process described above will be used to determine an allowable water loss volume for compliance at the end of Phase 3 and ongoing compliance in Phase 4.

The allowable water loss volume will be dependent on the projected cost to be incurred. The eventual costs will depend on intervention strategies that will likely be employed, which in turn depend on the needs of the distribution system. The need for different foundational approaches will be assessed based on the condition of infrastructure and the nature of leakage, as described below.

Prioritized pipe replacement

Distribution systems may include pipes that are at or near the end of their lifetime. The analysis will include estimation of the proportion of distribution system pipes that could require prioritized replacement. Material, age and size of pipe are factors intrinsic to distribution systems that determine the useful lifetime of pipes. External factors such as soil corrosivity, soil temperature and moisture variation have been found to be significant [24] [25]. A [recent report](#) on life cycle assessment of water distribution pipes provides typical estimates for service life from an extensive review of field observations of different pipe materials, subject to external and intrinsic factors.⁴ The analysis will be based on these estimates and industry estimates, to determine the need for scheduled prioritized pipe replacement in the various phases of the implementation of the regulation. This replacement need will be deemed to be additional to repairs or replacement occurring to address unreported or reported leaks. Estimates of typical leak reduction associated with prioritized pipe replacement will be obtained from data from electronic annual reports.

Characterization of leakage

Leakage can occur in different forms and thus can and needs to be detected in different ways. Leaks can be typically controlled by managing operational pressure if not reported on observation or detected by leak detection surveys. Before the nature and scope of leakages in a URWS's system can be more comprehensively determined by the Leakage Component Analyses, proposed to be submitted in 2022, the nature of leakage in distribution systems is proposed to be characterized based on the average operational pressure and real loss volume for the distribution system.

The proposed initial approach is based on methods used for assessment of water loss by observing pressure and real loss simultaneously [26] [23]. For example, for a URWS, if the real loss per connection per day is high as compared to other URWS's with similar characteristics, while the pressure is comparatively low, a substantial portion of the overall water loss has a high likelihood of being rectified through active leak detection and quicker response to repairs. If the operational pressure is comparatively high, pressure management has a high likelihood of rectifying background leakage. Studies

⁴ Sustainable Solutions Corporation, 2017, Life Cycle Assessment of PVC Water and Sewer Pipe and Comparative Sustainability Analysis of Pipe Materials

on implementation of the quadrant analysis recommend grouping systems according to connection density (connections per mile) for a reliable preliminary analysis. The proposed analysis will inform costs curves that will be considered for determining an allowable water loss volume as part of the initial performance standards to be adopted in 2020.

Data on average operational pressure and real loss volume will be available from annual water loss audits. These data reported by URWS's will be benchmarked on a quadrant plot as shown in Figure 3. A quadrant plot is a cross-plot between two performance indicators, pressure and real loss in this case, for a preliminary assessment of the foundational approaches that will provide effective water loss control strategies for water loss reduction [27].

The quadrant analysis is typically conducted using indices that compare current levels to the technical minimum for pressure and water loss (Infrastructure Leakage Index). For this analysis, performance indicators that are proposed to be considered are:

- Average operational pressure and volumetric real loss per mile per day
- Average operational pressure and volumetric real loss per connection per day

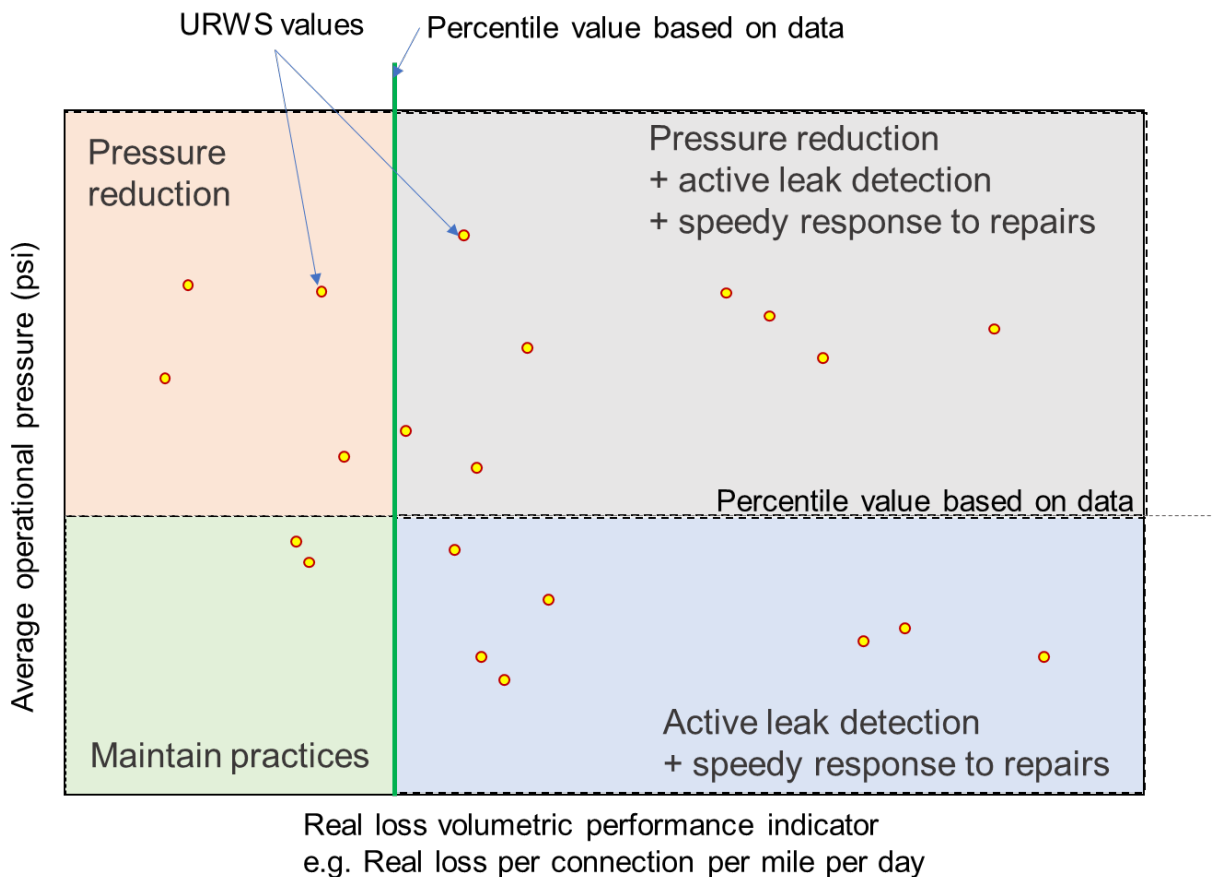


Figure 4 Quadrant Analysis to characterize real loss

Cost curves will be evaluated according to the leakage profile of a system established from the methods described above. An economical level of leakage will be expected to be achieved based on a cost benefit analysis, given the intervention technologies available in each foundational approach for water loss control. These curves will be used to determine a conservative estimate of water loss reduction.

Assessment for final performance standards

Staff proposes to assess the initial performance standards based on additional data from Phases 1 and 2 to determine final performance standards for Phases 3 and 4. These data would include annual water loss audits up to 2027, findings from the Component Analysis submitted in 2022, and reporting on initial implementation via electronic annual reports.

The results from the Leakage Component Analysis would be used to adjust the characterization of leakage for each system, which would inform cost assessment based on likely intervention strategies available to the URWS. Cost and water loss reduction estimates from the initial implementation will provide additional data for the cost curves.

Provision for Requesting Adjustments by UWRWS's

URWS's would be able to request adjustments to the standards with respect to compliance dates or allowable volumes during specific periods proposed for each adjustment. It can be reasonably expected that there will arise conditions that are likely to impact an URWS's ability to comply with their regulatory obligations. These adjustments will be evaluated on a case-by-case basis. Some expected causes for adjustment and their specific filing periods are as follows:

- Compliance deadline extension for Phase 1
URWS's would be able to request an extension to the compliance dates for Phase 1 if they can demonstrate a justifiable inability to obtain the data required to comply with the Phase 1 requirements. A URWS would be able to request these adjustments on the grounds that they have exceptional conditions which prevent them from implementing established measures or strategies to comply with these requirements. The request would need to be accompanied by evidence of conditions pertaining to distribution system characteristics or administrative procedures warranting the adjustment. There would be two opportunities to request adjustments during Phase 1:
 - Achieving at least grade 4 for average operational pressure in the annual water loss audit by October 1, 2021
If an URWS is unable to take steps to at least grade 4 due to unavoidable or delaying conditions, it would be able to request an extension of the compliance date. The filing period for any such request would be between *August 1 and October 1, 2021*.
 - Submission of Component Analysis by December 1, 2022
If an URWS is unable to compile a Component Analysis by December 2022, due to inability to collect the required data, it would be able to request an extension of the compliance date. The filing period for any such request would be between *October 1 and December 1, 2022*.
- Adjustment to allowable water loss volume for Phase 2
A URWS would be able to request an adjustment to the allowable water loss volume adopted by the State Water Board in 2020, due to a change in their estimated water loss

level based on water loss audits conducted in 2021 and/or 2022. A URWS would need to demonstrate a significant change in their real loss estimates from their findings in the submitted water loss audits in 2021 and 2022. A URWS would also be able to request an adjustment to the allowable water loss volume for Phase 2 if it can demonstrate exceptional conditions which prevent it from implementing established measures or strategies to comply with these requirements. The request would need to be accompanied by evidence of conditions pertaining to distribution system characteristics or administrative procedures warranting the adjustment.

- Adjustments to real loss volume and variability requirements for Phases 3 and 4
Requests for these adjustments would be filed between *September 1 and November 1, 2027*. Case-by-case evaluations of these adjustments will be incorporated in the assessment of the initial performance standards by the State Water Board. An URWS would be able to request either or both adjustments.
 - Adjustment to allowable real loss volume for Phases 3 and 4
An URWS would be able to request an adjustment due to exceptional conditions which prevent it from implementing identified intervention strategies that have been otherwise demonstrated in to be effective for real loss reduction with strong consistency. A request for this type of adjustment would need to be supported with evidence of approaches that were not successful and the justification for inability to use any alternative approach to achieve the allowable real loss volume.
 - Adjustment to the allowed maximum annual real loss variability of 5% for Phase 4
An URWS would be able to request an adjustment if some condition(s) unique to it cause the annually monitored real loss for its distribution system to consistently vary by more than 5%. The request for adjustment would need to be supported by evidence on the causes for such variability, measures taken to address the variability and lack of success of said measures to decrease the variability.

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