



## CEAC Flood Control & Water Resources Policy Committee

Centennial Celebration

CSAC 122nd Annual Meeting

Wednesday, November 30, 2016 | 3:00 pm - 4:30 pm

Catalina Room|Renaissance Palm Springs Hotel

888 Tahquitz Canyon Way

Palm Springs, California 92262



### AGENDA

Chair, Thomas Fayram, Santa Barbara County

Vice Chair, David Leamon, Stanislaus County

Vice Chair, Mike Carlson, Contra Costa County

- 3:00 pm I. **Welcome, Self-Introductions, and Opening Remarks**  
*Chair, Thomas Fayram, Santa Barbara County*
- 3:10 II. **Stormwater Funding Strategy Next Steps:  
Discussion and Review Draft Scope of Work and Recommend a Course  
of Action to the CEAC Board of Directors - Action Item**  
*Vice Chair, Mike Carlson, Contra Costa County*  
*Cara Martinson, CSAC Legislative Representative*  
*Mitch Avalon, Watershed Resources Consulting*  
**Attachment One: Draft Scope of Work (Revised 11/21/16)**  
**Attachment Two: Memo to CEAC Flood Control and Water Resources  
Policy Committee and CEAC Board of Directors**
- 3:30 III. **Stormwater Permits: Overview & Implications of Recent Supreme  
Court Decision: State Department of Finance v. Commission on State  
Mandates (County of Los Angeles)**  
*Jennifer Henning, Executive Director, County Counsels' Association*
- 3:50 IV. **Discussion and Approval of Proposed 2017-18 CEAC Policy and  
Legislative Priorities & CEAC Legislative & Administrative Policy  
Guidelines - Action Item**  
*Karen Keene, CSAC Senior Legislative Representative*  
**Attachment Three: Proposed 2017-18 CEAC Policy & Legislative Priorities**  
**Attachment Four: 2015-16 CEAC Policy & Legislative Priorities with  
Recommended Updates for 2017**  
**Attachment Five: 2015-16 CEAC Legislative & Administrative Policy  
Guidelines with Recommended Updates for 2017**
- 4:10 V. **Discussion of Water Board Update of the 2006 Water Quality Control  
Plan for the San Francisco Bay/Sacramento-San Joaquin Delta  
Estuary**  
*Vice Chair, David Leamon, Stanislaus County*
- 4:30 pm VI. **Closing Remarks & Adjournment**  
*Chair, Thomas Fayram, Santa Barbara County*

## ATTACHMENTS

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- Attachment One..... Stormwater Funding Strategy Next Steps  
Draft Scope of Work (*Revised 11/21/16*)  
(Watershed Resources Consulting)
- Attachment Two..... Stormwater Funding Strategy Next Steps  
Memo to CEAC Flood Control and Water  
Resources Policy Committee and CEAC  
Board of Directors
- Attachment Three..... Proposed 2017-18 CEAC Policy &  
Legislative Priorities
- Attachment Four ..... 2015-16 CEAC Policy & Legislative  
Priorities with Recommended Updates for  
2017
- Attachment Five ..... 2015-16 CEAC Legislative &  
Administrative Policy Guidelines with  
Recommended Updates for 2017

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**Attachment One**  
Stormwater Funding Strategy Next Steps: Draft Scope of Work  
(Revised 11/21/16)  
(Watershed Resources Consulting)

**DRAFT**  
**Exhibit A**  
**Scope of Basic Services**

By  
Watershed Resources Consulting  
For  
County Engineers Association of California  
Stormwater Funding Project  
November 2016

This scope of work identifies a broad range of activities to provide flexibility to CEAC in requesting work to be performed. Not all activities noted in this scope must be worked on, however, as only that work requested by CEAC will be performed.

**Introduction**

On March 16, 2014, the County Engineers Association of California's Flood Control and Water Resources Policy Committee (Committee) approved a Funding Strategy to develop a funding source for stormwater and flood control services and projects, and formed a Stormwater Funding Subcommittee (Subcommittee) to work on the project. Several months later, the California State Association of Counties (CSAC) and the County Engineers Association of California (CEAC) joined a coalition of various statewide organizations (Coalition) to develop a statewide ballot measure to provide funding for stormwater and flood control services and projects (Initiative). After two years of working through a series of issues and hurdles, ballot measure language in the form of a Constitutional Amendment was submitted to the Attorney General by CSAC, the League of Cities (the League) and the Association of California Water Agencies (ACWA). On February 18, 2016, the Attorney General issued the formal Title and Summary for the ballot measure. Polling was conducted on the Title and Summary, which showed the ballot measure would fail to get majority support. As a result, the League, CSAC, and ACWA decided not to move forward with the proposed ballot measure in 2016. At the CSAC Policy Conference on August 17, 2016, the CEAC Board of Directors requested a scope of work outlining recommended next steps between now and the next opportunity to place a ballot measure before the California electorate.

**Work Objective**

The County Engineers Association of California desires to maintain momentum on the stormwater funding effort and stay engaged as an organization to help move this project forward. To ensure success during the next legislative effort to approve a Constitutional Amendment, an outreach effort needs to be conducted to improve awareness of our issues amongst the legislators and the public. The scope of work includes the development of an Engagement Plan, a Work Plan, and a Needs Assessment. The Engagement Plan would guide

CEAC strategic efforts over the next several years on this project. The Work Plan represents an adaptation of the outreach model conducted by the Transportation program over the last decade and applied to the Stormwater Funding Project. One of the key elements of the Work Plan will be a Needs Assessment of stormwater and flood control infrastructure throughout the state.

Work Objective. Develop an outreach strategy and program aimed at legislators, elected officials and the public, building on a solid base of information on the needs, challenges, and benefits of stormwater and flood control programs throughout the state, to convey those needs, challenges, and benefits in a way that results in awareness and understanding of the issues and support for a reliable funding source.

This effort will involve attending meetings/conference calls and providing information to various parties to move the project forward under the direction of CSAC, CEAC, CEAC's Flood Control and Water Resources Policy Committee and its Stormwater Funding Subcommittee. It will also involve advocating for the adopted policy positions established by CEAC and its Committees, not in the political sense, which is the purview of CSAC, but in the sense of supporting the goals and expectations of the client organization, CEAC. At the one year milestone, and every year thereafter, a report will be prepared that summarizes the work effort conducted and work products developed during the course of the year.

### **Tasks and Activities**

To achieve this Work Objective, work will be conducted at the direction of the Chair of the Subcommittee or, if unavailable, the chair of the Committee. The Subcommittee will be apprised of progress through meeting minutes, status reports, and review of work products. The Committee will be provided status reports at Committee meetings and at points in the project deemed of interest by the Subcommittee. This work effort will be conducted in two phases, which are described within the four major work products outlined below. To put the work products in perspective, the Engagement Plan is a strategy planning level guide, the Work Plan is an implementation level program, and the Needs Assessment is a task level project to gather desired information.

- **Engagement Plan.** An Engagement Plan will be developed to achieve the Work Objective. The Plan will outline a strategy to guide our work over the next several years to increase public awareness and influence legislative outcome. There are two phases proposed. The first phase is reviewing the successful outreach effort performed in the Transportation program over the last decade and adapting it to the stormwater funding project. This phase will be achieved with close collaboration between CSAC, the counties, and the cities. The first phase of the Engagement Plan will provide an overall strategy and include work to be done by the consultant, the counties, the cities, and CSAC staff. The second phase is to develop key messages

and conduct an outreach campaign directly to the public to increase overall awareness and understanding.

- **Work Plan.** The Work Plan is a blueprint for implementing the first phase of the Engagement Plan. It will outline key activities to be performed, who will perform the activities, when the activities will be performed, and a budget with activity costs. The Work Plan will describe the process to adapt the Transportation outreach model to the Stormwater Funding Project, what elements can carry over directly, what elements can carry over with changes, and what elements won't work. Activities will be clear and definable for the first year and less clear and less well defined beyond one year until more information is known, so the Work Plan will need to be updated, perhaps on an annual basis, as the project proceeds. The activities outlined in the Work Plan will likely be conducted primarily by the consultant and CSAC staff, with support and participation by counties and cities.
- **Needs Assessment.** The Needs Assessment will be an inventory of local community drainage, regional Flood Control District infrastructure, and stormwater quality treatment facilities. The intent is to have the information necessary to describe the needs of local government agencies to operate and maintain flood protection infrastructure, local drainage, and stormwater treatment facilities. The Needs Assessment is a key element of the Work Plan. It is anticipated that an outside consultant will be retained to conduct the Needs Assessment, similar to the process performed for the Transportation program needs assessment several years ago. There will also be a coordination effort required by the consultants, the counties, the cities, and CSAC staff.
- **Direct Public Outreach Campaign.** This is the Phase 2 effort, which will conduct an outreach campaign directly with the public to increase awareness and understanding of the needs and challenges local government agencies face when providing flood protection and stormwater services. Another part of the message will be conveying the benefit the public derives from a well-funded flood protection and stormwater treatment infrastructure system. It will be important to coordinate closely with the environmental community when planning and implementing this second phase, as an environmental message resonates well with the public. It is anticipated that an outside consultant will be retained to conduct the direct public outreach campaign.
- **Technical Support.** Aside from the Work Objective outlined above, there may be requests from the Committee, working with CSAC staff, to comment on legislation, regulation, or policy changes, and provide general technical support to CSAC. This would also include giving presentations or testimony at various venues, or participation in panel discussions at workshops, conferences, and other similar meetings, on the general topic of Stormwater and funding Stormwater services.

The following key tasks and activities, which is a representative but not an exhaustive list, will likely be performed to achieve the major work products outlined above. Although each of these tasks and activities will likely be performed at some point in the project, not all will be needed for each work product.

- Coalition. Discuss and coordinate with key Coalition members to make sure any parallel outreach efforts are compatible.
- Briefing Papers. Prepare information for a specific audience at a particular time on a topic of discussion
- White Papers. Prepare information for general use on specific topics
- Talking Points. Develop key information for delivery by a certain person or group.
- Statements. Develop a specific arrangement of facts, figures and information as needed by CSAC or other advocates
- Benefits. Research, identify, and describe the benefits of a funded storm water/drainage infrastructure sector
- Interconnections. Research, identify, and describe the interconnections between stormwater quality and drainage infrastructure
- Coordination. Coordinate with CSAC, CEAC and its Committees, and other partners or interested parties
- Strategic Planning. Develop strategic plans for specific tasks
- Data. Research and develop charts, maps, graphs, and spreadsheets as needed.
- Communications. Meet, discuss, and communicate with individuals representing a variety of views to better understand and define stormwater in today's context, potential ways to provide stormwater services in the future, and how those services could be structured institutionally with reliable funding.
- State Department of Water Resources. Coordinate with DWR on the infrastructure assessment work they have already done as part of their Flood Futures Report when planning the Needs Assessment effort.
- Consultants. Draft scopes of work for consultant(s) to perform desired work, coordinate the work effort, and review work products.

## **Timeline**

It is suggested that CEAC focus initially on planning and implementing Phase 1 of the Engagement Plan and holding off on Phase 2 until a later date. The key first step in developing a plan for Phase 1 is to meet with CSAC staff and identify the Transportation outreach effort that will be emulated for the Stormwater Funding Project. Once the Transportation outreach effort is fully understood, work can begin on adapting it to the outreach effort for Stormwater. A draft Engagement Plan and a draft Work Plan should be available within three months. Once the Engagement Plan and Work Plan have been reviewed and approved, a draft plan to implement the Needs Assessment should be available within two months.

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**Attachment Two**  
Stormwater Funding Strategy Next Steps Memo to CEAC Flood Control and  
Water Resources Policy Committee and CEAC Board of Directors



1100 K Street  
Suite 101  
Sacramento  
California  
95814

Telephone  
916.327.7500

Facsimile  
916.441.5507

November 30, 2016

To: CEAC Flood Control and Water Resources Policy Committee  
CEAC Board of Directors

From: Cara Martinson, CSAC Legislative Representative  
Kiana Valentine, CSAC Legislative Representative

**Re: Stormwater Funding Project: Next Steps**

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**Background.** Last year, CSAC, the League of California Cities (the League) and the Association of California Water Agencies (ACWA) filed a proposed Constitutional amendment with the Attorney General, titled “The California Water Conservation, Flood Control and Stormwater Management Act of 2016”. The measure would have amended Article X of the California Constitution to create a new, optional funding method that local agencies could use to fund local stormwater services and flood control projects, and establish conservation-based water rates or lifeline rates to assist low-income customers. Polling of the official Title and Summary prepared by the Attorney General’s Office showed it would fail to get majority support, even with a superior funding advantage. As a result, CSAC, the League, and ACWA decided to not move forward with the proposed ballot measure in 2016. However, all parties agreed to continue the dialogue regarding potential future solutions.

On August 18, 2016, the CEAC Board of Directors (Board) approved recommendations from the Flood Control and Water Resources Policy Committee (Flood Control Committee) to continue our effort to develop a funding solution for local stormwater programs, by developing an Engagement Plan to focus on our next steps as an organization. Two questions have emerged out of this effort: how should CEAC move forward given the lack of support for a Constitutional amendment; and, what role should our consultant play in this effort?

**Policy Considerations.** CSAC remains committed to staying actively engaged in the stormwater issue. However, CSAC, the League and ACWA will not be taking the lead role in this effort and, therefore, CEAC must decide how they wish to move forward, with assistance from CSAC staff. The Flood Control Committee met in August and discussed this issue with our consultant and approved moving forward with a draft Engagement Plan. The Committee will meet again on November 30, 2016, to discuss this issue, and review our Consultant’s proposed Scope of Work.

Before moving forward, staff is recommending the following items for further discussion:

- (1) Goals and Objectives.** Given the absence of a statewide ballot measure solution in the near term, the Flood Control Committee and Board should discuss in greater detail the specific goals and objectives of CEAC’s future work. For example, is the goal to develop support for

local Proposition 218 elections? Is the goal to educate Boards of Supervisors to draw attention to this important issue? Is the goal to focus on a broader infrastructure solution if a transportation funding package fails to pass? Answers to these questions will help inform how we should move forward, and what our specific next steps should be.

It may be helpful to have the Board appoint a specific subcommittee to focus on these questions and develop proposed goals and objectives before moving forward with an Engagement and, or Work Plan.

- (2) Role of a Consultant.** Watershed Resources Consulting has been providing support to CEAC for the past two years to provide technical input to CSAC in developing a draft ballot measure to help fund stormwater and flood protection projects and services. The ballot measure effort is now on indefinite hold, and the current contract with Watershed Resources Consulting expired on November 15, 2016. If CEAC desires to continue to have support from Watershed Resources Consulting, then a new contract would need to be approved. Watershed Resources Consulting drafted a broad Scope of Work, covering a wide variety of activities and tasks for maximum flexibility, including the development of a Work Plan, a Needs Assessment, a Public Outreach campaign and technical support.
- (3) Commitment from CEAC.** As funding stormwater and flood control programs continues to be a priority for the organization, it is important for the Flood Control Committee and the Board to discuss CEAC's level of commitment to the issue, in the form of time and resources. This will inform how we utilize consulting services and how to allocate work and tasks amongst subcommittee members, staff and consulting services.

**Staff Recommendation:** Staff recommends the CEAC Flood Control Committee discuss the issues outlined above and provide a recommendation to the CEAC Board of Directors.

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**Attachment Three**  
Proposed 2017-18 CEAC Policy & Legislative Priorities



**\*\* Proposed \*\***

**2017-18 CEAC Policy and Legislative Priorities**

The annual Policy and Legislative Priorities are best achieved through collaboration and shared responsibility. To achieve the following, CEAC, CSAC staff, and individual county staff must combine resources, including policy and technical knowledge and expertise to maximize our influence, efficacy, and successful outcomes.

**State Priorities**

**Transportation**

1. Pursue additional funding to address local transportation needs. Cities and counties currently have \$7.3 billion in unmet annual funding needs for the maintenance and preservation of local streets and roads and related facilities. CSAC will continue to advocate for at least \$3 billion in new ongoing funding for local streets and roads to be allocated to counties by formula with maximum flexibility for local transportation maintenance and improvements to roads and supporting infrastructure, including bridges and complete streets. Advocacy on new transportation funding also includes the return of the new HUTA revenues attributable to Off Highway Vehicles (OHV), watercraft, and agricultural vehicle fuel sales to counties, cities, and the State as intended under the transportation Tax Swap, the return of weight fee revenues back to transportation projects, and repayment of all existing transportation loans. This item may be resolved by November 30, 2106 as part of the Legislature's ongoing special session on transportation and infrastructure development.
2. Explore Road User Charge Policy Options. Work with CSAC to examine the association's position on mileage-based user charges as an eventual replacement for the gasoline excise tax. As improvements in the fuel efficiency of vehicles reduces gas tax revenue per mile travelled and inflation continues to erode the purchasing power of the excise tax revenues, alternatives to the gas tax are being seriously considered by transportation stakeholders. CEAC will study the policy implications of mileage based user fees and work with CSAC to develop positions on this method of taxation, which will be the focus of extensive study and a state pilot project over the next several years.
3. Local Streets and Roads Needs Assessment. Work with the Needs Assessment Oversight Committee and consultant to publicize the 2016 biennial report and engage in education and advocacy in support of new revenues from transportation infrastructure. Develop strategies to increase attention to all statewide efforts that highlight needs of the statewide transportation system. Continue to work with counties, cities, regional agencies, and Caltrans to secure funding for the needs assessment contract.

## **Land Use**

1. CEQA Streamlining – Infill. Support CEQA streamlining for infill projects including the infrastructure necessary to support that development, especially as opportunities present themselves in transportation special session or in the continued discussion of proposals to streamline the development of housing for families of all income levels.
2. Fund Infill Infrastructure. Support funding sources for infrastructure related to infill projects that fall under applicable streamlining, including the Affordable Housing and Sustainable Communities grant program, as well as other proposals to fund infill infrastructure in tandem with affordable housing development, including proposals for a bond measure.
3. SB 743 Implementation. Work with the Governor’s Office of Planning and Research (OPR) to ensure that the potential use of Vehicle Miles Travelled as a replacement metric for Level of Service for the purpose of CEQA transportation impacts analysis can be feasibly implemented by local governments. Support efforts to ensure that the new metric is applied in appropriate contexts and that funding and technical assistance are available to smooth the implementation process, including offering training opportunities in collaboration with OPR.

## **Resource Recovery and Waste Management**

1. AB 1826 and SB 1383 Implementation. Engage in CalRecycle and the Air Resources Board’s process for implementing AB 1826 and SB 1383 which creates an organic management program in California. Continue to advocate for resources for local governments to develop the necessary infrastructure to implement organics diversion programs.
2. Conversion Technology. Support legislative efforts to advance the development, design and implementation of conversion technologies.
3. Funding for solid waste recovery infrastructure. Alternative to AB 939 fees.

## **Flood Control**

1. Stormwater Funding Outreach and Engagement Effort. Increase public awareness and countywide support for stormwater programs by providing education and information on the needs, challenges, and benefits of stormwater and flood control programs throughout the state.
2. Stormwater Funding. Continue to support the development of a funding mechanism that would allow cities and county to finance compliance with Clean Water Act permit requirements, stormwater capture and flood protection services.

## **Surveyor**

1. Surveyor Monument Preservation. Support legislation that would simplify the collection of the Monument Preservation Fund Fee.

## Federal Priorities

### Transportation

1. FAST Act Implementation: Work to ensure that California counties are well-positioned to utilize environmental review streamlining opportunities available from the FAST Act. Continue to educate Congress and the Administration about the need to further streamline the federal process to reduce costs and improve project delivery.
2. Federal Transportation Funding: Take advantage of opportunities to educate Congress and the incoming Administration about the need for new federal funding for transportation in advance of the next reauthorization effort.
3. Off Set Impacts from Federal Lands. Support continued federal funding to offset impacts to counties from federal lands, such as the Secure Rural Schools program.

### Flood Control

1. Clean Water Act. Support legislation that would amend Section 404 of the Clean Water Act to provide a narrow exemption for maintenance activities involving the removal of sediment, debris and vegetation from flood control channels and basins.

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**Attachment Four**  
2015-16 CEAC Policy & Legislative Priorities with  
Recommended Updates for 2017



## 2015-16 CEAC Policy and Legislative Priorities with Recommended Updates for 2017

The annual Policy and Legislative Priorities are best achieved through collaboration and shared responsibility. To achieve the following, CEAC, CSAC staff, and individual county staff must combine resources, including policy and technical knowledge and expertise to maximize our influence, efficacy, and successful outcomes.

### State Priorities

#### Transportation

1. Pursue additional funding to address local transportation needs. Cities and counties currently have \$7.38 billion in unmet annual funding needs for the maintenance and preservation of local streets and roads and related facilities. CSAC will continue to advocate for at least \$3 billion in new ongoing funding for local streets and roads to be allocated to counties by formula with maximum flexibility for local transportation maintenance and improvements to roads and supporting infrastructure, including bridges and complete streets. Advocacy on new transportation funding also includes the return of the new HUTA revenues attributable to Off Highway Vehicles (OHV), watercraft, and agricultural vehicle fuel sales to counties, cities, and the State as intended under the transportation Tax Swap, the return of weight fee revenues back to transportation projects, and repayment of all existing transportation loans. This item may be resolved by November 30, 2106 as part of the Legislature's ongoing special session on transportation and infrastructure development.
- 4.2. Support legislation to improve school zone safety. Work with coalition partners to support legislation that will promote safety for students travelling via active modes by allowing local governments to expand school zones based upon engineering studies and providing disincentives, including points on driver's licenses, for violation of traffic laws within school safety zones.
2. Transportation Tax Swap Clean-Up: New HUTA for OHV. Continue coalition efforts to seek coalition to support the return of the new HUTA revenues attributable to Off Highway Vehicle (OHV), watercraft, and agricultural vehicle fuel sales to counties, cities, and the State as intended under the Transportation Tax Swap. This share of funds is approximately \$128 million annually statewide and approximately \$28 million for counties.
3. Transportation Tax Swap Implementation. Support transportation stakeholder coalition efforts to ensure Tax Swap is implemented according to existing law and original legislative intent. This may include a request to the Joint Legislative Audit Committee (JLAC) for a state audit of the State Controller's Office and other necessary state departments and agencies, or contracting with an outside consultant.

**Comment [CL1]:** Move to CEAC Guidelines.

**Comment [CL2]:** Consolidate into Transportation Priority 1.

**Comment [CL3]:** Already incorporated in CEAC Guidelines. See Transportation Guideline 1.

~~4. Return Weight Fee Revenues to Transportation. Work with transportation coalition partners to consider means of returning nearly \$1 billion in truck weight fee revenues to transportation purposes. Weight fees have been used to backfill general fund debt service payments for general obligation bonds since the Tax Swap. Restoring weight fee revenues to transportation through a phased-in approach and/or securing another source of revenue to pay for transportation related bond debt service will avoid imposing massive costs on the general fund at the expense of other county programs.~~

**Comment [CL4]:** Consolidate into Transportation Priority 1.

~~5. Secure Repayment of Outstanding Transportation Loans. Work with transportation coalition partners to ensure repayment of all transportation loans and transfers, estimated at nearly \$879 million. While all of the outstanding loans are owed to programs other than county streets and roads, ensuring that the state has fully repaid its outstanding obligations to transportation is an important precursor to efforts to bridge persistent transportation funding shortfalls with additional funding.~~

**Comment [CL5]:** Consolidate into Transportation Priority 1.

~~6. Increase Surface Transportation Program Funding Guarantees. Support efforts to increase the minimum Surface Transportation Program (STP) funding guarantees for smaller, rural counties. The current minimum STP guarantees are a legacy of the Federal Aid Urban/Federal Aid Secondary route designations formerly used to apportion federal transportation funding. While the designations are no longer used, counties with systems that were previously designated Federal Aid Secondary have not seen their STP minimum allocation increased since 1993. CEAC will support policies to ensure that STP minimum funding amounts for counties are indexed to increases in the overall STP funding available to the state.~~

**Comment [CL6]:** Move to CEAC Guidelines

7.3. Explore Road User Charge Policy Options. Work with CSAC to reexamine the association's position on mileage-based user charges as an eventual replacement for the gasoline excise tax. As improvements in the fuel efficiency of vehicles reduces gas tax revenue per mile travelled and inflation continues to erode the purchasing power of the excise tax revenues, alternatives to the gas tax are being seriously considered by transportation stakeholders. CEAC will study the policy implications of mileage based user fees and work with CSAC to develop positions on this method of taxation, which will be the focus of extensive study and a state pilot project over the next several years.

~~8. Local Streets and Roads Needs Assessment. Continue working with the Needs Assessment Oversight Committee and consultant to publicize the 2014<sup>6</sup> biennial report and prepare for development of the 2016 report. Use the 2014 Report to continue and to engage in education and advocacy in support of new revenues from transportation infrastructure. Collaborate and coordinate on the release of the Report and develop strategies to increase attention to all statewide efforts that highlight needs of the statewide transportation system. Continue to work with counties, cities, regional agencies, and Caltrans to secure funding for the needs assessment contract. Specifically focus on new elements of the 2014 Report including the availability of city-level data, and the revised release schedule to better convey the results of the study to the public and transportation decision-makers.~~

## Land Use

1. CEQA Streamlining – Infill. Support CEQA streamlining for infill projects including the infrastructure necessary to support that development, especially as opportunities

present themselves in transportation special session or in the continued discussion of proposals to streamline the development of housing for families of all income levels.

2. Fund Infill Infrastructure. Support funding sources for infrastructure related to infill projects that fall under applicable streamlining, including the Affordable Housing and Sustainable Communities grant program, as well as other proposals to fund infill infrastructure in tandem with affordable housing development, including proposals for a bond measure that fall under applicable streamlining.
3. Cap and Trade. Support guidelines for the Affordable Housing and Sustainable Communities grant program, and other programs funded with cap and trade auction proceeds, that ensure that counties are well-positioned to take advantage of these funding opportunities.
4. SB 743 Implementation. Work with the Governor's Office of Planning and Research (OPR) to ensure that the potential use of Vehicle Miles Travelled as a replacement metric for Level of Service for the purpose of CEQA transportation impacts analysis can be feasibly implemented by local governments. Support efforts to ensure that the new metric is applied in appropriate contexts and that funding and technical assistance are available to smooth the implementation process, including offering training opportunities in collaboration with OPR.

**Comment [CL7]:** Move to CEAC Guidelines.

#### **Resource Recovery and Waste Management**

1. AB 341 & AB 1826 and SB 1383 Implementation. Engage in CalRecycle and the Air Resources Board's process for implementing AB 341 which requires the State to achieve a waste diversion goal of 75% by 2020, and AB 1826 and SB 1383 which creates an organic management program in California. Continue to advocate for resources for local governments to develop the necessary infrastructure to implement organics diversion programs.
2. Conversion Technology. Support legislative efforts to advance the development, design and implementation of conversion technologies.
3. Funding for solid waste recovery infrastructure. Alternative to AB 939 fees.

#### **Flood Control**

1. Disaster Funding. Support legislation that would amend Government Code Section 8690.6(b) to increase the amount on the unencumbered balance in the Disaster Response Emergency Operations Account.
2. Regulatory Agency Service Agreements. Support legislation that would allow and encourage state and federal regulatory agencies to offer service agreements with large volume public entity or utility applicants and permittees to fund additional personnel or contractors needed for expeditious permit processing.
1. Stormwater Funding Outreach and Engagement Effort. Increase public awareness and countywide support for stormwater programs by providing education and information on the needs, challenges, and benefits of stormwater and flood control programs throughout the state.
2. —
3. —

**Comment [KK8]:** Move to CEAC Guidelines

**Comment [KK9]:** Move to CEAC Guidelines

- Stormwater Funding and Conservation/Lifeline Rates. Continue to support the development of a funding mechanism that would allow cities and county to finance compliance with Clean Water Act permit requirements, stormwater capture and flood protection services.

~~Support an amendment to the State Constitution that would provide alternative procedures and requirements for funding water service and sewer service independent of any other procedures and requirements in the State Constitution for funding these services. Such an amendment would encompass stormwater and flood control services.~~

#### Surveyor

1. Surveyor Monument Preservation. Support legislation that would simplify the collection of the Monument Preservation Fund Fee.

### Federal Priorities

#### Transportation

1. MAP 21 Reauthorization. Advocate on our top priorities for the reauthorization of MAP 21, which was set to expire on September 30, 2014, but which was subsequently extended through May 2015. Consistent with the new policies, advocate on behalf of California's transportation needs, especially the needs of the county road system during the new authorization of the federal surface transportation funding act, including shoring up the Highway Trust Fund, dedicating funding for all local bridge projects, increased funding for safety programs, including funding and technical assistance for requirements of the National Highway Performance Program on the expanded NHS, and securing a CEQA for NEPA reciprocity Program.
1. FAST Act Implementation: Work to ensure that California counties are well-positioned to utilize environmental review streamlining opportunities available from the FAST Act. Continue to educate Congress and the Administration about the need to further streamline the federal process to reduce costs and improve project delivery.
2. Federal Transportation Funding: Take advantage of opportunities to educate Congress and the incoming Administration about the need for new federal funding for transportation in advance of the next reauthorization effort.
- 2,3. Off Set Impacts from Federal Lands. Support continued federal funding to offset impacts to counties from federal lands, such as the Secure Rural Schools program.

#### Flood Control

1. Clean Water Act. Support legislation that would amend Section 404 of the Clean Water Act to provide a narrow exemption for maintenance activities involving the removal of sediment, debris and vegetation from flood control channels and basins.

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**Attachment Five**  
2015-16 CEAC Legislative & Administrative Policy Guidelines with  
Recommended Updates for 2017



## **2015-16 CEAC Legislative & Administrative Policy Guidelines with Recommended Updates for 2017**

The on-going Legislative and Administrative Policy Guidelines are best achieved through collaboration and shared responsibility. To achieve the following, CEAC, CSAC staff, and individual county staff must combine resources, including policy and technical knowledge and expertise to maximize our influence, efficacy, and successful outcomes.

### **Transportation**

1. Continue to monitor the new HUTA, formerly Prop 42 revenues, to ensure the funding commitment pursuant to the gas tax swap is met. Work with the Legislature, Administration, Board of Equalization, State Controller's Office, the Department of Finance, and transportation stakeholders to explore ways to improve the administration of the transportation tax swap.
2. Continue to support the current formula for allocation of Proposition 42 replacement revenues (Highway User Tax Account, Section 2103) and in particular the local streets and roads monies.
3. Work with the California Transportation Commission (CTC) and the California Department of Transportation (Caltrans) to undertake a statewide study to estimate bridge needs both state and local.
4. Continue to work with the California congressional delegation to achieve a long-term reauthorization of the Secure Rural Schools Act (SRS) to off-set the impacts of removing the National Forest System lands from economic development.
5. Proactively work on state implementation of MAP 21 to ensure any state legislative changes are consistent with CSAC policy goals to the extent consistent with federal law.
6. Continue to support lowering the voting threshold below the current two-thirds requirement for the imposition of sales taxes for infrastructure. Furthermore, support efforts to allow unincorporated areas to pursue local sales tax measures solely for services in the unincorporated area of the county.
7. Establish a budget task force to develop recommendations to address transportation funding issues related to State Highway Account (SHA) reductions, borrowing and potential firewall protections and SHOPP spending levels.
8. Support legislation to amend Government Code Section 13340 to include both state and local portions of the Highway User Tax Account (HUTA) to ensure the Controller transfers gas taxes to transportation in year budget adoption is delayed.

9. Monitor Caltrans's efforts to propose regulations or efforts that exceed their statutory authority regarding implementation of Transportation Development Act (TDA) law to prohibit those actions from infringing upon statutory authority of local agencies.
10. Support restoration of the fuel tax to the State's Aeronautics Fund for General Aviation airports.
11. Continue the needs assessment effort to ensure adequate revisions occur to provide policy makers with current information on the condition of the local system. Continue to work with the League, regions, the California Business, Transportation, and Housing Agency, Caltrans and FHWA in order to document the condition of the entire transportation system and across all modes in order to, identify the extent of the revenue shortfall for preservation of this system. The objective is to ensure that funds available for transportation purposes are equitably distributed between cities, counties and the state in order to provide a seamless transportation system.
12. Monitor any potential changes by the California Transportation Commission (CTC) to change the STIP Guidelines in relation to flexibility to utilize STIP monies for local rehabilitation. Pursue statutory clarification of this eligibility if necessary.
13. Support efforts to identify safety and other critical needs for the rural transportation system and support additional funding for such purposes.
14. Strengthen policy and legislative development for statewide transportation issues with the transportation planning agencies, including the California Councils of Government (CALCOG) and Rural Counties Task Force to ensure local governments are united in their advocacy efforts.
15. Support the distribution of any future statewide transportation dollars amongst counties based on 75 percent registered vehicles and 25 percent maintained miles.
16. Continue participation on the Caltrans committee of county, city, state, RTPA and bicycle representatives to develop criteria to evaluate applications for eligibility from the Bicycle Transportation Account (BTA) funds. Also support an alternative to the Bicycle Transportation Plan (BTP) requirements.
17. Sponsor legislation to amend the Vehicle Code Section 34501.2 to exempt drivers' hours of service for road maintenance agency personnel during emergencies from the 80 hours in any 8 consecutive days requirement.
18. Support legislation that categorically exempts road safety projects from CEQA and state and federal permitting requirements (i.e. 404 permits, 1601 agreements).
19. Support legislation at both the state and federal level on telecommunications and electrical restructuring policy to ensure that local governments; are adequately compensated for use of public rights-of-way, 2) control access of such rights-of-way, and 3) retain zoning authority over placement of satellite dishes, cellular towers and antennas.
20. Support additional funding for bicycle and pedestrian facilities, but need to ensure that the revenues utilized do not compete with the current transportation funding sources.

21. Continue to monitor Metropolitan Planning Organizations (MPOs) to ensure that their authority in the transportation area is restricted to planning and programming.
22. Continue CEAC participation at various forums (i.e. RTPA & Caltrans monthly meetings, California Transportation Commission, etc.)
23. Support implementation of MAP 21 provisions related to reciprocity between CEQA and NEPA in order to expedite transportation project delivery.
24. Support legislation to require a County Franchise and encroachment permit control of all water and electric distribution facilities in order to restore lost revenues to counties and to regain control of right-of-ways.
25. Monitor legislation that mandates a certain percentage of county fleets to be of a specific nature, including but not limited to: zero emissions vehicles, alternative fuel vehicles, and dual fuel vehicles.
26. Support legislative efforts to allow pre-qualification of contractors on public works projects and seek amendments to that legislation to increase enforcement and oversight of the Contractor's State License Board, including more exhaustive background and criminal investigation during the initial licensing of contractors.
27. Support legislative efforts to regain local authority in determining the financial viability of sureties involved in public works contracts.
28. Conduct as needed meetings between AGC/CEAC/League/ACEC and other groups on issues of mutual interest.
29. Continue to represent county interests on legislation relating to force account limits and mandatory participation within the California Uniform Construction Cost Accounting Act.
30. Work with coalition partners to support legislation that will promote safety for students travelling via active modes by allowing local governments to expand school zones based upon engineering studies and providing disincentives, including points on driver's licenses, for violation of traffic laws within school safety zones.
31. Support efforts to increase the minimum Surface Transportation Program (STP) funding guarantees for smaller, rural counties. The current minimum STP guarantees are a legacy of the Federal Aid Urban/Federal Aid Secondary route designations formerly used to apportion federal transportation funding. While the designations are no longer used, counties with systems that were previously designated Federal Aid Secondary have not seen their STP minimum allocation increased since 1993. CEAC will support policies to ensure that STP minimum funding amounts for counties are indexed to increases in the overall STP funding available to the state.

## **Transportation & Flood Control**

1. Support legislation amending the Clean Water Act to include the definition of a transportation structure that was presented in the Guidance for the Uniform Application of the Regulations throughout the South Pacific Division (PGL 0-98-02 issued on May 29, 1998). Specifically section 5.a which exempts serviceable transportation structures, including roads, whether constructed on embankments or not, road embankments, culverted road crossings, and bridge piers, bridge columns, bridge piles, and pile caps.
2. Support legislation that requires all changes to Endangered Species Act to address the impact of the proposed legislation on service delivery and as necessary augment staffing levels to the level of no impact.
3. Facilitate better communication between State and Federal regulatory agencies in order to expedite the delivery of public works projects (i.e. direct City/County/State/Federal Cooperative Committee to pursue this objective).
4. Support legislation that exempts the maintenance of existing public works facilities/infrastructure from permit requirements under the Endangered Species Act.
5. Support reform of the Federal and State Endangered Species Acts based on adopted CSAC policy which supports the Act, being more responsive to local concerns (i.e. better science on which to base decision, a plan for recovery of the species, a definition of other impacts related to the protection of the species, and broader public review forums prior to the designation of an endangered species), and taking into account socioeconomic impacts of Endangered Species Act programs.
6. Monitor actions that require any state fee or charge to be directly related to cost of review (i.e. California State Water Resources Control Board, Regional Water Quality Control Board permits for roadway and bridge construction projects).

## **Flood Control**

1. Support funding of the State Flood Control Subvention Program.
2. Support legislation that would provide local jurisdictions with more flexibility and options to fund storm water programs.
3. Continue to support legislation that would amend the California Constitution to exempt fees and charges for flood control, storm water, street lighting and urban runoff management from Proposition 218.
4. Support additional statutory changes to address outstanding SB 5 (Chapter 364, Statutes of 2007) implementation issues.
5. Support streamlining of FEMA's administrative processes under the public assistance program.
6. Support changes to the State Water Resources Control Board's proposed Wetland and Riparian Protection Policy that results in a reasonable requirement that will have the least impact on the development, operation, and maintenance of essential public works projects and facilities.

7. Oppose federal cost-cutting endeavors made at the expense of state and local governments.
8. Support an exemption for routine maintenance of flood control facilities from the Clean Water Act's Section 404 permit requirements.
9. Support an amendment to Section 1601 of the State Fish and Game Code that exempts from the Streambed Alteration Agreement process: routine maintenance and preventative repair of existing flood control facilities; reconstruction of damaged flood control facilities; and, any activity which would impact up to three acres of jurisdictional area.
10. Oppose any attempts to impose requirements of the Surface Mining and Reclamation Act (SMARA) on county flood control and water conservation district activities.
11. Monitor implementation of Federal NPDES Storm water Regulation Phase II.
12. Support legislation, which exempts the act of Section 401 Clean Water Act certification by the State Water Resources Control Board (SWRCB) from review under the California Environmental Quality Act (CEQA).
13. Encourage the development of a statewide baseline Phase I NPDES permit which would include a definition of maximum extent practicable (MEP), safe harbor provisions, and state funding of inspections of state permitted facilities.
14. Participate in discussions with the State Water Resources Control Board regarding water quality violations by small sewer treatment plants.
15. Support efforts to reduce liability for public agencies to perform "Good Samaritan" cleanup of abandoned mines and concentrated environmental hazardous waste on private property.
16. Support efforts to develop new, or expand existing, storage capacity for flood control, water supply and environmental use.
17. Support legislation that authorizes/requires the Department of Water Resources to enter into funding partnerships with local agencies to study the adequacy of complete local flood control systems.
18. Support legislation that promotes a comprehensive plan for increased flood protection statewide.
19. Support legislation that promotes coordination of DWR, FEMA, and ACOE flood protection and flood plain management regulations.
20. Oppose legislation that shifts state or federal flood control liability or obligations to local agencies.
21. Support increased funding for integrated regional water management implementation.

22. Continue to work with the Department of Water Resources during the implementation phases of the Statewide Flood Control Needs Assessment as encapsulated in DWR's Flood Futures Report.
23. Support Delta solutions that are implemented in a manner that protects existing water rights, water quality, agriculture viability, Delta governance and flood management.
24. Support efforts to better coordinate agencies responsible for addressing illegal homeless encampment issues on public property.
25. Encourage regulatory agencies responsible for protection of habitat and wildlife to enforce protection regulations on private properties.
26. Support bill proposals to improve water quality by regulating and controlling source contaminants.
27. Support legislation that would amend Government Code Section 8690.6(b) to increase the amount on the unencumbered balance in the Disaster Response Emergency Operations Account.
28. Support legislation that would allow and encourage state and federal regulatory agencies to offer service agreements with large-volume public entity or utility applicants and permittees to fund additional personnel or contractors needed for expeditious permit processing.

#### Land Use

1. Expand current SB 375 CEQA streamlining for specified infill projects to all infrastructure necessary to support that development.
2. Support funding sources for infrastructure related to infill projects that fall under the CEQA streamlining in SB 375.
- 2-3. Support guidelines for the Affordable Housing and Sustainable Communities grant program, and other programs funded with cap and trade auction proceeds, that ensure that counties are well-positioned to take advantage of these funding opportunities

#### Surveyor

1. Include funding for horizontal and vertical control surveying networks to support transportation infrastructure construction in future infrastructure funding legislation.
2. Support legislation that would allow use of no more than 25% of the Survey Monument Preservation Fund for examining of records of survey and corner records so that the cost of service is covered.
3. Participate in the California Geographic Information Association and the California Geographic Information Coordinating Council.
4. Support funding for Counties' Geographic Information Systems (e.g. authorize local agencies to recover full costs of creating and maintaining automated records).

5. Support legislation which will allow use of a non-conditional lot line adjustment map to replace the lot line adjustment process.
6. Support legislation that would clarify section 66428 of the Government Code relative to a parcel map requirement for a public agency.

### **Resource Recovery and Waste Management**

1. Support legislation that requires state, federal, and other public agencies to comply with diversion mandates set forth by AB 939. If for some reason these agencies are unable to comply, their waste shall be excluded from local jurisdiction's base and reporting years - "total waste generated". Therefore, local jurisdictions shall not be required to divert waste that is generated by state, federal facilities or other public agencies, such as school districts.
2. Oppose legislation that would allow low-level radiation disposal at Class III municipal landfills.
3. Support legislation to incorporate more recycled materials (especially waste tires) into Caltrans road construction/rehabilitation projects.
4. Support legislation and collaborate with other organizations that would increase manufacturer responsibility and product stewardship.
5. Support legislation that enables local agencies to enter into waste hauling contracts that provides for cost-effective implementation of AB 939.
6. Support policies and legislation that aims to promote improved markets for recyclable materials, and encourages: the use of recycled content in products sold in California; the creation of economic incentives for the use of recycled materials; and the expansion of the Beverage Container Recycling Grant Program.
7. Oppose legislation that increases or creates surcharges on local landfills to fund State programs having limited benefit to local jurisdiction's solid waste programs.
8. Support legislation that would promote development of conversion technologies, with full diversion credit, as an alternative to land filling, and provide state funding to local jurisdictions for such projects.
9. Support administrative and/or legislative changes that would, for the purpose of measuring compliance with requirements of the California Integrated Waste Management Act of 1989, focus on diversion programs rather than diversion or per capita disposal rates  
  
Support administrative and legislative changes to impose penalties on haulers and solid waste facilities for misrepresenting the origin of waste disposal data.
10. Support legislation that ensures local government's authority to direct the flow of waste.

11. Monitor all legislative, regulatory and administrative (i.e., rules, policies, guidelines, and procedures) proposals, including those from regulatory agencies relating to solid waste management (i.e., double liner requirements).
12. Support administrative and legislative efforts to eliminate overlap and enhance coordination between the Department of Resources, Recycling and Recovery, air districts and other Cal EPA agencies and oppose contradictory goals and missions among state agencies.
13. Support administrative and legislative changes that would enhance coordination of programs and regulations between the Department of Resources, Recycling and Recovery and the State Water Resources and Regional Water Quality Control Boards regarding collection of trash/debris before it enters the waters of the state and its affects on waste diversion activities.
14. Support legislation that protects local solid waste franchising and fee-setting authority and oppose legislation that imposes unfunded mandates on local governments, places local governments in a position of monitoring and/or enforcing compliance with state regulations that should be the responsibility of the state agency that promulgates the regulations, or subjects local agencies to civil penalties for actions or decisions made by private companies.
15. Support legislation requiring manufacturer responsibility and/or point-of-sale surcharges for universal, special and hazardous wastes.
16. Support legislation that encourages and provides economic incentives for the conversion of landfill gas as a renewable energy resource and its role in meeting California's Renewable Portfolio Standard.
17. Support reliable funding, meaningful market development, solid waste siting reform and additional tools, including conversion technology, as necessary components to any new solid waste diversion requirement.

#### **Transportation, Resource Recovery and Waste Management and Flood Control**

1. Monitor and respond to legislative and regulatory activities of the State Water Resources Control Board (SWRCB).
2. Support legislation that places on regulatory agencies provisions similar in nature to those in Fish and Game Code Section 1600 regarding application processing deadlines for publicly-owned infrastructure projects.
3. Support legislation that would reduce State staffing redundancies and streamline State permit processes by directing State regulatory agencies to defer fish and wildlife and habitat mitigation requirements to the State Department of Fish and Wildlife.

## **Design Immunity**

1. Consistent with CSAC policy related to tort reform – that government should not be more liable than private parties and in some cases there is reason for government to be less liable than private parties:
  - a. Support proposals to mitigate the effects of joint and several liability upon public entities by limiting liability to any party to be responsible for their own proportion of damages.
  - b. Support proposals to strengthen the statutory immunities associated with the operation of public infrastructure such as immunities under Government Code Section 830 et seq.
  - c. Support proposals that limit post judgment interest and/or that provide public entities with the flexibility in paying judgments over time.
  - d. Support proposals to mitigate the effects of liability upon public entities by applying the Doctrine of Comparative Fault to inverse condemnation actions.

## **Miscellaneous**

1. Sponsor resolution that encourages the California State University System to provide additional educational opportunities for potential engineering and technical students.

## **Oversight & Special Tasks Committee**

1. Continue development of CEAC/CSAC relationship and CEAC committee structure and legislative involvement.
2. Develop an educational and informative presentation regarding the role of public works in county government for presentation at the CSAC New Supervisors Institute and seek representative from CEAC to present information.

## **Administrative Responsibilities**

1. Coordinate, design, format and assist in the preparation of the CEAC Annual Report.
2. Coordinate, develop and format CEAC Policy and Legislative Priorities on an annual basis.
3. Coordinate, develop and format CEAC Legislative and Administrative Policy Guidelines on an annual basis.
4. Attend, prepare agendas, secure speakers and provide presentations at CEAC policy committee meetings (at a minimum of three meetings a year per committee)
  - a. Transportation
  - b. Land Use
  - c. Flood Control and Water Resources
  - d. Resource Recovery and Waste Management
  - e. Surveyor
  - f. Oversight and Special Tasks
5. Attend and provide presentations, as available, at CEAC regional meetings (they meet at a minimum of two to three times a year each)
  - a. Northern California Region
  - b. Bay Area Region
  - c. Central Coast Region
  - d. Sacramento Mother-Lode Region

- e. San Joaquin Valley Region
  - f. Southern California Region
6. Attend and provide presentations at CEAC Board of Director meetings (at a minimum of three times a year).
  7. Assist in preparation and organization of the CEAC spring and fall conferences, as well as the CEAC policy conference. Coordination includes development and organization of the CEAC guest program, annual NACE president's dinner, recruiting and coordinating conference speakers and sponsors, reserving adequate meeting rooms, catering, audio-visual, transportation, registration, etc.
  8. Coordinate & monitor the CEAC Hospitality Suite: appropriate room, site visits, cleanup, etc.
  9. Reconcile the financial accounting for the spring & annual conferences between CEAC, the League and CSAC working as the liaison between the CSAC director of finance and CEAC treasurer.
  10. Update and maintain accurate CEAC databases.
  11. Coordinate and publish CEAC documentation:
    - a. designing announcements
    - b. programs
    - c. agendas
    - d. postcards
    - e. invitations
    - f. notices
    - g. flyers
  12. Prepare and publish CEAC Roster annually.
  13. Prepare and publish CEAC Stationary.
  14. Publish CEAC Newsletter four times a year.
  15. Prepare and publish monthly legislative reports for the five CEAC policy committees.
  16. Update and maintain CEAC website.
  17. Track and prepare financial analysis for CEAC budget.
  18. Coordinate, review and share administration of the CEAC/League of California Cities contract for the spring meeting, and various RFP's for CEAC consultants.