



LEGISLATION COMMITTEE

April 9, 2018
10:30 A.M.

651 Pine Street, Room 101, Martinez

Supervisor Karen Mitchoff, Chair
Supervisor Diane Burgis, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
3. **APPROVE the Record of Action for the February 12, 2018 meeting of the Legislation Committee with any necessary corrections.**
4. **CONSIDER recommending a position of "Support" to the Board of Supervisors for AB 2043 (Arambula), a bill that requires county child welfare, probation, and behavioral health agencies to establish a county-based Family Urgent Response System, as recommended by the Director of the Employment and Human Services Department.**
5. **CONSIDER recommending to the Board of Supervisors a position of "Support" on AB 2083 (Cooley): Foster Youth: Trauma-Informed System of Care, a bill that adopts Continuum of Care Reform to improve California's child welfare system and its outcomes, including an increase in home-based family care, as recommended by the Director of Employment and Human Services.**
6. **CONSIDER recommending to the Board of Supervisors a position of "Support" on State Water Supply Infrastructure, Water Conveyance, Ecosystem and Watershed Protection and Restoration, and Drinking Water Protection Act of 2018.**
7. **CONSIDER recommending to the Board of Supervisors a position of "Support" on SB 1392 (Mitchell and Lara), a bill that would repeal California's one-year sentencing enhancement for each prior prison or felony jail term and SB 1393 (Mitchell and Lara), a bill that would strike or dismiss a prior serious felony conviction which otherwise adds an enhancement of 5 years for each prior conviction of a serious felony.**
8. The next meeting is currently scheduled for May 14, 2018 at 10:30 a.m.

9. Adjourn

The Legislation Committee will provide reasonable accommodations for persons with disabilities planning to attend Legislation Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Legislation Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

Public comment may be submitted via electronic mail on agenda items at least one full work day prior to the published meeting time.

For Additional Information Contact:

Lara DeLaney, Committee Staff
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Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

3.

Meeting Date: 04/09/2018
Subject: Record of Action for Legislation Committee
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2018-01
Referral Name: Record of Action
Presenter: L. DeLaney **Contact:**

Referral History:

County Ordinance (Better Government Ordinance 95-6, Article 25-205, [d]) requires that each County Body keep a record of its meetings. Though the record need not be verbatim, it must accurately reflect the agenda and the decisions made in the meeting.

Any handouts or printed copies of material or testimony distributed at the meeting will be attached to the meeting record.

Referral Update:

Attached for the Committee's consideration is the Draft Record of Action for its February 12, 2018 meeting.

Recommendation(s)/Next Step(s):

APPROVE the Record of Action with any necessary corrections.

Attachments

Draft Record of Action

DRAFT



LEGISLATION COMMITTEE

February 12, 2018

10:30 A.M.

651 Pine Street, Room 101, Martinez

Supervisor Karen Mitchoff, Chair
Supervisor Diane Burgis, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

Present: Karen Mitchoff, Chair
Diane Burgis, Vice Chair

Staff Present: Lara DeLaney, Senior Deputy County Administrator
Patricia Frost, EMS Director, CCC
Anne Struthers, Division Manager, Homeless and Housing Policy and Planning Bureau, EHSD
Mark Goodwin, Chief of Staff, District III
Lia Bristol, Deputy Chief of Staff, District IV
Ryan Hernandez, Contra Costa Water Agency
Jody London, Sustainability Coordinator, DCD

Attendees: Nick Draper
Cathy Christian (via phone)
Ben Palmer (via phone)

1. Introductions

All in attendance introduced themselves. Cathy Christian and Ben Palmer of Nielsen Merksamer joined via conference call.

2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

No public comment was received.

AYE: Chair Karen Mitchoff, Vice Chair Diane Burgis
Passed

3. APPROVE the Record of Action, with any necessary corrections.

The Committee voted unanimously to approve as presented.

AYE: Chair Karen Mitchoff, Vice Chair Diane Burgis
Passed

4. RECOMMEND support to the Board of Supervisors.

The Committee voted unanimously to recommend support for AB 1795 to the Board of Supervisors and recommended it be placed on the Consent calendar.

AYE: Chair Karen Mitchoff, Vice Chair Diane Burgis
Passed

5. Staff is seeking direction from the Legislation Committee on the following aspects of the procurement process:

1. The conduct of a survey of urban counties' lobbying contracts
2. The conduct of a survey of Board of Supervisors' members and their staffs, the CAO, Department Heads and other key staff of their primary advocacy interests, issues of particular concern, and satisfaction with services/request for additional services
3. Timeline for Procurement Process
4. Length of contract period
5. Amount of contract
6. Review Panel membership
7. Request for Proposals/Qualifications (RFP/Q) development

The Committee provided direction to staff, indicating the procurement process should be concluded by October 2018 for a three-year contract with 3 one-year renewal options.

AYE: Chair Karen Mitchoff, Vice Chair Diane Burgis
Passed

6. Provide direction to staff on the nature and time of desired meetings with the County's legislative delegation and/or the administration for purposes of planning for advocacy trip(s) to Washington D.C. for 2018.

The Committee provided direction to staff on the nature and timing of advocacy meetings in Washington, D.C..

7. ACCEPT the report and provide direction to staff, as needed.

The Committee accepted the report on State Budget and Legislation of Interest with no direction to staff.

AYE: Chair Karen Mitchoff, Vice Chair Diane Burgis
Passed

8. The next meeting is currently scheduled for March 12, 2018 at 10:30 a.m. **The schedule for the Legislation Committee has been established as the second month of each month at 10:30 a.m., in Room 101 of 651 Pine Street, Martinez.**

The Chair noted a schedule conflict with the March meeting and requested its cancellation.

9. Adjourn

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Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

4.

Meeting Date: 04/09/2018

Subject: AB 2043 (Arambula): Foster Youth: Family Urgent Response System--SUPPORT

Submitted For: LEGISLATION COMMITTEE,

Department: County Administrator

Referral No.: 2018-07

Referral Name: AB 2043

Presenter: Maura Connell, EHSD

Contact: L. DeLaney, 925-335-1097

Referral History:

According to Employment and Human Services Department staff, AB 2043 is a significant bill emanating from Bay Area counties. San Francisco is championing the model as a potential regional approach since so many youth cross county lines for placement and services. According to the Director, the California Department of Social Services is also supportive of the model.

The actions taken by counties under the bill would be a change to the current approach. Counties may have some components already in place. For example, here in Contra Costa, we have a Mobile Response Team in effect.

Referral Update:

AB 2043

Author: [Joaquin Arambula \(D-031\)](#)

Title: Foster Youth: Family Urgent Response System

Fiscal no

Committee:

Urgency no

Clause:

Introduced: 02/06/2018

Last 03/19/2018

Amend:

Disposition: Pending

Committee: [Assembly Human Services Committee](#)

Hearing: [04/10/2018 1:30 pm, State Capitol, Room 437](#)

This bill is categorized as S1 by CWDA, indicating that it is a sponsor. Co-sponsors are the County Behavioral Health Directors Association of California (CBHDA) and Children Now. The bill is supported by CSAC.

Attachment A: Bill text, as amended 3/19/18

Attachment B: Bill Fact Sheet

Attachment C: CSAC Letter of support for AB 2043 (Arambula)

Recommendation(s)/Next Step(s):

Fiscal Impact (if any):

The issue of funding is addressed in the bill text, at the bottom of page 8, in SEC. 3. The idea is that Realignment funds – which would already be used for Continuum of Care Reform (CCR)– would be applied to the revised approach within the overall CCR effort:

SEC. 3. To the extent that this act has an overall effect of
24 increasing the costs already borne by a local agency for programs
25 or levels of service mandated by the 2011 Realignment Legislation
26 within the meaning of Section 36 of Article XIII of the California
27 Constitution, it shall apply to local agencies only to the extent that
28 the state provides annual funding for the cost increase. Any new
29 program or higher level of service provided by a local agency
30 pursuant to this act above the level for which funding has been
31 provided shall not require a subvention of funds by the state or
32 otherwise be subject to Section 6 of Article XIII B of the California
33 Constitution.

Attachments

Attachment A: Bill Text

Attachment B: Fact Sheet

Attachment C: CSAC Support Letter

AMENDED IN ASSEMBLY MARCH 19, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2043

Introduced by Assembly Member Arambula

February 6, 2018

An act to add Chapter 5.4 (commencing with Section 16526) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to foster youth.

LEGISLATIVE COUNSEL’S DIGEST

AB 2043, as amended, Arambula. Foster youth: *family urgent* response system.

Existing law, commonly known as Continuum of Care Reform (CCR), states the intent of the Legislature in adopting CCR to improve California’s child welfare system and its outcomes by using comprehensive initial child assessments, increasing the use of home-based family care and the provision of services and supports to home-based family care, reducing the use of congregate care placement settings, and creating faster paths to permanency resulting in shorter durations of involvement in the child welfare and juvenile justice systems. Existing law, as part of CCR, requires the State Department of Social Services to implement a resource family approval process, which replaces the multiple processes for licensing foster family homes, certifying foster homes by foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families.

~~This bill would state the intent of the Legislature to enact legislation that would build upon the current CCR implementation effort by establishing a response system, as specified, for caregivers of current~~

~~or former foster youth who are experiencing emotional, behavioral, or other needs that require immediate support. The bill would state the intent of the Legislature to include a statewide hotline in the response system to provide triage and, as appropriate, deploy a mobile and coordinated in-home response.~~

This bill would make legislative findings and declarations, stating the intent of the Legislature in adopting this bill to build upon the current CCR implementation effort. The bill would require the department to establish a statewide hotline, operational no later than January 1, 2020, as the entry point for a state-based Family Urgent Response System, as defined, to respond to calls from caregivers or current or former foster youth when a crisis arises, as specified. The bill would require the hotline to include, among other things, referrals to the county, as specified, for further support and in-person response. The bill would require the department to ensure that data are collected regarding individuals served through the hotline and to publish a report on the department's Internet Web site on January 1, 2021, and annually thereafter, including specified information.

This bill would require, no later than January 1, 2020, county child welfare, probation, and behavioral health agencies, in each county, to establish a county-based Family Urgent Response System that includes a mobile response and stabilization team to provide stabilization services for caregivers or current or former foster youth who are experiencing a crisis. The bill would require those agencies to submit a single, coordinated plan to the department, no later than November 1, 2019, describing how the system would meet specified requirements. The bill would authorize those agencies to implement these provisions on a per-county basis or by collaborating with other counties to establish regional, cross-county Family Urgent Response Systems. By creating new duties for county officials relating to foster care services, this bill would impose a state-mandated local program.

This bill would require the department, in collaboration with the State Department of Health Care Services, no later than March 1, 2019, to issue all necessary guidance for county-based Family Urgent Response Systems established pursuant to this bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

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

1 *SECTION 1. The Legislature hereby finds and declares all of*
2 *the following:*

3 *(a) Existing law establishes the Continuum of Care Reform*
4 *(CCR) effort and states the intent of the Legislature to improve*
5 *California's child welfare system and its outcomes by using*
6 *comprehensive initial child assessments, increasing the use of*
7 *home-based family care and the provision of services and supports*
8 *to home-based family care, reducing the use of congregate care*
9 *placement settings, and creating faster paths to permanency*
10 *resulting in shorter durations of involvement in the child welfare*
11 *and juvenile justice systems.*

12 *(b) Existing law states the intent of the Legislature that CCR*
13 *include the timely provision of an array of appropriate services*
14 *that are coordinated, comprehensive, and community-based, and*
15 *that children in need of services are identified and assessed*
16 *promptly and provided services regardless of placement setting,*
17 *and that child welfare and mental health agencies work together*
18 *in the provision of coordinated services to these children and*
19 *youth.*

20 *(c) Existing law states the intent of the Legislature to reduce*
21 *the frequency of law enforcement involvement and delinquency*
22 *petitions arising from incidents at group homes and other facilities*
23 *licensed to provide residential care to dependent children.*

24 *(d) It is the intent of the Legislature in adopting this act to build*
25 *upon the current CCR implementation effort to provide current*
26 *and former foster youth and their caregivers with immediate and*
27 *timely services at the moment of crisis. The Legislature expects*
28 *that those services, provided by a trained and trauma-informed*
29 *team of practitioners, will prevent placement disruption and*
30 *separation of the child from his or her caregiver, will reduce*
31 *contacts with law enforcement and potential entry into the criminal*
32 *justice system, and will prevent hospitalization and higher-level*
33 *placement into congregate care.*

(e) Establishing a 24-hour-a-day, seven-day-a-week response system at the state and local levels for caregivers and current or former foster youth who are experiencing emotional, behavioral, or other needs that require immediate support will lead to improved child and family outcomes, will improve retention of current foster caregivers, will help to maintain children and youth in their current living situation, will improve youth's emotional disposition, will connect youth and caregivers to existing services in their communities, and will provide youth and caregivers with the tools that they need to heal from trauma and to thrive.

SEC. 2. Chapter 5.4 (commencing with Section 16526) is added to Part 4 of Division 9 of the Welfare and Institutions Code, to read:

*CHAPTER 5.4. FAMILY URGENT RESPONSE SYSTEM FOR
CAREGIVERS AND YOUTH*

16526. For purposes of this chapter, the following definitions apply:

(a) "Caregiver" means an individual responsible for meeting the daily care and supervision needs of a current or former foster youth.

(b) "Crisis" means an event involving the caregiver and current or former foster youth that causes emotional, physical, or behavioral distress and that, without immediate supports, creates a risk of disruption to the current living situation.

(c) "Current or former foster youth" includes a youth adjudicated under Section 300, 601, or 602 and who is served by a county child welfare agency or probation department, and a youth who has exited foster care to reunification, guardianship, or adoption. A current or former foster youth shall be eligible for services under this chapter until he or she attains 21 years of age.

(d) "Department" means the State Department of Social Services.

(e) "Family Urgent Response System" means a collaborative, timely, in-home, in-person mobile crisis response for purposes of stabilizing the living situation, mitigating the distress of the caregiver or youth, and providing the caregiver and youth with linkages to the existing array of local services.

1 (f) "In-home" means where the youth and caregiver are located,
2 preferably in the home, or at some other mutually agreeable
3 location.

4 16527. (a) The department shall establish a statewide hotline
5 as the entry point for a state-based Family Urgent Response
6 System, which shall be available 24 hours a day, seven days a
7 week, to respond to calls from caregivers or current or former
8 foster youth when a crisis arises. All of the following shall be
9 available through this hotline:

10 (1) State hotline workers who are trained for deescalation and
11 conflict resolution telephone response specifically for children
12 impacted by trauma.

13 (2) Referrals to a county-based Family Urgent Response System,
14 established pursuant to Section 16529, for further support and
15 in-person response. Referrals shall occur by one of the following
16 means:

17 (A) A warm hand-off whereby the state hotline worker
18 establishes direct and live connection through a three-way call
19 that includes the caregiver or youth and the county contact.

20 (B) If a direct communication cannot be established pursuant
21 to subparagraph (A), a referral directly to the community- or
22 county-based service and a followup call to ensure a connection
23 to the caregiver or youth occurs.

24 (3) The state hotline worker shall contact the caregiver or youth
25 within 24 hours after the referral required under subparagraph
26 (A) or (B) of paragraph (2) to offer additional support if needed.

27 (b) The statewide hotline shall maintain contact information
28 for county-based Family Urgent Response Systems, based on
29 information provided by counties, for referrals to local services,
30 including, but not limited to, county-based mobile response and
31 stabilization teams.

32 (c) The department shall ensure that data are collected
33 regarding individuals served through the statewide hotline and
34 shall publish a report on the department's Internet Web site on
35 January 1, 2021, and annually thereafter, in consultation with
36 stakeholders, including, but not limited to, the County Welfare
37 Directors Association of California and the County Behavioral
38 Health Directors Association of California, to include all of the
39 following information:

1 (1) *The number of caregivers served through the hotline,*
2 *separated by placement type and status as a current or former*
3 *foster caregiver.*

4 (2) *The number of current and former foster youth served*
5 *through the hotline, separated by county agency type, current or*
6 *former foster care status, age, gender, race, and whether the call*
7 *was made by the caregiver or the youth.*

8 (3) *The disposition of each call, including, but not limited to,*
9 *whether mobile response and stabilization services were deployed*
10 *or a referral was made to other services.*

11 (4) *Deidentified, aggregated outcome data, including, but not*
12 *limited to, placement stability, return into foster care, movement*
13 *from child welfare to juvenile justice, and timeliness to*
14 *permanency.*

15 (d) *The department may meet the requirements of this section*
16 *through contract with an entity with demonstrated experience in*
17 *working with populations of children who have suffered trauma*
18 *and with capacity to provide 24-hour-a-day, seven-day-a-week*
19 *response.*

20 (e) *The department, in consultation with stakeholders, shall do*
21 *all of the following:*

22 (1) *Develop methods and materials for informing the caregivers*
23 *and current or former foster youth about the statewide hotline.*

24 (2) *Establish protocols for triage and response.*

25 (3) *Establish minimum education and training requirements for*
26 *state hotline workers.*

27 (f) *The statewide hotline shall be operational no later than*
28 *January 1, 2020.*

29 16528. *No later than March 1, 2019, the department, in*
30 *collaboration with the State Department of Health Care Services,*
31 *and in consultation with the County Behavioral Health Directors*
32 *Association of California and the County Welfare Directors*
33 *Association, shall issue all necessary guidance for county-based*
34 *Family Urgent Response Systems for purposes of this chapter,*
35 *including, but not limited to, data tracking and claiming of federal*
36 *funding.*

37 16529. (a) *County child welfare, probation, and behavioral*
38 *health agencies, in each county, shall establish a county-based*
39 *Family Urgent Response System that includes a mobile response*
40 *and stabilization team for the purpose of providing stabilization*

1 services for caregivers or current or former foster youth who are
2 experiencing a crisis.

3 (b) In each county, the county child welfare, probation, and
4 behavioral health agencies shall submit a single, coordinated plan
5 to the department no later than November 1, 2019, that describes
6 how the county-based Family Urgent Response System shall meet
7 the requirements described in subdivision (c). The plan shall also
8 describe all of the following:

9 (1) How the county will track and monitor calls.

10 (2) Data collection efforts, consistent with guidance provided
11 by the department.

12 (3) Transitions from mobile response and stabilization services
13 to ongoing services.

14 (4) Coordination with the child and family team.

15 (5) Process and criteria for determining response.

16 (6) Composition of the responders.

17 (7) Both existing and new services that will be used to support
18 the mobile response and stabilization services.

19 (c) A county-based Family Urgent Response System shall include
20 all of the following:

21 (1) Phone response at the county level that facilitates entry of
22 the caregivers and current or former foster youth to crisis response
23 services.

24 (2) A process for determining when a mobile response and
25 stabilization team will be deployed, or when other services will
26 be used, based on the urgent and critical needs of the caregiver
27 or youth.

28 (3) A mobile response and stabilization team available 24 hours
29 a day, seven days a week.

30 (4) Ability to provide immediate, in-person, face-to-face
31 response preferably within one hour, but not to exceed three hours
32 in extenuating circumstances for urgent needs, or same-day
33 response within 24 hours for nonurgent situations.

34 (5) Utilization of responders with specialized training in trauma
35 of children and the foster care system.

36 (6) Provision of in-home or in-community crisis deescalation,
37 stabilization, and support, including all of the following:

38 (A) Establishing in-person, face-to-face contact with the youth
39 and caregiver.

1 (B) Identifying the underlying causes of, and precursors to, the
2 behavior.

3 (C) Identifying the caregiver interventions attempted.

4 (D) Observing the child and caregiver interaction.

5 (E) Diffusing the immediate situation.

6 (F) Coaching and advising the caregiver to maintain the child
7 in the current living situation.

8 (G) Establishing connections to other county- or
9 community-based supports and services to ensure continuity of
10 care.

11 (H) Following up after the initial face-to-face response, for up
12 to 72 hours, to determine if additional supports or services are
13 needed.

14 (I) Identifying any additional support or ongoing stabilization
15 needs for the family and making a plan for, or referral to,
16 appropriate community services within the county.

17 (d) (1) Each county shall establish a Family Urgent Response
18 System no later than January 1, 2020.

19 (2) The county agencies described in subdivisions (a) and (b)
20 may implement this section on a per-county basis or by
21 collaborating with other counties to establish regional,
22 cross-county Family Urgent Response Systems.

23 SEC. 3. To the extent that this act has an overall effect of
24 increasing the costs already borne by a local agency for programs
25 or levels of service mandated by the 2011 Realignment Legislation
26 within the meaning of Section 36 of Article XIII of the California
27 Constitution, it shall apply to local agencies only to the extent that
28 the state provides annual funding for the cost increase. Any new
29 program or higher level of service provided by a local agency
30 pursuant to this act above the level for which funding has been
31 provided shall not require a subvention of funds by the state or
32 otherwise be subject to Section 6 of Article XIII B of the California
33 Constitution.

34 ~~SECTION 1. It is the intent of the Legislature to enact~~
35 ~~legislation that would build upon the current Continuum of Care~~
36 ~~Reform implementation effort through the following actions:~~

37 ~~(a) Establish a 24-hour, seven-day-a-week response system at~~
38 ~~the state and local levels for caregivers of current or former foster~~
39 ~~youth who are experiencing emotional, behavioral, or other needs~~
40 ~~that require immediate support.~~

- 1 (b) ~~Include a statewide hotline in the response system to provide~~
2 ~~triage and, as appropriate, deploy a mobile and coordinated~~
3 ~~in-home response that includes face-to-face intervention and~~
4 ~~support to the youth and caregiver.~~
- 5 (c) ~~Ensure the response system increases coordination between~~
6 ~~state and local child welfare and behavioral health systems to~~
7 ~~stabilize a foster care placement, prevent placement disruptions~~
8 ~~that often lead to worse outcomes, reduce law enforcement contacts~~
9 ~~with foster youth, and connect the foster youth and caregiver to~~
10 ~~existing services in their communities.~~

O

Problem: Foster Youth and Caregivers Need Real-Time Support

Under Continuum of Care Reform (CCR), California is reforming our foster care system to ensure that abused and neglected children receive the timely trauma-informed services they need to heal and thrive within a family and not an institution. Unfortunately, as caregivers and children who have experienced trauma seek to develop a family relationship, they are often left alone to navigate misunderstandings and frustrations without the immediate guidance they need to create a nurturing environment. Caregivers and the children in their homes need real-time assistance during moments of crisis and uncertainty. Without supports and services available on demand, caregivers can feel helpless and unable to manage critical situations, leading them to give up. These preventable disruptions of care can leave a foster child feeling even more abandoned and traumatized. Without support, caregivers sometimes believe their only option is calling the police to help them manage trauma-induced behaviors. When law enforcement is brought into a non-life-threatening situation with a foster child, the caregivers and the already traumatized children are likely to see the crisis escalate rather than stabilize—leading to the inappropriate criminalization of the foster child that will have lifelong impacts.

Proposed Solution: Family Urgent Response System for Foster Youth and Caregivers

The California Family Urgent Response System would:

- 1) Establish a statewide toll-free hotline available 24 hours a day and 7 days a week to caregivers and children and youth in the foster care system who are experiencing emotional, behavioral or other difficulties and need immediate help. The statewide hotline would be staffed with operators trained in conflict resolution and de-escalation who will provide immediate assistance over the phone to help defuse the conflict or crisis, and will triage the situation to determine whether mobile, in-home support is needed.
- 2) Require counties' child welfare and behavioral health agencies to establish mobile response teams to provide face-to-face, in-home response on a 24/7 basis to help defuse and stabilize a situation, assess the caregiver's and child's needs, and develop a plan of action. Counties would be expected to provide the family with needed ongoing services through the existing local network of care service systems.

Achieving Desired Outcomes: Increase Stability and Decrease Re-Traumatization

Urgent Response will provide children and families with the support they need to be successful and increase placement stability for children and youth in foster care. Access to immediate intervention services, through telephone support and in-person mobile response, will help children and their caregivers develop strong and healthy relationships, even in challenging situations. This approach will also decrease avoidable calls to law enforcement and ensure fewer contacts between system-involved youth and the criminal justice system. The Family Urgent Response System for Foster Youth and Caregivers will help to ensure foster families receive the immediate support they need and allow foster children to heal and thrive in homes and not institutions.



April 3, 2018

1100 K Street
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Sacramento
California
95814

Telephone
916.327.7500

Facsimile
916.441.5507

The Honorable Blanca Rubio
Chair, Assembly Human Services Committee
State Capitol, Room 5175
Sacramento, CA 95814

**Re: AB 2043 (Arambula) – Foster youth: response system
As Amended on March 19, 2018 – SUPPORT
Set for Hearing on April 10, 2018 – Assembly Human Services Committee**

Dear Assembly Member Rubio:

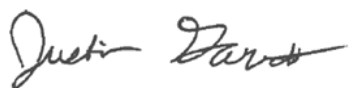
The California State Association of Counties (CSAC) is pleased to have a SUPPORT position on AB 2043 by Assembly Member Joaquin Arambula. This bill would establish a Family Urgent Response System to provide immediate response to current or former foster youth and their caregivers in times of emotional crisis that will help keep families intact.

Counties are working diligently to implement the multi-pronged systematic changes that are incorporated within the Continuum of Care Reform (CCR). CSAC remains committed to implementation of CCR and identifying opportunities for further enhancements that will help achieve the improved outcomes envisioned by CCR. A key goal of CCR is to reduce the use of congregate care and serve foster youth with needed services in home-based settings, cared for by committed resource families. Unfortunately, one element missing from CCR implementation efforts is an immediate response system to stabilize youth in their homes and communities during times of emotional or behavioral stress. Without this support, youth and their caregivers can feel quickly overwhelmed. This can result in the breakdown of that family unit, leading to a placement disruption which further traumatizes the youth, or calls to law enforcement which send the youth down the undesired path of the juvenile justice system.

AB 2043 will help to fill this gap by providing immediate access to de-escalation and behavioral support interventions on the phone and in the home at the moment when the need arises. AB 2043 accomplishes this by establishing a statewide, toll-free number for foster youth and their caregivers to access real-time assistance and make a direct connection to local response systems. These local response systems would provide an in-person response to assess and stabilize the situation and link the youth and caregiver to the existing array of county- and community-based services. Both the state-level and local response teams would include responders trained in trauma-informed care and with expertise in diffusing a crisis and linking families to ongoing supports and services.

AB 2043 would help prevent the unnecessary separation of the youth from their caregiver and will ensure access to needed services in a time of crisis. This bill will help achieve the improved outcomes sought through CCR. It is for these reasons that CSAC supports AB 2043 and respectfully requests your "Aye" vote. Should you or your staff have additional questions about our position, please do not hesitate to contact me at (916) 650-8117 or jgarrett@counties.org. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Justin Garrett". The signature is fluid and cursive, with the first name "Justin" and last name "Garrett" clearly distinguishable.

Justin Garrett
Legislative Representative

cc: The Honorable Joaquin Arambula, Member, California State Assembly
Honorable Members, Assembly Human Services Committee
Marla Cowan, Office of Assembly Member Joaquin Arambula
Daphne Hunt, Consultant, Assembly Human Services Committee
Cathy Senderling-McDonald, County Welfare Directors Association
Mary Adèr, County Behavioral Health Directors Association
Susannah Kniffen, Children Now



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

5.

Meeting Date: 04/09/2018
Subject: AB 2083 (Cooley): Foster Youth: Trauma-Informed System of Care
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2018-06
Referral Name: AB 2083
Presenter: Maura Connell, EHSD **Contact:** L. DeLaney, 925-335-1097

Referral History:

The County Welfare Directors Association (CWDA) is sponsoring AB 2083 (Cooley), and the Director of the Employment and Human Services Department of the County, Kathy Gallagher, is recommending that the Legislation Committee consider recommending its support to the Board of Supervisors.

Referral Update:

AB 2083

Author: [Ken Cooley \(D-008\)](#)
Title: Foster Youth: Trauma-Informed System of Care
Fiscal Committee: no
Urgency Clause: no
Introduced: 02/07/2018
Last Amend: 03/19/2018
Disposition: Pending
Committee: [Assembly Human Services Committee](#)
Hearing: [04/10/2018 1:30 pm, State Capitol, Room 437](#)

Summary: Adopts Continuum of Care Reform to improve California's child welfare system and its outcomes, including an increase in home-based family care. Ensures that a resource family applicant completes training regarding the effects of trauma, child abuse, and neglect, and methods to behaviorally support impacted children. Establishes a joint interagency resolution team to develop guidance, provide support, and increase the capacity and delivery of trauma-informed care.

The amended bill is included in Attachment A.

A Fact Sheet from the author's office is Attachment B.

No bill analysis has been prepared as yet. CSAC has a "pending" position on the bill at the present.

Recommendation(s)/Next Step(s):

CONSIDER recommending to the Board of Supervisors a position of "Support" on AB 2083 (Cooley): Foster Youth: Trauma-Informed System of Care, as recommended by the Director of Employment and Human Services, and direct staff to place the item on the Board's consent calendar for April 24, 2018.

Attachments

Attachment A: Bill Text

Attachment B: Fact Sheet

AMENDED IN ASSEMBLY MARCH 19, 2018

CALIFORNIA LEGISLATURE—2017–18 REGULAR SESSION

ASSEMBLY BILL

No. 2083

Introduced by Assembly Member Cooley

February 7, 2018

An act to add Section 16521.6 to the Welfare and Institutions Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

AB 2083, as amended, Cooley. Foster youth: trauma-informed system of care.

Existing law, commonly known as Continuum of Care Reform (CCR), states the intent of the Legislature in adopting CCR to improve California's child welfare system and its outcomes by using comprehensive initial child assessments, increasing the use of home-based family care and the provision of services and supports to home-based family care, reducing the use of congregate care placement settings, and creating faster paths to permanency resulting in shorter durations of involvement in the child welfare and juvenile justice systems. *specified measures, including an increase in the use of home-based family care.* Existing law, as part of CCR, provides for the implementation of the resource family approval process, which replaces the multiple processes for licensing foster family homes, certifying foster homes by foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families.

As part of the resource family approval process, a county is responsible for, among other things, ensuring that a resource family applicant completes specified training that includes certain courses,

including one regarding the effects of trauma and child abuse and neglect on child development and behavior, and methods to behaviorally support children impacted by that trauma or child abuse and neglect. Existing law also establishes an intensive services foster care program, developed by the State Department of Social Services, that provides specialized programs to serve children with specific needs, and requires training for that program to include, among other things, information relating to working with children who have experienced trauma.

This bill would state the intent of the Legislature to enact legislation that would in adopting the bill to build upon the current CCR implementation effort by, among other things, developing a coordinated, timely, and trauma-informed system-of-care approach to better provide care for foster youth, requiring specified agencies to develop and implement local memoranda of understanding to provide care management coordination for child welfare-involved children, youth, and families, and establishing a joint state interagency resolution team to support counties, as specified, for foster children and youth who have experienced severe trauma. The bill would require each county to develop and implement a memorandum of understanding, as specified, setting forth the roles and responsibilities of agencies and other entities that serve children and youth in foster care who have experienced severe trauma. By creating new duties for county officials relating to foster care services, the bill would impose a state-mandated local program.

This bill would require the Secretary of California Health and Human Services and the Superintendent of Public Instruction, no later than June 1, 2019, to establish a joint interagency resolution team, consisting of representatives from specified state departments, whose primary roles would be to develop guidance and provide support and technical assistance to counties with regard to those children and youth and the memoranda of understanding, as specified. The bill would also require the team, no later than January 1, 2020, in consultation with specified entities and persons, to review the placement and service options available to county child welfare agencies and county probation departments for those children and youth, to develop and submit recommendations to the Legislature, as specified, and, no later than June 1, 2020, to develop a multiyear plan for increasing the capacity and delivery of trauma-informed care to foster children and youth served by short-term residential therapeutic programs and other foster care and behavioral health providers.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

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

1 SECTION 1. *It is the intent of the Legislature in adopting this*
2 *act to build upon the current Continuum of Care Reform*
3 *implementation effort by developing a coordinated, timely, and*
4 *trauma-informed system-of-care approach for foster children and*
5 *youth who have experienced severe trauma, implementing related*
6 *memoranda of understanding on the county level, and establishing*
7 *a joint interagency resolution team on the state level to assist*
8 *counties in serving those children and youth.*

9 SEC. 2. *Section 16521.6 is added to the Welfare and Institutions*
10 *Code, to read:*

11 16521.6. *To ensure that coordinated, timely, and*
12 *trauma-informed services are provided to children and youth in*
13 *foster care who have experienced severe trauma, all of the*
14 *following shall be met:*

15 (a) (1) *Each county shall develop and implement a*
16 *memorandum of understanding setting forth the roles and*
17 *responsibilities of agencies and other entities that serve children*
18 *and youth in foster care who have experienced severe trauma.*
19 *Participants in the development and implementation of the*
20 *memorandum of understanding shall include, but not be limited*
21 *to, all of the following:*

22 (A) *The county child welfare agency.*

23 (B) *The county probation department.*

24 (C) *The county behavioral health departments.*

25 (D) *The county office of education.*

26 (E) *The regional center or centers that serve children and youth*
27 *with developmental disabilities in the county.*

28 (2) *The memorandum of understanding shall include, at a*
29 *minimum, provisions addressing all of the following:*

1 (A) Establishment and operation of an interagency leadership
2 team.

3 (B) Establishment and operation of an interagency placement
4 committee.

5 (C) Commitment to implementation of an integrated core
6 practice model.

7 (D) Processes for screening, assessment, and entry to care.

8 (E) Processes for child and family teaming and universal service
9 planning.

10 (F) Alignment and coordination of transportation and other
11 foster youth services.

12 (G) Recruitment and management of resource families and
13 delivery of therapeutic foster care services.

14 (H) Information and data sharing agreements.

15 (I) Staff recruitment, training, and coaching.

16 (J) Financial resource management and cost sharing.

17 (K) Dispute resolution.

18 (b) (1) (A) No later than June 1, 2019, the Secretary of
19 California Health and Human Services and the Superintendent of
20 Public Instruction shall establish a joint interagency resolution
21 team consisting of representatives from the State Department of
22 Social Services, the State Department of Health Care Services,
23 the State Department of Developmental Services, and the State
24 Department of Education.

25 (B) (i) The primary roles of the joint interagency resolution
26 team shall be to develop guidance to counties, county offices of
27 education, and regional centers with regard to developing the
28 memoranda of understanding required by this section, to support
29 the implementation of those memoranda of understanding, and to
30 provide technical assistance to counties to identify and secure the
31 appropriate level of services to meet the needs of children and
32 youth in foster care who have experienced severe trauma.

33 (ii) The roles described in clause (i) shall include, but not be
34 limited to, development of a process for case-specific intervention
35 in circumstances in which a county needs state-level assistance to
36 meet the service or placement needs of a severely traumatized
37 child or youth in foster care. That assistance shall be prioritized
38 to maintain the children and youth in their communities of origin
39 and in home-based placements whenever possible.

1 (2) No later than January 1, 2020, the joint interagency
2 resolution team, in consultation with county agencies, service
3 providers, and advocates for children and resource families, shall
4 review the placement and service options available to county child
5 welfare agencies and county probation departments for children
6 and youth in foster care who have experienced severe trauma and
7 shall develop and submit recommendations to the Legislature
8 addressing any identified gaps in placement types or availability,
9 needed services to resource families, or other identified issues. A
10 report submitted to the Legislature pursuant to this paragraph
11 shall be submitted in compliance with Section 9795 of the
12 Government Code.

13 (3) No later than June 1, 2020, the joint interagency resolution
14 team, in consultation with county agencies, service providers,
15 behavioral health professionals, schools of social work, and
16 advocates for children and resource families, shall develop a
17 multiyear plan for increasing the capacity and delivery of
18 trauma-informed care to foster children and youth served by
19 short-term residential therapeutic programs and other foster care
20 and behavioral health providers.

21 SEC. 3. To the extent that this act has an overall effect of
22 increasing the costs already borne by a local agency for programs
23 or levels of service mandated by the 2011 Realignment Legislation
24 within the meaning of Section 36 of Article XIII of the California
25 Constitution, it shall apply to local agencies only to the extent that
26 the state provides annual funding for the cost increase. Any new
27 program or higher level of service provided by a local agency
28 pursuant to this act above the level for which funding has been
29 provided shall not require a subvention of funds by the state or
30 otherwise be subject to Section 6 of Article XIII B of the California
31 Constitution.

32 ~~SECTION 1. It is the intent of the Legislature to enact~~
33 ~~legislation that would build upon the current Continuum of Care~~
34 ~~Reform implementation effort through the following actions:~~

35 ~~(a) Develop a coordinated and trauma-informed system-of-care~~
36 ~~approach at the state and local levels to better provide care for~~
37 ~~foster youth served by multiple agencies, including, but not limited~~
38 ~~to, behavioral health departments, probation departments, regional~~
39 ~~centers, and offices of education.~~

1 ~~(b) Require county child welfare agencies, probation~~
2 ~~departments, behavioral health departments, regional centers, and~~
3 ~~offices of education to develop and implement local memoranda~~
4 ~~of understanding to provide care management coordination for~~
5 ~~child welfare-involved children, youth, and families who are served~~
6 ~~by multiple agencies.~~

7 ~~(c) Require the Secretary of California Health and Human~~
8 ~~Services and the Superintendent of Public Instruction to convene~~
9 ~~representatives from the State Department of Social Services, the~~
10 ~~State Department of Health Care Services, the State Department~~
11 ~~of Developmental Services, and the State Department of Education~~
12 ~~to establish a joint interagency resolution team to provide guidance~~
13 ~~and support the implementation of the local memoranda of~~
14 ~~understanding described in subdivision (b), and to provide technical~~
15 ~~assistance to counties to identify and secure the appropriate level~~
16 ~~of services to meet the needs of foster children.~~

17 ~~(d) Require the State Department of Social Services and the~~
18 ~~State Department of Health Care Services to develop and submit~~
19 ~~a joint plan to the Legislature, with input from stakeholders, to~~
20 ~~improve the capacity and delivery of trauma-informed care to~~
21 ~~foster youth served by short-term residential therapeutic programs~~
22 ~~and other foster care providers.~~

O

AB 2083 (Cooley)

Building Trauma-Informed Services for Foster Youth

Bill Summary

AB 2083 requires county-level and state-level Memorandums of Understanding between agencies directly responsible for the most-traumatized children in foster care in order to better provide placement and services.

Problem

Children and youth in foster care who have experienced severe trauma often have acute service needs that cross over an array of county departments. Absent a coordinated local system of care with strong state support, child protection social workers must navigate siloed funding streams and multiple programs including education, regional centers, and behavioral health, in order to secure services needed by youth and their caregivers. Further, it can be difficult to find practitioners who are trained to deliver trauma-informed services.

Delays or gaps in critically needed services can result in poor outcomes for youth – untreated trauma, disrupted placements, being moved from family caregivers into institutional settings, and potentially being moved farther from their families and communities of origin due to a lack of available placements. All of these issues make it far more difficult for youth to heal from their trauma and move forward.

Solution

1. Sets the expectation for coordinated services at the local level for youth who require services from multiple agencies through formalized Memorandums of Understanding.
2. Requires the Secretary of Health and Human Services and Superintendent of Public Instruction to establish a joint inter-agency resolution team at the State level with certain

responsibilities, including but not limited to, providing technical assistance to county agencies to establish local MOUs, and link youth to needed services.

3. Requires the interagency team to review the availability of appropriate placements (from family homes to congregate care) that are trained and/or supported to provide trauma-informed care to foster youth and make recommendations to the Legislature for improvements in this area.
4. Requires the interagency team to consult with stakeholders, including practitioners, to develop a plan to increase the availability of trauma-informed services to youth in care.

Background

While progress has been made to reduce the use of congregate care settings, for some youth with extensive, complex and persistent needs, finding a home and services in their community of origin continues to be a challenge for county agencies. These youth can be refused entry into programs by group home care providers and/or experience forced and unplanned exits from placements. These instances further traumatize youth, compounding their acute needs.

CCR requires that services be individually tailored to the needs of each child, as identified through a Child and Family Team. CCR further requires accountability and improved performance by county agencies including provide providers to meet CCR deliverables. The success of CCR is therefore dependent upon all child-serving agencies at the State and local levels working together to jointly meet the needs of children and families, and to intervene at the earliest possible opportunity to prevent the need for higher-cost interventions later.

AB 2083 (Cooley)

Building Trauma-Informed Services for Foster Youth

Support

- County Welfare Directors Association
(Sponsor)

For More Information

Amanda Kirchner
Legislative Director
916-319-2008
Amanda.Kirchner@asm.ca.gov



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

6.

Meeting Date: 04/09/2018

Subject: The State Water Supply Infrastructure, Water Conveyance, Ecosystem and Watershed Protection and Restoration, and Drinking Water Protection act of 2018

Submitted For: LEGISLATION COMMITTEE,

Department: County Administrator

Referral No.: 2018-08

Referral Name: The State Water Supply Infrastructure, Water Conveyance, Ecosystem and Watershed Protection and Restoration, and Drinking Water Protection act of 2018

Presenter: L. DeLaney

Contact: L. DeLaney, 925-335-1097

Referral History:

The Contra Costa County watershed-streams community is requesting that the Contra Costa County Supervisors endorse the Nature Heritage Institute (NHI) Fall 2018 Water Bond: State Water Supply Infrastructure, Water Conveyance, Ecosystem and Watershed Protection and Restoration, and Drinking Water Protection Act of 2018.

Over 600,000 signatures were submitted to the Secretary of State on March 6, 2018 to qualify the bond proposition to appear on the Fall 2018 ballot . An attachment compares the fall water bond against the spring parks bond.

Supervisor Burgis referred this matter to the Legislation Committee for its consideration.

Referral Update:

The California Water Infrastructure and Watershed Conservation Bond Initiative (#17-0010) may appear on the ballot in California as an initiated state statute on November 6, 2018.

The measure would issue \$8.877 billion in general obligation bonds for water infrastructure, groundwater supplies and storage, surface water storage and dam repairs, watershed and fisheries improvements, and habitat protection and restoration.

On March 13, 2018, the Secretary of State announced that signatures had been filed for the ballot initiative. As of March 22, 601,535 signatures had been filed. At least 365,880 of those signatures—about 60.8 percent—need to be valid. Counties have until April 24, 2018, to conduct a random sample of signatures.

The request for the Board of Supervisors' support for the State Water Supply Infrastructure, Water

Conveyance, Ecosystem and Watershed Protection and Restoration, and Drinking Water Protection act of 2018 was conveyed by letter to Supervisor Burgis, which is attached. (Attachment A)

Also attached is a comparison provided by the California Urban Streams Partnership of the anticipated Fall 2018 bond and Proposition 68, which is set for the June 2018 ballot. (Attachment B.)

Attachment C is the Water Supply and Water Quality Act of 2018.

More information can be found at: <https://waterbond.org/>

Recommendation(s)/Next Step(s):

CONSIDER recommending to the Board of Supervisors a position of "Support" on State Water Supply Infrastructure, Water Conveyance, Ecosystem and Watershed Protection and Restoration, and Drinking Water Protection Act of 2018.

Attachments

Attachment A: Endorsement Request Letter

Attachment B: Bond Comparison

Attachment C: Water Supply and Water Quality Act of 2018



Supervisor Diane Burgis
3361 Walnut Blvd. Suite 140
Brentwood, Ca 94513

March 26, 2018

Dear Supervisor Burgis

I was referred to you by Supervisor John Gioia as a member of the supervisor's Legislative Committee. The Contra Costa County watershed-streams community is requesting that the Contra Costa County Supervisors endorse the Nature Heritage Institute (NHI) Fall 2018 Water Bond: State Water Supply Infrastructure, Water Conveyance, Ecosystem and Watershed Protection and Restoration, and Drinking Water Protection Act of 2018. It is attached as a pdf file part of this letter.

The California Urban Streams Partnership is a network of over 150 watershed organizations. We are well aware of the successful restoration projects of the Friends of Marsh Creek and the extensive community and schools involvement in this project. The Marsh Creek projects have been reliant upon the California Department of Water Resources Urban Streams Restoration Program and the California Natural Resources Agency River Parkways Program. The NHI water bond is a good complement to the park bond proposition 68 which will be on the June ballot, but most importantly it is this Fall NHI water bond which will refund these programs our community uses the most.

Over 600,000 signatures were submitted to the Secretary of State on March 6 to qualify the bond proposition to appear on the Fall 2018 ballot . An attachment compares the fall water bond against the spring parks bond. Northern California and the Bay Area are only marginally benefitted by the Spring bond act and your endorsement of the fall bond will be appreciated by our Contra Costa County Watershed councils, organizations and public works departments.

Particularly important to East Bay agencies and organizations, the water bond provides generous funding for urban rivers and streams statewide such as ours which do not benefit from state created river or regional conservancies. This includes \$ 50 million for DWR Urban Streams Restoration and \$70 million for the Natural Resources Agency River Parkways program . The park bond headed for the spring ballot provides for only a total of \$20 million for competitive grants statewide for these two programs. This of course does not come close to addressing the level of statewide funding needs for streams and watershed management, no less county funding needs.

California Urban Streams Partnership • 2150 Allston Way, Suite 460 • Berkeley, CA 94704
A project of Earth Island Institute • (510) 292-5095 • CUStreams@gmail.com

The East Bay watersheds located in Richmond, San Pablo, El Cerrito, Hercules, Pinole, Concord, Walnut Creek, Brentwood, Martinez and Orinda in which our groups are involved that can benefit from this ballot proposition are:

Baxter Creek

Wildcat Creek and San Pablo Creeks(Cities of Richmond and San Pablo)

Rheem Creek

Hercules and Refugio Creeks

Marsh Creek

Pinole Creek

Walnut Creek

Graysons and Murders Creeks

Alhambra Creek

San Pablo Creek (Orinda)

The funds can be used to plan and implement flood damage reduction projects that also enhance the environment, as well as native fish habitat restoration, storm water management, urban greening including street tree planting, land acquisition and trails. The funding can sustain jobs in watershed restoration work, an important goal for our local agencies and organizations.

The water bond revives the Department of Conservation Watershed Coordinator Program, one of the highest priorities of the statewide as well as local watershed community. This is a program which was dropped in the great recession of 2008-9. Before it was cut this program helped fund watershed coordinators who organized needed projects throughout Contra Costa County.

The proposition contains important provisions which make it much easier for our agencies and organizations to assist disadvantaged communities(DACs) such as North Richmond, San Pablo, Pittsburg and Bay Point.

- Funds may be provided to ngos and local public agencies assisting DACS for grant writing and technical assistance.
- Grant advance payments can be made to projects benefitting DACs if the grants are \$ 1 million or under.
- Project serving DACS or" economically distressed areas" do not require cost sharing.

Finally, the proposition contains an important reform for state grant programs. Grants under this proposition cover sufficient funding needed for planning, monitoring and permitting needed in order to successfully design, select and implement projects.

Please send your endorsement to our organization, The California Urban Streams Partnership:

custreams@gmail.com or rileywaterways@gmail.com

Ann Riley

California Urban Streams Partnership

Comparing the Fall Water Supply and Water Quality Bond Act Being Planned for Fall 2018 Ballot

With the

Park and Water Bond (SB5) on the June 2018 Ballot- Proposition 68

The California Urban Streams Partnership supports the upcoming proposition 68 which will appear on this June's ballot. But we are asking you to also endorse the water bond which will likely appear on the Fall 2018 ballot. The June bond act was prepared by the state legislature and while it keeps the grant programs the watershed and streams community uses the most barely alive, it contains a disappointing level of funding for watersheds and streams and won't come close to sustaining our Bay Area watershed community's needs. The proposition 68 contains over a \$ 130 million dollars for the Los Angeles River watershed alone . While we support our counterparts who are restoring the LA River the bond act is grossly out of geographic balance in allocating funds. In contrast, the citizen written Water Bond which many of us are working on actually serves our Bay Area watershed communities well .The Natural Heritage Institute has submitted over 600,000 signatures to the Secretary of State to qualify for the Fall ballot .

For adequate state grants for the Bay Area we seek your endorsement of the Fall 2018 Water Bond : The State Water Supply Infrastructure, Water Conveyance, Ecosystem and Watershed Protection and Restoration, and Drinking Water Protection act of 2018.

Comparing the two bond acts

<u>Spring Water, Parks Bond Act: Proposition 68.</u>	<u>Fall Water Supply and Quality Bond Act</u>
--	---

Funds available to **anyone statewide or SF Bay Area:**

California Natural Resources Agency River Parkway Program \$20 million	vs \$70 million
Ca Dept. of Water Resources Urban streams Restoration Program \$10 million	vs. \$50 million
Coastal Conservancy San Francisco Bay Program \$60 million	vs. \$100 million
San Francisco Bay Restoration Authority \$20 million	vs. \$200 million

Department of Conservation Watershed Coordinator Program	\$00 .00	vs. \$10 million
State Water Resource Control Board for statewide stormwater management	\$00.00	vs. \$400 million
Urban Forestry	\$15 million	vs. \$20 million

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

SECTION 1.

Division 38 (commencing with Section 86000) is added to the Water Code, to read:

DIVISION 38. State water supply infrastructure, water conveyance, ecosystem and watershed protection and restoration, and drinking water protection act of 2018.

CHAPTER 1. Short Title.

86000. This division shall be known and may be cited as the Water Supply and Water Quality Act of 2018.

CHAPTER 2. Findings and Declarations.

86001. The people find and declare the following:

(a) In our frequently very dry state, our high-tech, agricultural and urbanized economy relies on an uninterrupted and high-quality water supply. By making water use more efficient, reducing the demand for water, providing new and diverse water supplies, improving the quality of our source watersheds, and protecting key environmental uses of water, this measure will assure that the economic and environmental engines of California are not derailed by a shortage of water.

(b) California's recent historic drought raises serious questions about the long-term reliability of our current water supplies. The drought underscores the need to use our existing water supplies more efficiently, increase investments in our water infrastructure, and more effectively integrate our water system from the headwaters to the end user.

(c) California's water situation requires implementation of the Governor's Water Action Plan to provide for the water needs of people, agriculture and the environment. This division will help provide a more reliable water supply by reducing waste, increasing the amount of water available to meet our needs, and improving water quality. This division also provides additional protection for our communities from floods.

(d) This division will implement cost effective methods of water development and conservation to meet California's present and future water needs in a changing climate, including capture of urban drainage and stormwater runoff, groundwater and brackish water desalting, groundwater storage, water recycling, water conservation, and watershed management, restoration, enhancement and protection.

(e) Many of the water supply and water quality investments provided by this division will be matched by agencies and grant recipients, more than doubling the effectiveness of the funding provided.

(f) Agencies implementing this division will give high priority to cost-effective projects, and to the most durable and most environmentally beneficial projects. Funding will go to projects that contribute to implementation of the Governor's Water Action Plan, the goal of which is to increase the resiliency of the California water system and the ability of California communities to cope with drought conditions.

(g) Every Californian has a right to safe, clean, affordable, and accessible drinking water. By complying with Section 106.3, agencies providing funds for safe drinking water pursuant to this division will help achieve the intent of that Section.

(h) This division provides a fair and reasonable distribution of funds directly and indirectly benefitting every region of the state.

(i) This division provides short and long-term cost-effective actions to address the water shortages caused by the recent drought, and will help prepare local communities for future droughts. Droughts reduce water supplies for people, agriculture and the environment. This division will help meet the water needs of people, agriculture, and the environment and make California more resilient in the face of a changing climate.

(j) By improving the health and water productivity of watersheds, communities will become more self-reliant with respect to water supply, and local environmental quality will be increased.

(k) By removing invasive plants such as yellow starthistle, giant reed (*Arundo donax*) and tamarisk, water supply will be increased and habitat for fish and wildlife will be improved.

(l) Flooding can devastate communities and infrastructure. We can make better use of floodwaters by capturing waters and putting them to use in our communities, on our farms, and by recharging groundwater basins. By providing funds to intelligently manage our watersheds and floodplains, this division will also help avoid flood damage, improve fish and wildlife habitat, remove pollutants from our water supply, enhance groundwater, remediate aquifers and improve the environment. Better floodplain management may allow improved operation of upstream reservoirs for water supply purposes.

(m) Severe fire conditions can lead to significant erosion, reduced water quality and impacts on water infrastructure. This division provides funding to manage forests and watersheds to reduce fire danger, mitigate the effects of wildfires on water supply and quality, and enhance water supplies.

(n) This division funds the following programs, which respond to human and environmental water needs in California:

(1) Improvement of water supply and water quality utilizing cost effective methods, including water conservation, desalting of groundwater and other inland saline water, stormwater management, wastewater recycling, and similar water management measures.

(2) Better management of forest and rangeland watersheds, such as through the Sierra Nevada Watershed Improvement Program to improve the pattern, quantity and quality of water runoff and groundwater recharge. Improving soil health improves the ability of the ground to better contain groundwater and moderate the rate of water runoff.

(3) Better groundwater management, including faster implementation of the Sustainable Groundwater Management Act, and better recognition of the connection between surface and groundwater.

(4) Provision of water for fish and wildlife, including restoration of the Pacific Flyway and management of habitat in a dynamic way to respond to changing environmental conditions.

(5) Increased capacity to convey water resulting in greater groundwater recharge and improved conveyance and utilization of floodwaters for use in drought years.

(o) The State Water Resources Control Board, the Department of Fish and Wildlife, and many other agencies have recognized that providing funding for fish habitat enhancement is vital to restoring native California fish populations, and that relying solely on flow to restore those populations will not be sufficient. Providing funding for fish habitat enhancement is a vital complement to reasonable flows to protect fish.

(p) California has lost ninety-five percent (95%) of its historical wetlands. These wetlands provide food, water and cover for migratory and other birds, fish, mammals, reptiles, amphibians and a vast number of plant species. Many species may become endangered or threatened without wetlands and many more survive only due to wetlands available today. This division combines work to sustain and protect current wetlands with the potential to increase wetlands in California to support a thriving flora and fauna.

(q) The implementation of this division will result in cost savings to local governments immediately by substantially more than one billion dollars, and reduce local government operating costs by hundreds of millions of dollars per year. This division will provide funding that displaces local government funding, resulting in the implementation of projects in the following areas. These projects would have eventually been implemented by local government.

(1) Safe Drinking Water. State direct and matching funds will reduce the cost to local government of implementing drinking water and wastewater treatment systems, and to some extent the operation of those systems.

(2) Wastewater recycling. State funds will reduce the cost of these plants, reducing the capital cost of the projects for local governments. By reducing local government capital costs, the cost of water from these plants will also be reduced. Implementation of wastewater recycling plants will defer the need for more expensive alternative sources of water supply, thus further reducing local capital and operating costs.

(3) Groundwater desalting. State funds will reduce the cost of these plants, reducing the capital cost of the projects for local governments. By reducing local government capital costs, the cost of water from these plants will also be reduced. Implementation of groundwater desalting plants will defer the need for more expensive alternative sources of water supply, thus further reducing local capital and operating costs.

(4) Water Conservation. State funds will reduce the cost of these projects, reducing costs to local government. More importantly, reduced water demand resulting from these projects will reduce operating costs, and will temporarily or permanently defer the construction and operating costs of more expensive capital outlay projects needed to provide new water.

(5) Repairing flood control reservoirs. State funds will reduce the costs of these projects for local government.

(6) San Francisco Bay Restoration Authority funds. State investment in wetlands projects providing flood protection around San Francisco Bay will reduce flood risk associated with climate change. This will reduce the cost of other flood control measures, and more importantly will reduce flood damage which often results in tremendous costs to local government for facility repair.

(7) Stormwater funding. Regulations imposed by the State Water Resources Control Board and various regional water quality control boards will result in the construction of various capital outlay projects costing billions of dollars. Providing funds through this measure will reduce the cost of these projects to local government.

(8) Fisheries restoration. This division provides hundreds of millions of dollars for fisheries restoration. Local and regional water agencies are voluntarily undertaking many of these projects. By providing state funds, this division will reduce local costs. In addition, the resulting increase in fish populations will make it possible to improve local water supplies, avoiding local government costs to provide replacement water supplies costing hundreds of millions or even billions of dollars.

(9) Bay Area Regional Reliability. Bay Area water districts are undertaking extensive improvements in their water distribution systems to interconnect their water supplies for greater drought water supply reliability and other benefits. By providing funds for this program, this division will reduce their costs by two hundred and fifty million dollars (\$250,000,000).

(10) Friant Kern Canal Repair. Groundwater overdraft has caused subsidence of the Friant Kern Canal. State funds to repair the canal will reduce the cost of repairing the canal to local water districts. Avoiding the cost to finance this project will also save tens of millions of dollars per year in interest costs which would have to be paid by these districts.

(11) Oroville Dam Repair. Although the costs of repairing Oroville Dam should be covered by the federal government either through the Federal Emergency Management Agency or the Corps of Engineers, the federal government may not fulfill this obligation. If the State Water Resources Development System contractors, all local agencies, are forced to cover all or part of these costs, this division will reduce their costs by two hundred million dollars (\$200,000,000). Interest costs would also be reduced.

(r) Substantial funds remain to be allocated to storage projects pursuant to Division 26.7. For this reason, and so as not to interfere with the work of the California Water Commission in awarding these funds, this measure does not include funding for the construction of specific storage projects.

CHAPTER 3. Definitions.

86002. Unless the context otherwise requires, the definitions set forth in this section govern the construction of this division, as follows:

(a) "Conservation" means rehabilitation, stabilization, restoration, reduced water use, development, and reconstruction, or any combination of those activities.

(b) "Conservation actions on private lands" means projects implemented with willing landowners that involve the adaptive and flexible management of natural resources in response to changing conditions and threats to habitat and wildlife. These investments and actions are specifically designed to create habitat conditions on private lands which, when managed dynamically over time, contribute to the long-term health and resiliency of vital ecosystems and enhance wildlife populations.

(c) "Delta" means the Sacramento-San Joaquin Delta as defined in Section 12220.

(d) "Department" means the Department of Water Resources.

- (e) “Desalination” means removing salt and other contaminants from polluted groundwater or other inland sources of water containing salts, including brackish water.
- (f) “Disadvantaged community” has the meaning set forth in subdivision (a) of Section 79505.5, as it may be amended.
- (g) “Economically distressed area” has the meaning set forth in subdivision (k) of Section 79702, as it may be amended.
- (h) “Finance committee” means the Water Supply Reliability and Drought Protection Finance Committee created by Section 86182.
- (i) “Fund” means the Water Supply Reliability and Drought Protection Fund of 2018 created by Section 86169.
- (j) “Groundwater sustainability agency” means an agency defined in subdivision (j) of Section 10721.
- (k) “Integrated Regional Water Management Plan” means a comprehensive plan for a defined geographic area that meets the requirements of Part 2.2 (commencing with Section 10530) of Division 6, as that part may be amended.
- (l) “Invasive plant” means a terrestrial or aquatic plant not native to California of no or negligible agricultural value which does any of the following: displaces native plants, threatens native plant biodiversity, harms agricultural or rangeland productivity, degrades wildlife habitat, contributes to fire hazard, or uses more water than the plants it displaces.
- (m) “Multi-benefit project” means a project that serves more than one purpose, including but not limited to flood management, water supply, water quality improvement, environmental enhancement, recreation, energy conservation, reduction of emission of climate-changing gases, and fish and wildlife improvement.
- (n) “Nonprofit organization” means an organization qualified to do business in California and exempt under Section 501(c)(3) or Section 501(c)(6) of Title 26 of the United States Code, to the extent permitted by state and federal law.
- (o) “Protection” means those actions necessary to prevent harm or damage to persons, property or natural resources or those actions necessary to allow the continued use and enjoyment of property or natural resources and includes acquisition, development, restoration, conservation, preservation and interpretation as interpretation is defined in subdivision (i) of Section 75005 of the Public Resources Code.
- (p) “Public agency” means a state agency or department, special district, joint powers authority, city, county, city and county, or other political subdivision of the state.
- (q) “Public water systems” are defined in subdivision (h) of section 116275 of the Health and Safety Code and means regional, municipal, and district urban water suppliers, including privately owned water suppliers as defined in Part 2.6, Section 10617 of the Water Code Division 6.
- (r) “Restoration” means the improvement of physical structures or facilities and, in the case of natural systems and landscape features, includes but is not limited to projects that improve physical and

ecological processes, including but not limited to erosion control; sediment management; the control and elimination of invasive species; prescribed burning; fuel hazard reduction; fencing out threats to existing or restored natural resources; meadow, wetland, riparian, and stream restoration; and other plant and wildlife habitat improvement to increase the natural system value of the property. Restoration projects shall include the planning, monitoring and reporting necessary to ensure successful implementation of the project objectives.

(s) "Severely disadvantaged community" means a community with a median household income of less than 60 percent (60%) of the statewide median household income.

(t) "Sierra Nevada Watershed Improvement Program" is a coordinated, integrated, collaborative program to restore the health of California's primary watershed by increasing the pace and scale of forest restoration in order to maintain the important benefits that the Sierra Nevada region provides.

(u) "State board" means the State Water Resources Control Board.

(v) "State General Obligation Bond Law" means the State General Obligation Bond Law, Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code.

(w) "Stormwater" and "dry weather runoff" are defined as in Section 10561.5.

(x) "Stormwater Resource Plans" are defined as in Part 2.3 (commencing with Section 10560) of Division 6.

CHAPTER 4. Accountability.

86003. (a) (1) The California Natural Resources Agency shall provide for an independent audit of expenditures pursuant to this division no less than every three years.

(2) On or before January 10, 2020, and every six months thereafter, the Natural Resources Agency shall publish on its website a report that contains all of the following information relating to this division for the previous six months with the information summarized by section of this division:

(A) Funding encumbrances.

(B) Summary of new projects funded.

(C) Summary of projects completed.

(D) Discussion of progress towards meeting the metrics of success established pursuant to Section 86157.

(E) Discussion of common challenges experienced by state agencies and recipients of funding in executing projects.

(F) Discussion of major accomplishments and successes experienced by state agencies and recipients of funding in executing projects.

(3) This subsection shall remain in effect only until January 1, 2028, and as of that date is repealed.

(b) The Department of Finance or the Controller, or the California State Auditor at the direction of the Legislature, may conduct an audit of the expenditures of any state agency receiving funding pursuant to

this act.

(c) The state agency issuing any grant with funding authorized by this division shall require adequate reporting of the expenditures of the funding from the grant.

CHAPTER 5. Improvement of Water Supply and Water Quality.

CHAPTER 5.1. Safe Drinking Water.

86004. The sum of seven hundred fifty million dollars (\$750,000,000) is appropriated from the Fund to the State board for expenditures, grants, and loans to improve water quality or help provide clean, safe, and reliable drinking water to all Californians.

86005. The projects eligible for funding pursuant to this chapter shall help improve water quality for a beneficial use. The purposes of this chapter are to:

- (a) Reduce contaminants in drinking water supplies regardless of the source of the water or the contamination.
- (b) Assess and prioritize the risk of contamination to drinking water supplies.
- (c) Address the critical and immediate needs of disadvantaged, rural, or small communities that suffer from contaminated or inadequate drinking water supplies, including, but not limited to, projects that address a public health emergency.
- (d) Leverage other private, federal, state, and local drinking water quality and wastewater treatment funds.
- (e) Provide disadvantaged communities with public drinking water infrastructure that provides clean, safe, and reliable drinking water supplies that the community can sustain over the long term.
- (f) Ensure access to clean, safe, reliable, and affordable drinking water for California's communities.
- (g) Meet primary and secondary drinking water standards or remove contaminants identified by the state or federal government to meet primary or secondary drinking water standards.

86006. The contaminants that may be addressed with funding pursuant to this chapter may include, but shall not be limited to, lead, nitrates, perchlorate, MTBE (methyl tertiary butyl ether), arsenic, selenium, hexavalent chromium, mercury, PCE (perchloroethylene), TCE (trichloroethylene), DCE (dichloroethene), DCA (dichloroethane), 1,2,3-TCP (trichloropropane), carbon tetrachloride, 1,4-dioxane, 1,4-dioxacyclohexane, nitrosodimethylamine, bromide, iron, manganese, total dissolved solids, electrical conductivity, and uranium.

86007. (a) (1) Of the funds authorized by Section 86004, five hundred million dollars (\$500,000,000) shall be available for grants and loans for public water system infrastructure improvements and related actions to meet safe drinking water standards, ensure affordable drinking water, or both. Priority shall be given to projects that provide treatment for contamination or access to an alternate drinking water source or sources for small community water systems or state small water systems in disadvantaged communities whose drinking water source is impaired by chemical and nitrate contaminants and other health hazards

identified by the State board. Eligible recipients serve disadvantaged communities and are public water systems or public agencies.

(2) Eligible expenses may include initial operation and maintenance costs for systems serving disadvantaged communities. Priority shall be given to projects that provide shared solutions for multiple communities, at least one of which is a disadvantaged community that lacks safe, affordable drinking water and is served by a small community water system, state small water system, or a private well. Construction grants shall be limited to five million dollars (\$5,000,000) per project, except that the State board may set a limit of not more than twenty million dollars (\$20,000,000) for projects that provide regional benefits or are shared among multiple entities, including consolidation of two or more drinking water systems, at least one of which shall be a small disadvantaged community. Not more than 50 percent (50%) of a grant may be awarded in advance of actual expenditures.

(3) For the purposes of this subdivision, “initial operation and maintenance costs” means those initial, eligible, and reimbursable costs under a construction funding agreement that are incurred up to, and including, but not limited to, initial startup testing of the constructed project in order to deem the project complete. Initial operation and maintenance costs are eligible to receive funding pursuant to this section for a period not to exceed three years.

(b) Of the funds authorized by this section, up to ten million dollars (\$10,000,000) shall be available for grants to provide school children with safe drinking water under the Drinking Water for Schools Grant Program pursuant to Section 116276 of the Health and Safety Code.

86008. Of the funds authorized by Section 86004, two hundred fifty million dollars (\$250,000,000) shall be available for deposit in the State Water Pollution Control Revolving Fund Small Community Grant Fund created pursuant to Section 13477.6 for grants and loans for wastewater treatment projects. Priority shall be given to projects that serve disadvantaged communities and severely disadvantaged communities, and to projects that address public health hazards. Projects may include, but not be limited to, projects that identify, plan, design, and implement regional mechanisms to consolidate wastewater systems or provide affordable treatment technologies.

86009. Of the funds authorized by Section 86004, up to sixty million dollars (\$60,000,000) shall be made available for drinking water infrastructure and/or wastewater improvements on private property, or for interim replacement drinking water supplies.

(a) Funds may be used for the following purposes:

(1) To conduct water quality testing of drinking water wells.

(2) To install and replace laterals, repair or replace private wells or onsite wastewater systems, properly close abandoned wells and septic system infrastructure, and provide infrastructure necessary to connect residences to a public water or wastewater system.

(3) To replace interior drinking water plumbing and fixtures that contain lead.

(4) To provide interim replacement drinking water supplies.

(b) The State board may establish a revolving loan fund to facilitate financing for activities allowable under this section.

(c) Priority shall be given to projects that assist low-income homeowners, including mobile home owners, and vulnerable populations.

86010. (a) For the purposes of awarding funding pursuant to this chapter, a local cost share of not less than 50 percent (50%) of the total costs of the project shall be required. The cost-sharing requirement may be waived or reduced for projects that directly benefit a disadvantaged community or an economically distressed area.

(b) At least 10 percent (10%) of the funds available pursuant to this chapter shall be allocated for projects serving severely disadvantaged communities.

(c) Up to 15 percent (15%) of the funds available pursuant to this chapter may be allocated for technical assistance to disadvantaged communities. The State board shall operate a multidisciplinary technical assistance program for small and disadvantaged communities which may include, but is not limited to, outreach and education, needs assessments, review of alternative approaches to provide communities with safe drinking water or wastewater services, project selection and design, board and operator training, and other technical, managerial, and financial capacity building assistance for utilities serving disadvantaged communities related to providing communities with safe drinking water or wastewater services. The agency may also contract with a nonprofit organization, resource conservation district, or other local agency to provide these services.

CHAPTER 5.2. Water Recycling and Desalination.

86020. The sum of four hundred million dollars (\$400,000,000) is appropriated from the Fund to the State board to award grants and loans to eligible entities as defined in subdivision (a) of Section 86166 on a competitive basis for wastewater recycling projects. Grants pursuant to this section may be made for all of the following:

(a) Water recycling projects, including, but not limited to, treatment, storage, conveyance, brine disposal, and distribution facilities for potable and nonpotable recycling projects.

(b) Dedicated distribution infrastructure to serve residential, commercial, agricultural, fish and wildlife habitat, and industrial end-user retrofit projects to allow use of recycled water.

(c) Pilot projects for new potable reuse and contaminant removal technology.

(d) Multi-benefit recycled water projects that improve water quality.

(e) Multi-benefit recycled water projects that protect, conserve and restore wetland and other wildlife habitat.

(f) Technical assistance and grant writing assistance related to specific projects for disadvantaged communities and economically distressed areas.

86021. The sum of four hundred million dollars (\$400,000,000) is appropriated from the Fund to the State board to award grants to eligible entities as defined in subdivision (a) of Section 86166 on a competitive basis for desalination of brackish groundwater, and other brackish water desalination projects which do

not directly negatively affect riparian habitat, estuaries, coastal bays, coastal lagoons, or ocean waters of California as defined by the State board. Grants pursuant to this section must comply with the requirements of this section, and may be made for all of the following:

- (a) Treatment, storage, conveyance, and distribution facilities. Projects may remove contaminants in addition to salts, but shall be primarily constructed and operated to remove salt.
- (b) Distribution infrastructure to serve residential, commercial, agricultural, fish and wildlife habitat, and industrial end-user retrofit projects to allow use of desalted water.
- (c) Multi-benefit salt removal projects that improve water quality.
- (d) Technical assistance and grant writing assistance related to specific projects for disadvantaged communities and economically distressed areas.
- (e) Multi-benefit salt removal projects that provide water supply for wetland and other wildlife habitat.
- (f) Technical assistance and grant writing assistance related to specific projects for disadvantaged communities and economically distressed areas.

86022. No grant made pursuant to this chapter shall exceed fifty percent (50%) of the cost of the project, but this requirement may be eliminated or reduced for that portion of projects that primarily serve disadvantaged communities, economically distressed areas, or wildlife habitat.

86023. Projects funded pursuant to this chapter shall be selected on a competitive basis with priority given to the following criteria:

- (a) Water supply reliability improvement.
- (b) Water quality and ecosystem benefits related to decreased reliance on diversions from the Delta or from local rivers and streams, and benefits related to attainment of beneficial uses and water quality objectives in local receiving waters.
- (c) Public health benefits from improved drinking water quality or supply.
- (d) Cost-effectiveness, based on the amount of water produced per dollar invested, and other cost-effectiveness criteria adopted by the State board.
- (e) Energy efficiency and greenhouse gas emission reductions.
- (f) Water supply or water quality improvements benefitting disadvantaged communities.
- (g) Protection and restoration of fish and wildlife habitat, as well as provision of a reliable water supply for fish and wildlife.

CHAPTER 5.3. Water Conservation.

86030. The sum of three hundred million dollars (\$300,000,000) is appropriated from the Fund to the

department for the following purposes:

(a) Statewide turf removal program.

(1) The program shall provide financial incentives to public and private property owners to convert their irrigated or watered landscaping to drought tolerant plantings, including appropriate low water using plants. The department shall set a maximum amount each applicant can receive, and shall allow greater incentives to low-income homeowners who could not otherwise afford to participate in the landscape water conversion program. No less than seventy-five percent (75%) of the funds allocated to this program shall be spent on programs benefitting residential property owners. The department shall make awards to nonresidential applicants on the basis of cost-effectiveness with respect to water supply. Each grant must reduce water consumption by at least fifty percent (50%) compared to current water use.

(2) The most cost-effective projects and those projects that provide the greatest environmental benefits based on the state investment shall receive highest priority for funding. Environmental benefits shall include, but not be limited to, planting appropriate drought resistant native and other plants, reduction in consumptive water use, and increased availability of water for environmental benefits.

(3) The department shall not reject or reduce eligibility to residents residing in service areas which have previously offered turf removal rebate programs as long as the resident was not a participant in the program.

(4) The department shall cooperate with eligible entities as defined in subdivision (a) of Section 86166 and the California Public Utilities Commission to develop an on-bill repayment mechanism to pay for the consumer's share of the landscape conversion project.

(b) Leak detection.

(1) Competitive grants on a matching basis to public water systems to reduce leaks in their water distribution systems, eliminate leaks in the water systems of their customers if the water system operator determines that customer leak detection and elimination is a cost-effective way to improve the water system operator's water supply and provides a public benefit, and install instrumentation to detect leaks at residential, institutional, and commercial properties. The department shall make awards on the basis of cost-effectiveness with respect to water supply. Water system operators receiving grants pursuant to this subdivision shall give highest priority to leak detection and water waste elimination programs in disadvantaged communities and economically distressed areas.

(2) No grant award shall exceed fifty percent (50%) of the cost of the project. Cost sharing may be reduced or eliminated for a grant award that primarily benefits residential property owners in a disadvantaged community or an economically distressed area.

(c) Toilet replacement. Competitive grants on a matching basis to public water systems or eligible entities as defined in subdivision (a) of Section 86166 to replace toilets using more than three gallons per flush with new toilets that conserve water and flush 1.28 gallons per flush or less. The department shall make awards on the basis of cost-effectiveness with respect to water supply. Entities receiving grants pursuant to this subdivision shall give highest priority to toilet replacement programs in disadvantaged communities and economically distressed areas.

(d) Water meters. Installation of water meters in disadvantaged communities that are not metered.

(e) Energy saving water conservation. Competitive grants on a matching basis to public water systems to undertake water conservation projects that promote saving energy. These projects shall document the greenhouse gas emission reductions coming from water conservation programs. The department shall make awards on the basis of cost-effectiveness with respect to water supply as well as energy savings. Highest priority shall be given to programs in disadvantaged communities and economically distressed areas.

(f) In determining how to allocate the funds appropriated pursuant to this section, the department shall determine which technologies are most cost-effective, produce the greatest environmental benefits, and provide the most benefit to disadvantaged communities and economically distressed areas.

(g) Any entity receiving a grant pursuant to this section may use grant funds to establish a revolving fund from which the entity may make loans to implement water conservation programs. The interest rate shall be established by the entity, and the entity may charge a reasonable administration fee to be paid along with the interest on the loan over the lifetime of the loan. Payments made on loans made pursuant to this program shall be returned to the revolving fund to be used for additional loans to implement water conservation programs. Loans made pursuant to this section may be for up to 15 years, or for the useful life of the water conservation project, whichever is shorter.

86031. The sum of fifteen million dollars (\$15,000,000) is appropriated from the Fund to the California Energy Commission for the Water Energy Technology Program to accelerate the deployment of innovative water and energy saving technologies and help continue to make water conservation a California way of life.

86032. (a) The purpose of this section is to help make it possible to improve flows in tributaries to the Delta, and to expedite the transfer of conserved agricultural water while minimizing impacts on water rights holders.

(b) The sum of fifty million dollars (\$50,000,000) is appropriated from the Fund to the department for matching grants to local agencies to aid in the construction and implementation of agricultural water conservation projects, and for grants in accordance with Section 79158.

(c) For the purposes of approving a grant under this section, the department shall determine if there will be a net savings of water as a result of each proposed project and if the project is cost-effective and technically sound.

(d) A project under this section shall not receive more than five million dollars (\$5,000,000) in grant proceeds from the department.

(e) The department shall give preference to the most cost-effective and technically sound projects.

(f) Priority shall be given to grants that result in water savings which are used to improve the quality of fish and wildlife through increased flows in tributaries to the Delta. Grants improving internal water district efficiency for other uses and transfers are also eligible for funding.

(g) No project may cause adverse impacts to fish or wildlife without mitigating those impacts below a level of significance. The cost of mitigation may be included in grant funds.

CHAPTER 5.4. Flood Management for Improved Water Supply.

86040. (a) The sum of two hundred million dollars (\$200,000,000) is appropriated from the Fund to the Central Valley Flood Protection Board for:

(1) Enlargement and environmental enhancement of existing floodways and bypasses within the jurisdiction of the Central Valley Flood Protection Board, including providing recreation opportunities.

(2) Improvement of flood control facilities and environmental enhancement within the jurisdiction of the Central Valley Flood Protection Board.

(b) To be eligible for funding under this section, a project shall provide reduced flood risk, reduced liability, or reduced maintenance responsibility for state agencies or local flood control districts or both.

(c) The Central Valley Flood Protection Board shall give preference to:

(1) Those projects that primarily benefit disadvantaged communities or economically distressed areas.

(2) Multi-benefit projects designed to reduce flood risk and enhance fish and wildlife habitat by allowing rivers and floodplains to function more naturally. These projects create additional public benefits such as protecting farms and ranches, improving water quality, increasing groundwater recharge, and providing public recreation opportunities.

(3) Those projects that include matching funds, including but not limited to matching funds from other state agencies. Matching fund requirements may be reduced or eliminated to the extent the project directly benefits disadvantaged communities or economically distressed areas.

(d) The Central Valley Flood Protection Board may make grants to eligible entities as defined in subdivision (a) of Section 86166 to implement this section.

(e) The Central Valley Flood Protection Board may use up to one million (\$1,000,000) of these funds to develop a programmatic permit for authorization of habitat restoration and related multi-benefit floodplain restoration projects whose primary purpose is restoration and that meet the criteria described in paragraphs (a) and (b) of this section.

(f) Of the amount appropriated in paragraph (a), fifty million dollars (\$50,000,000) shall be awarded for matching grants to public agencies to construct flood control improvements to existing dams on rivers in the Sacramento Valley that provide flood protection to urbanized areas. If these funds are not awarded for this purpose by January 1, 2032, they may be used for the other purposes of this section.

86041. (a) The sum of one hundred million dollars (\$100,000,000) is appropriated from the Fund to the department for grants to local agencies on a fifty percent (50%) matching basis to repair or reoperate reservoirs that provide flood control either as a principal purpose or as an indirect effect of their operation. Grantees must demonstrate that the proposed repair or reoperation will increase the amount of water stored in those reservoirs that could be put to beneficial use. No funds appropriated under this section shall be used to raise the height of any dam. Spillway modification projects that do not raise the

crest height of the dam are eligible for grant funds.

(b) (1) To be eligible for funding under this section, a project must provide substantial increases in recreational opportunities, such as trails along river channels, and significant net improvements to fish and wildlife habitat in and adjacent to the river channel downstream of the reservoir, and to the extent compatible with safe reservoir operation, within the reservoir. At least ten percent (10%) of project costs shall be allocated to these recreational and habitat purposes. The funds to carry out these purposes shall be allocated by the department directly to a state conservancy if there is a conservancy with jurisdiction over the area of the project. If there is no conservancy, the Natural Resources Agency's California River Parkway Program shall contract with an eligible entity as defined in subdivision (a) of Section 86166 to carry out these purposes. The agency operating the reservoir being repaired or reoperated shall approve the recreational and habitat elements of the project and shall not charge any fees for review, plan check, permits, inspections, or any other related costs associated with the project, and shall provide permanent operation and maintenance of the entire project, including the habitat and recreational elements. Projects may include grants to eligible entities as defined in subdivision (a) of Section 86166 to implement this paragraph.

(2) All costs associated with the requirements of this subdivision may be paid for with funds provided to local agencies by this section, and do not have to be matched by the agency.

(c) Grants made pursuant to this section may be for the purpose of seismic retrofit.

(d) No grants made pursuant to this section shall be for reservoir maintenance or sediment removal from the reservoir or upstream of the reservoir, except as necessary to complete projects authorized under paragraphs (a), (b), and (c).

(e) Applicants shall certify that projects paid for by funds provided by this section will be permanently operated and maintained.

(f) First priority shall be given to projects that benefit disadvantaged communities.

(g) Projects to assist in the reoperation of eligible reservoirs shall increase water supply for beneficial uses through the purchase and installation of water measuring equipment, acquisition of information systems, and the use of technologies and data to improve reservoir management.

(h) (1) A local public agency, Indian tribe or nonprofit organization that receives funding under this chapter to create recreational facilities or wildlife habitat may use up to twenty percent (20%) of those funds to establish a trust fund that is exclusively used to help pay for the maintenance and monitoring of those recreational facilities or wildlife habitat.

(2) A local public agency, Indian tribe or nonprofit organization that acquires an interest in land, recreation facilities or wildlife habitat with money from this chapter and transfers the interest in land, recreation facilities or wildlife habitat to another public agency, Indian tribe or nonprofit organization shall also transfer the ownership of the trust fund that was established to maintain that interest in the land, recreation facilities or wildlife habitat.

(3) This subdivision does not apply to state agencies.

(4) If the local public agency, Indian tribe or nonprofit organization does not establish a trust fund

pursuant to this subdivision, the agency, tribe or organization shall certify to the state agency making the grant that it can maintain the land, recreational facilities or wildlife habitat to be acquired or developed from funds otherwise available to the agency, tribe or organization.

(5) If the interest in land, recreational facilities or wildlife habitat is condemned or if the local public agency, Indian tribe or nonprofit organization determines that the interest in land, recreational facilities or wildlife habitat is unable to fulfill the purposes for which money from this chapter was expended, the trust fund and any unexpended interest are appropriated to the agency that provided the money. The funds returned to the agency may be utilized only for projects pursuant to this section.

(i) The department shall give preference to those projects that coordinate reservoir reoperation with the provision of water for groundwater recharge through conjunctive use or other integrated surface/groundwater projects.

86042. The sum of two hundred million dollars (\$200,000,000) is appropriated from the Fund to the San Francisco Bay Restoration Authority to provide matching grants for flood management, wetlands restoration, and other projects consistent with Article 2 (commencing with Section 66704.5) of Chapter 5 of Title 7.25 of the Government Code. For purposes of this section, matching funds may include funds provided by local governments, regional governments, the federal government, private parties, or other funds raised by the San Francisco Bay Restoration Authority. No grant shall exceed fifty percent (50%) of the cost of the project.

86043. (a)(1) A local public agency, Indian tribe or nonprofit organization that receives funding under this chapter to acquire an interest in land may use up to twenty percent (20%) of those funds to establish a trust fund that is exclusively used to help pay for the maintenance and monitoring of that interest in land.

(2) A local public agency, Indian tribe or nonprofit organization that acquires an interest in land with money from this chapter and transfers the interest in land to another public agency, Indian tribe or nonprofit organization shall also transfer the ownership of the trust fund that was established to maintain that interest in land.

(3) This subdivision does not apply to state agencies.

(b) If the local public agency, Indian tribe or nonprofit organization does not establish a trust fund pursuant to subdivision (a), the agency, tribe or organization shall certify to the state agency making the grant that it can maintain the land to be acquired from funds otherwise available to the agency, tribe or organization.

(c) If the interest in land is condemned or if the local public agency, Indian tribe or nonprofit organization determines that the interest in land is unable to fulfill the purposes for which money from this chapter was expended, the trust fund and any unexpended interest are appropriated to the agency that provided the money. The funds returned to the agency may be utilized only for projects pursuant to this chapter.

CHAPTER 5.5. Funding for Water Measurement and Information.

86048. The sum of sixty million dollars (\$60,000,000) is appropriated from the Fund for water measurement and information systems, as follows:

(a) The sum of twenty million dollars (\$20,000,000) is appropriated to the department for development of

methods and installation of water measuring equipment to improve estimates of water balance, water budgets, diversions and water use to support water allocations, drought management, groundwater management, water quality management and water rights.

(b) The sum of ten million dollars (\$10,000,000) is appropriated to the State board for development of information systems, technologies, and data that improve the State board's ability to manage water rights. These systems will include, but not be limited to, digitizing and making available the 10 million pages of paper records on water rights within the State board and in other repositories and the creation of a digital repository for water diversion and use data.

(c) The sum of ten million dollars (\$10,000,000) is appropriated to the Water Data Administration Fund established pursuant to Section 12420, to be used by the department in consultation with the State board for the purpose of making California water information interoperable, consistent with Part 4.9 of Division 6 of the Water Code.

(d) The sum of twenty million dollars (\$20,000,000) is appropriated as follows:

(1) Five million dollars (\$5,000,000) is appropriated to the University of California for its multi-campus Water Security and Sustainability Research Initiative to develop core elements of a water resources information system, in cooperation with the department and the State board.

(2) Five million dollars (\$5,000,000) is appropriated to the California Water Institute at California State University, Fresno to undertake research leading to improvement and conservation of water supplies and improved water quality in California.

(3) Five million dollars (\$5,000,000) is appropriated to the Irrigation Training and Research Center at California Polytechnic State University San Luis Obispo to undertake research leading to improvement and conservation of water supplies and improved water quality in California.

(4) Five million dollars (\$5,000,000) is appropriated to the Office of Water Programs at California State University, Sacramento to undertake research leading to improvement and conservation of water supplies and improved water quality in California.

(5) The institutions of higher education receiving funds pursuant to this paragraph shall work together to assure that their efforts do not conflict or overlap, but are complementary to each other.

CHAPTER 5.6. Capture and Use of Urban Runoff and Stormwater.

86050. (a) The sum of four hundred million dollars (\$400,000,000) is appropriated from the Fund to the State board for projects to capture and use urban dry weather runoff and stormwater runoff. All grants made pursuant to this section by the State board for construction projects must be to counties or cities, a city and county, or a joint powers authority containing a city, county, or city and county with responsibility for flood control or management. The State board may spend up to fifty million dollars (\$50,000,000) for grants to eligible entities as defined in subdivision (a) of Section 86166 to develop Stormwater Resource Plans. Funds available pursuant to this section shall be allocated to projects serving and providing a direct benefit to disadvantaged and severely disadvantaged communities. The State board may use these funds to make grants for technical assistance and outreach to disadvantaged communities.

(b) The sum of thirty million dollars (\$30,000,000) is appropriated from the Fund to the California Tahoe Conservancy for projects to capture and use dry weather runoff and stormwater runoff in the Lake Tahoe Basin pursuant to Title 7.42 (commencing with Section 66905) of the Government Code.

(c) The sum of forty million dollars (\$40,000,000) is appropriated from the Fund to the Santa Monica Mountains Conservancy for projects to capture and use dry weather runoff and stormwater runoff pursuant to Division 23 (commencing with Section 33000) of the Public Resources Code in the area defined in paragraph (2) of subdivision (d) of Section 86080.

(d) The sum of forty million dollars (\$40,000,000) is appropriated from the Fund to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy for projects to capture and use dry weather runoff and stormwater runoff pursuant to Division 22.8 (commencing with Section 32600) of the Public Resources Code.

(e) The sum of forty million dollars (\$40,000,000) is appropriated from the Fund to the State Coastal Conservancy for projects to capture and use dry weather runoff and stormwater runoff pursuant to Division 21 (commencing with Section 31000) of the Public Resources.

(f) Funds spent pursuant to this section shall be used for competitive grants for projects that develop, implement, or improve multi-benefit projects identified and prioritized in Stormwater Resource Plans consistent with Part 2.3 (commencing with Section 10560) of Division 6, as that part may be amended, and shall include as many as possible of the following benefits: capture and treatment of stormwater or dry weather runoff for beneficial uses; removal of pollutants from the captured and treated runoff; creation or restoration of habitat or parkland to capture and treat stormwater or dry weather runoff for beneficial uses by using best management practices that improve environmental quality; removal of pollutants from the captured and treated runoff; creation or restoration of habitat or parkland; storage, infiltration or use of the captured and treated runoff to augment local water supplies; creation or restoration of native habitat, trails, park land or other natural open space; reduction of urban heat islands; and provision of other public recreational opportunities. Projects that include wetlands and native habitat or project elements designed to mimic or restore natural watershed functions shall be given the highest priority.

(g) Of the amount appropriated pursuant to subdivision (a), at least forty million dollars (\$40,000,000) shall be available for projects that reduce the flow of trash and other pollutants: (1) into a National Estuarine Research Reserve, onto beaches, or into near-shore coastal waters in San Diego County, or (2) into San Diego Bay. Priority shall be given to projects that reduce the flow of trash or other pollutants into one or more units of the State Parks System.

86051. (a) Each state agency receiving funds pursuant to this chapter shall require at least a fifty percent (50%) cost share by recipients of grant funds, but may eliminate or reduce the matching requirements for that portion of projects primarily benefiting disadvantaged communities or economically distressed areas.

(b) Projects funded by this section must comply with water quality policies or regulations adopted by the State board or the regional water quality control board with jurisdiction over the project.

(c) Project costs may include development of decision support tools, data acquisition, and geographic information system data analysis to identify and evaluate the benefits and costs of potential stormwater capture and reuse projects.

(d) Preference shall be granted to projects that divert stormwater or dry weather runoff from storm drains or channels and put it to beneficial use.

(e) Agencies receiving funds pursuant to this section shall give high priority to projects benefitting disadvantaged communities. Each agency receiving funds pursuant to this chapter shall allocate at least thirty-five percent (35%) of the funds they receive for projects that benefit disadvantaged communities.

(f) In implementing this chapter, each agency receiving funds pursuant to this chapter shall consult with the Natural Resources Agency regarding the integration and prioritization of the habitat, park land, open space, recreational and public use components of stormwater and dry weather runoff capture and reuse projects, and shall seek assistance from the Natural Resources Agency in the review and scoring of proposed projects.

(g) Projects may prevent stormwater and dry weather runoff from entering storm drains or channels.

86052. Entities defined in subdivision (a) of Section 86166 are eligible to receive funds under subdivisions (b), (c), (d) and (e) of Section 86050.

86053. Funds allocated pursuant to this chapter may be granted to an eligible applicant for single or multiple small-scale projects that are consistent with Chapter 6.5 of Division 2 of the Fish and Game Code, regardless of whether that Chapter is still in effect.

Chapter 5.7. Integrated Regional Water Management.

86054. The sum of five million dollars (\$5,000,000) is allocated to the department to provide direct funding support to approved Integrated Regional Water Management (IRWM) regional water management groups for the purpose of maintaining ongoing IRWM planning and implementation efforts, thereby sustaining the significant investment made through IRWM for regional collaboration on water management.

CHAPTER 6. Watershed, Land, and Fisheries Improvements.

CHAPTER 6.1. Watershed Improvement for Water Supply and Water Quality Enhancement.

86080. The sum of two billion three hundred fifty-five million dollars (\$2,355,000,000) is appropriated from the Fund to protect, restore and improve the health of watershed lands, including forest lands (including oaks, redwoods and sequoias), meadows, wetlands, chaparral, riparian habitat and other watershed lands, including lands owned by the United States, in order to protect and improve water supply and water quality, improve forest health, reduce fire danger consistent with the best available science, mitigate the effects of wildfires on water quality and supply, increase flood protection, remediate aquifers, or to protect or restore riparian or aquatic resources. No grants made pursuant to this section shall be for reservoir maintenance or sediment removal from a reservoir or upstream of a reservoir, except as necessary for field research required pursuant to subdivision (a). Funds shall be allocated as follows:

(a) Two hundred million dollars (\$200,000,000) to the Sierra Nevada Conservancy for the protection, restoration and improvement of Sierra Nevada watersheds, pursuant to Division 23.3 (commencing with Section 33300) of the Public Resources Code and including the purposes outlined in Section 33320 of the Public Resources Code. Funds shall also be spent for the implementation and to further the goals and

purposes of the Sierra Nevada Watershed Improvement Program. Projects eligible for funding under the Sierra Nevada Watershed Improvement Program may include research and monitoring to measure the impact of forest restoration work on water supply, climate and other benefits, including long-term air quality, water quality and quantity, greenhouse gas emissions, carbon storage, habitat, recreational uses, and community vitality. Projects funded under the Sierra Nevada watershed Improvement Program shall be based on the best available science regarding forest restoration and must be undertaken to improve water supply and quality, protect and restore ecological values and to promote forest conditions that are more resilient to wildfire, climate change, and other disturbances. The Sierra Nevada Conservancy may make grants to federal agencies if it determines such grants are the most efficient way to implement the intent of this division on federally managed lands.

(b) Sixty million dollars (\$60,000,000) to the California Tahoe Conservancy for the protection and restoration of watersheds of the Lake Tahoe Basin, pursuant to Title 7.42 (commencing with Section 66905) of the Government Code. Funds shall be spent for implementation and to further the goals and purposes of the Lake Tahoe Environmental Improvement Program, pursuant to Article 6 of Chapter 1.692 of Division 5 (commencing with Section 5096.351) of the Public Resources Code.

(c) One hundred million dollars (\$100,000,000) to the San Francisco Bay Area Conservancy Program of the Coastal Conservancy for the protection and restoration of watersheds of the San Francisco Bay Area, pursuant to Chapter 4.5 of Division 21 of the Public Resources Code (commencing with Section 31160).

(d) One hundred eighty million dollars (\$180,000,000) for the protection and restoration of watersheds of Los Angeles, Ventura, and Orange Counties as follows:

(1) Sixty million dollars (\$60,000,000) to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy for the protection and restoration of the watersheds of the San Gabriel and Lower Los Angeles Rivers pursuant to Division 22.8 (commencing with Section 32600) of the Public Resources Code.

(2) Sixty million dollars (\$60,000,000) to the Santa Monica Mountains Conservancy, for the protection and restoration of the watersheds of Santa Monica Bay, the Upper Los Angeles River and the Upper Santa Clara River pursuant to Division 23 (commencing with Section 33000) of the Public Resources Code, and the watersheds defined in subdivision (c) of Section 79570.

(3) Thirty million dollars (\$30,000,000) to the Santa Ana River Conservancy Program of the Coastal Conservancy for the protection and restoration of watersheds of the Santa Ana River pursuant to Chapter 4.6 of Division 21 of the Public Resources Code (commencing with Section 31170).

(4) Thirty million dollars (\$30,000,000) to the Baldwin Hills Conservancy for the protection and restoration of the Baldwin Hills and Ballona Creek watersheds, and for projects to capture dry weather runoff and stormwater runoff pursuant to Division 22.7 (commencing with Section 32550) of the Public Resources Code.

(e) Forty million dollars (\$40,000,000) to the San Diego River Conservancy for the protection and restoration of watersheds in San Diego County pursuant to Division of 22.9 (commencing with Section 32630) of the Public Resources Code.

(f) One hundred thirty-five million dollars (\$135,000,000) to the State Coastal Conservancy for the protection and restoration of coastal watersheds pursuant to Division 21 (commencing with Section

31000) of the Public Resources Code.

(g) One hundred fifty million dollars (\$150,000,000) for the protection and restoration of the watersheds of the Sacramento and San Joaquin Rivers as follows:

(1) One hundred million dollars (\$100,000,000) to the Sacramento-San Joaquin Delta Conservancy for protection and restoration of the Delta pursuant to Division 22.3 (commencing with Section 32300) of the Public Resources Code. Highest priority shall be given to projects that benefit the restoration of native species and that reduce the negative impacts of excessive salinity intrusion. Highest priority shall also be given to projects that restore habitat important to species listed pursuant to the federal Endangered Species Act (16 U.S.C. Chapter 35) and the California State Endangered Species Act (Fish and Game Code Sections 2050-2100). The funds may also be used for improvement of public recreational facilities in the Delta, and for grants to local agencies and nonprofit organizations to increase community access to parks and recreational opportunities for underserved urban communities in the Delta. The Conservancy may implement programs designed to reduce greenhouse gas emissions from the Delta.

(2) Twenty million dollars (\$20,000,000) to the San Joaquin River Conservancy for the implementation of the San Joaquin River Parkway pursuant to Division 22.5 (commencing with Section 32500) of the Public Resources Code.

(3) Thirty million dollars (\$30,000,000) to the Lower American River Conservancy Fund created by Section 5845.9 of the Public Resources Code. The Wildlife Conservation Board shall use these funds to implement Chapter 10.5 of Division 5 of the Public Resources Code (commencing with Section 5845).

(h) One hundred and seventy million dollars (\$170,000,000) for river parkways, as follows:

(1) Seventy million dollars (\$70,000,000) to the California Natural Resources Agency for projects pursuant the California River Parkways Act of 2004, Chapter 3.8 (commencing with Section 5750) of Division 5 of the Public Resources Code. The Secretary of the Natural Resources Agency shall allocate at least sixty-five percent (65%) of these funds for projects that benefit disadvantaged communities. With the remaining funds, the Secretary shall seek to benefit poorer communities that do not qualify as disadvantaged communities.

(2) Ten million dollars (\$10,000,000) to the State Coastal Conservancy for grants to nonprofit organizations and local public agencies to implement river parkway projects for habitat restoration, public recreation, and water quality improvement along the Guadalupe River corridor.

(3) Ten million dollars (\$10,000,000) to the State Coastal Conservancy for grants to nonprofit organizations and local public agencies to implement river parkway projects for habitat restoration, public recreation, and water quality improvement along the Russian River corridor.

(4) Ten million dollars (\$10,000,000) to the State Coastal Conservancy for grants to nonprofit organizations and local public agencies to implement river parkway projects for habitat restoration, public recreation, and water quality improvement along the Santa Clara River corridor.

(5) Ten million dollars (\$10,000,000) to the State Coastal Conservancy for grants to nonprofit organizations and local public agencies to implement river parkway projects for habitat restoration, public recreation, and water quality improvement along the Tijuana River corridor.

(6) Ten million dollars (\$10,000,000) to the State Coastal Conservancy for grants to nonprofit organizations and local public agencies to implement river parkway projects for habitat restoration, public recreation, and water quality improvement along the Carmel River corridor.

(7) Ten million dollars (\$10,000,000) to the State Coastal Conservancy for grants to nonprofit organizations and local public agencies to implement river parkway projects for habitat restoration, public recreation, and water quality improvement along the Napa River corridor.

(8) Fifteen million dollars (\$15,000,000) to the State Coastal Conservancy for river parkway projects within the San Diego Bay watershed.

(9) Fifteen million dollars (\$15,000,000) to the State Coastal Conservancy for river parkway projects along the Santa Margarita River in San Diego County.

(10) Ten million dollars (\$10,000,000) to the California Tahoe Conservancy to implement habitat restoration, public recreation, and water quality improvements along the Upper Truckee River corridor.

(i) One hundred fifty million dollars (\$150,000,000) shall be available for projects that restore, protect and preserve the Los Angeles River and its tributaries, as follows:

(1) Seventy-five million dollars (\$75,000,000) to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy pursuant to Division 22.8 (commencing with Section 32600) of the Public Resources Code, and Section 79508 of the Water Code.

(2) Seventy-five million dollars (\$75,000,000) to the Santa Monica Mountains Conservancy pursuant to Division 23 (commencing with Section 33000) of the Public Resources Code, and Section 79508 of the Water Code.

(j) Three hundred million dollars (\$300,000,000) to the Wildlife Conservation Board for the following:

(1) For the protection and restoration of the watersheds of the Sacramento, Smith, Eel, and Klamath Rivers and other rivers of Marin, Sonoma, Mendocino, Humboldt and Del Norte Counties, and the Carrizo Plain pursuant to Chapter 4 of Division 2 (commencing with Section 1300) of the Fish and Game Code.

(2) For protection and restoration of oak woodlands and rangelands pursuant to Division 10.4 (commencing with Section 10330) of the Public Resources Code and Article 3.5 (commencing with Section 1360) of Chapter 4 of Division 2 of the Fish and Game Code.

(3) For acquisition and restoration of riparian habitat, migratory bird habitat, anadromous fisheries, wetland habitat and other watershed lands pursuant to Chapter 4 of Division 2 (commencing with Section 1300) of the Fish and Game Code.

(4) Grants may include funding to help fulfill state commitments to implement Natural Community Conservation Plans adopted pursuant to Chapter 10 of Division 3 (commencing with Section 2800) of the Fish and Game Code, and to large scale regional Habitat Conservation Plans adopted pursuant to the federal Endangered Species Act (16 U.S.C. Chapter 35).

(5) Of the amount made available pursuant to this subdivision, the sum of ten million dollars (\$10,000,000) shall be available to assist farmers in integrating agricultural activities with watershed restoration and wildlife protection. Priority shall be given to projects that include partnerships with resource conservation districts.

(6) Of the amount made available pursuant to this subdivision, the sum of fifty million dollars (\$50,000,000) is appropriated to the Oak Woodlands Conservation Fund established by Section 1363 of the Fish and Game Code, and may be expended pursuant to Article 3.5 of Chapter 4 of Division 2 of the Fish and Game Code.

(7) Of the amount made available pursuant to this subdivision, the sum of thirty million dollars (\$30,000,000) shall be available for grazing land protection pursuant to the California Rangeland, Grazing Land and Grassland Protection Act, commencing with Section 10330 of Division 10.4 of the Public Resources Code.

(8) Of the amount made available pursuant to this subdivision, not less than sixty million dollars (\$60,000,000) shall be available for projects that advance the conservation objectives of natural community conservation plans adopted pursuant to the Natural Community Conservation Planning Act, Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code. First priority shall be given to plans that include protection of aquatic ecosystems. Funding pursuant to this paragraph shall not be used to offset mitigation obligations otherwise required.

(k) Twenty-five million dollars (\$25,000,000) to the Coachella Valley Mountains Conservancy for the protection and restoration of the Coachella Valley watershed pursuant to Division 23.5 (commencing with Section 33500) of the Public Resources Code.

(l) One hundred fifty million dollars (\$150,000,000) to the Department of Parks and Recreation for protection and restoration of watershed lands within and affecting units of the State Parks System, with high priority to redwood and other forest land important to protecting river and stream flows and quality. In addition to other purposes authorized pursuant to this section, the Department of Parks and Recreation may allocate funds to improve and increase the efficiency and effectiveness of State Park water supply and wastewater treatment systems.

(m) Sixty million dollars (\$60,000,000) to the Department of Conservation for watershed restoration and conservation projects on agricultural lands, rangelands, managed wetlands, and forested lands.

(1) No less than thirteen million dollars (\$13,000,000) shall be used for grants pursuant to Section 9084 of the Public Resources Code.

(2) No less than thirty-one million dollars (\$31,000,000) shall be used for the purposes of Division 10.2 (commencing with Section 10200) of the Public Resources Code.

(3) Ten million dollars (\$10,000,000) shall be used for the Watershed Coordinator Grant Program.

(n) One hundred million dollars (\$100,000,000) to the California Ocean Protection Council for projects that: (1) reduce the amount of pollutants that flow to beaches, bays, coastal estuaries, and near-shore ecosystems; and (2) protect coastal and near-shore ocean resources from the impacts of rising sea levels, storm surges, ocean acidification and related hazards, including, but not limited to, increasing the resiliency of near-shore ocean habitats. Projects may include, but are not limited to, projects that protect

or restore beaches, coastal estuaries and watersheds, bays, and near-shore ecosystems including marine protected areas. Of this amount, the Council shall use at least five million dollars (\$5,000,000) for the Local Coastal Program sea level rise grant program that supports Local Coastal Program updates to address sea level rise, including sea-level rise modeling, vulnerability assessments, and adaptation planning and policy development.

(o) The sum of two hundred million dollars (\$200,000,000) is appropriated from the Fund to the Natural Resources Agency, for water-related projects that implement the Natural Resources Agency's Salton Sea Management Program consistent with provisions of Article 2 (commencing with Section 2940) of Chapter 13 of Division 3 of the Fish and Game Code, and in fulfillment of the obligations of the State of California to comply with the terms of Chapters 611, 612, 613, and 614 of the Statutes of 2003. These statutes were enacted to facilitate the execution and implementation of the Quantification Settlement Agreement, including restoration of the Salton Sea. The Natural Resources Agency may expend these funds on projects that provide multiple benefits of ecosystem restoration, air quality improvement, and economic recovery for severely disadvantaged communities.

(1) Of the amount appropriated pursuant to this paragraph, not less than twenty million dollars (\$20,000,000) shall be available for purposes consistent with the New River Water Quality, Public Health, and River Parkway Development Program, as described in Section 71103.6 of the Public Resources Code.

(2) Of the amount allocated pursuant to this section, the sum of one million dollars (\$1,000,000) shall be available for a Salton Sea Integrated Watershed Plan providing technical assistance for, outreach to, and engagement with severely disadvantaged communities.

(p) Five million dollars (\$5,000,000) to the Delta Stewardship Council for the Delta Science Program as described in Section 85280.

(q) Fifty million dollars (\$50,000,000) to the department for Urban Streams Restoration Program competitive grants pursuant to Section 7048. The department shall allocate at least sixty-five (65%) of these funds for projects that benefit disadvantaged communities. With the remaining funds, the department shall seek to benefit poorer communities that do not qualify as disadvantaged communities.

(r) Twenty million dollars (\$20,000,000) to the California Department of Forestry and Fire Protection for grants for urban forestry projects that manage, capture or conserve stormwater, recharge local groundwater supplies or improve water supplies or water quality through infiltration, sediment management and erosion control pursuant to the California Urban Forestry Act, Chapter 2 (commencing with Section 4799.06) of Part 2.5 of Division 4 of the Public Resources Code.

(s) Fifteen million dollars (\$15,000,000) to the Delta Protection Commission for expenditures, grants, or loans for projects that improve water quality by improving wastewater treatment in Delta legacy communities (as described in section 32301(f) of the Public Resources Code) and at recreational facilities in the Delta. Funds may be expended on wastewater improvement projects serving Delta legacy communities, or Delta legacy community households with failing septic systems which threaten the quality of groundwater or surface water supplies used for urban, agricultural or fisheries purposes. Funds may also be allocated to improve and increase the efficiency and effectiveness of Delta recreational facility wastewater treatment systems. Priority shall be given to projects that address public health hazards. Projects may identify, plan, design, and implement regional mechanisms to consolidate wastewater systems or provide affordable treatment technologies.

(t) Twenty million dollars (\$20,000,000) to the Department of Parks and Recreation for projects that provide access to rivers for non-motorized recreation, and for grants to eligible entities as defined in subdivision (a) of Section 86166 for this purpose. First priority shall be given to projects that include matching funds, and to projects that serve disadvantaged communities and economically distressed areas, whether or not they include cost sharing.

(u) (1) Twenty million dollars (\$20,000,000) to the Wildlife Conservation Board for the construction of a Pacific Flyway Center in the vicinity of the Suisun Marsh, to be operated by the California Department of Fish and Wildlife. The Department of Fish and Wildlife may contract with a nonprofit organization to operate the Center. The Center shall be used to educate the public about the importance of California's wetlands, agricultural lands (including rice) and riparian areas in benefitting waterfowl, shorebirds, native plants and animals, the value of wetlands in absorbing gases that cause climate change, and similar educational purposes. The operator of the Center shall make special efforts to bring people, and especially students, from disadvantaged communities to the Center for educational purposes. If the Wildlife Conservation Board determines that all or part of these funds is not needed to complete this project, it may allocate the unneeded part of the funds to the purposes of paragraph (j) of this section.

(2) (A) Of the amount appropriated by paragraph (1), the Wildlife Conservation Board may make a grant of up to four million dollars (\$4,000,000) to a nonprofit organization whose principal purpose is wildlife conservation to establish a trust fund, the interest from which shall be used exclusively to operate the Pacific Flyway Center and bring people from disadvantaged communities to the Center.

(B) With the approval of the Department of Fish and Wildlife, the nonprofit organization can transfer the operation of the Pacific Flyway Center to another nonprofit organization. If such a transfer takes place, the trust fund shall be transferred to the new nonprofit organization.

(3) If the funds allocated by this section are not all used to construct the Pacific Flyway Center by January 1, 2028, any remaining funds are appropriated to the Wildlife Conservation Board for the purposes of Section 86123.

(v) Eighty million dollars (\$80,000,000) to the Coastal Conservancy for the removal of Matilija Dam, and for associated levee and flood control improvements, water supply improvements, and related projects on Matilija Creek and the Ventura River, and for river parkway projects along the Ventura River. The Conservancy may grant all or part of these funds to Ventura County. Highest priority for the river parkway projects shall be those which benefit disadvantaged communities. If the Coastal Conservancy determines that all or part of these funds is not needed to complete this project, it may allocate the unneeded part of the funds to the purposes of paragraph (f) of this section.

(w) The sum of twenty-five million dollars (\$25,000,000) to the University of California for the Natural Reserve System for matching grants for land acquisition and for the construction and development of facilities that will be used for research and training to improve the management of aquatic ecosystems, natural lands and the preservation or conservation of California's wildlife resources. Priority shall be given to projects that advance research on the impacts of climate change, reduction of greenhouse gas emissions, and adaptation of natural systems to the impacts of climate change.

(x) (1) The sum of fifty million dollars (\$50,000,000) is appropriated from the Fund to the Sierra Nevada Conservancy for the purpose of awarding grants within the jurisdiction of the Conservancy to eligible entities as defined in subdivision (a) of Section 86166 for the purpose of reducing the threat of wildfires which would negatively impact watershed health. Projects may be for the purpose of hazardous fuel

reduction, postfire watershed rehabilitation, forest management practices that promote forest resilience to severe wildfire, climate change, and other disturbances, and development of local plans to reduce the risk of wildfires that could adversely affect watershed health. Preference shall be given to grants which include matching funds, but this preference may be reduced or eliminated for grants which benefit disadvantaged communities or economically distressed areas.

(2) The sum of fifty million dollars (\$50,000,000) is appropriated from the Fund to the Department of Forestry and Fire Protection for the purpose of awarding grants in areas outside the jurisdiction of the Sierra Nevada Conservancy to eligible entities as defined in subdivision (a) of Section 86166 for the purpose of reducing the threat of wildfires which would negatively impact watershed health. Projects may be for the purpose of hazardous fuel reduction, postfire watershed rehabilitation and restoration, forest management practices that promote forest resilience to severe wildfire, climate change, and other disturbances, and development of local plans to reduce the risk of wildfires that could adversely affect watershed health. Preference shall be given to grants which include matching funds, but this preference may be reduced or eliminated for grants which benefit disadvantaged communities or economically distressed areas.

86083. Consistent with the other requirements of this chapter, funds spent pursuant to this chapter may be used for grants to eligible entities as defined in subdivision (a) of Section 86166. Funds awarded to eligible entities may be used for projects on land owned by a state or federal agency. With the exception of funds allocated to grant programs, funds may also be used directly by the state agency receiving the funds to implement watershed improvement projects consistent with this chapter. In making grants pursuant to this chapter, agencies shall give high priority to applications that include cost sharing, and to grants that benefit disadvantaged communities and economically distressed areas whether or not they include cost sharing.

86084. (a) For a project to be eligible for funding pursuant to this chapter, the project shall have watershed protection and restoration, water supply or water quality benefits, or ecosystem benefits relating to rivers, streams, forests, meadows, wetlands or other water-related resources.

(b) (1) Funds appropriated pursuant to this chapter may be used for protection and restoration of forests, meadows, wetlands, riparian habitat, coastal resources, and near-shore ocean habitat; to acquire land and easements to protect these resources and avoid development that may reduce watershed health, and to take other measures that protect or improve the quality or quantity of water supplies downstream from projects funded in whole or in part by this chapter. Forest restoration projects, including but not limited to hazardous fuel reduction, post-fire watershed rehabilitation, and forest management and tree planting using appropriate native plants shall be based on the best available science regarding forest restoration and must be undertaken to protect and restore ecological values and to promote forest conditions that are more resilient to wildfire, climate change, and other disturbances.

(2) Fuel hazard reduction activities on United States Forest Service lands in the Sierra Nevada and similar forest types shall be generally consistent with objectives of the Sierra Nevada Watershed Improvement Program and the best available science, including United States Forest Service General Technical Report 220 as it may be updated.

86085. Any entity receiving funds pursuant to this chapter that expends funds on private lands shall secure an agreement or interest in the private lands to assure the purpose of the expenditure is maintained for such time as is commensurate with the best practices for the type of project.

86086. (a)(1) A local public agency, Indian tribe or nonprofit organization that receives funding for a project pursuant to this chapter may use up to twenty percent (20%) of those funds to establish a trust fund that is exclusively used to help pay for the maintenance and monitoring of that project.

(2) A local public agency, Indian tribe or nonprofit organization that acquires an interest in a project with money from this chapter and transfers the interest in the project to another public agency, Indian tribe or nonprofit organization shall also transfer the ownership of the trust fund that was established to maintain that interest in the project.

(3) This subdivision does not apply to state agencies.

(b) If the local public agency, Indian tribe or nonprofit organization does not establish a trust fund pursuant to subdivision (a), the agency, tribe or organization shall certify to the state agency making the grant that it can maintain the project to be undertaken using funds otherwise available to the agency, tribe or organization.

(c) The interest from the trust fund shall be used only to monitor the implementation of a project, and maintain a project and its water supply and water quality benefits implemented pursuant to this chapter.

(d) If an interest in a project is condemned or if the local public agency, Indian tribe or nonprofit organization determines that the interest in the project is unable to fulfill the purposes for which money from this chapter was expended, the trust fund and any unexpended interest are appropriated and shall be returned to the agency that provided the money. The funds returned to the agency may be utilized only for projects pursuant to this chapter.

86087. Funds allocated pursuant to this chapter may be granted to an eligible applicant for single or multiple small-scale projects that are consistent with Chapter 6.5 of Division 2 of the Fish and Game Code, regardless of whether that Chapter is still in effect.

86088. By April 30, 2019, the Natural Resources Agency shall recommend provisions for grant approval guidelines to each state agency that receives an appropriation pursuant to this chapter in order to ensure appropriate consistency of the guidelines. Each agency shall consider the recommendations of the Natural Resources Agency as they adopt their own guidelines.

86089. Agencies receiving funds pursuant to this chapter shall give high priority to projects that benefit the native wildlife, birds and fishes of California.

CHAPTER 6.2. Land and Water Management for Water Supply Improvement.

86090. The sum of one hundred million dollars (\$100,000,000) is appropriated from the Fund to the Wildlife Conservation Board for the purpose of awarding competitive grants to eligible entities as defined in subdivision (a) of Section 86166 to improve the quality of public and private rangelands, wildlands, meadows, wetlands, riparian areas and aquatic areas for the purpose of increasing groundwater recharge and water supply from those lands, and for improving water quality consistent with protecting and restoring ecological values.

86091. Funds allocated pursuant to this chapter may be granted to an eligible applicant for single or multiple small-scale projects that are consistent with Chapter 6.5 of Division 2 of the Fish and Game Code,

regardless of whether that Chapter is still in effect.

86094. In making grants pursuant to this chapter, the Wildlife Conservation Board shall give highest priority to projects which:

(a) Are most cost-effective in producing improved water supply or water quality, and which provide the greatest fish and wildlife benefits.

(b) Include matching funds.

(c) Benefit disadvantaged communities and economically distressed areas.

(d) Are for the purpose of invasive plant control and eradication, restoration of riparian habitat, meadows and wetlands, and other projects that improve the flow of water from the lands, and reduce the use of water by invasive plant species.

86096. For a project to be eligible for funding pursuant to this chapter, the project shall have water supply or water quality benefits or both. A project that targets the removal of invasive plants to increase water supply shall only be funded if the applicant guarantees that the land from which plants will be removed will be maintained.

86097. (a)(1) A local public agency, Indian tribe or nonprofit organization that receives funding under this chapter may use up to twenty percent (20%) of those funds to establish a trust fund that is exclusively used to help pay for the maintenance and monitoring of the funded project.

(2) A local public agency, Indian tribe or nonprofit organization that undertakes a project with money from this division and can no longer maintain the project shall transfer the ownership of the trust fund to another public agency, Indian tribe or nonprofit organization that is willing and able to maintain that project.

(3) This subdivision does not apply to state agencies.

(b) If the local public agency, Indian tribe or nonprofit organization does not establish a trust fund pursuant to subdivision (a), the agency, tribe or organization shall certify to the state agency making the grant that it can maintain the project in an appropriate condition.

(c) The interest from the trust fund established from the funds available pursuant to this section shall be used only to maintain a project and its water supply and water quality benefits implemented pursuant to this chapter.

(d) If the interest in a project is condemned or if the local public agency, Indian tribe or nonprofit organization determines that the interest in the project is unable to fulfill the purposes for which money from this chapter was expended, the trust fund and any unexpended interest are appropriated and shall be returned to the Wildlife Conservation Board. The funds returned may be utilized only for projects authorized by this chapter.

86098. In implementing this chapter, the Wildlife Conservation Board may provide incentives to landowners for conservation actions on private lands or use of voluntary habitat credit exchange mechanisms.

86099. At least ten percent (10%) of the funds available pursuant to this section shall be allocated for projects that provide a direct benefit to disadvantaged communities. These benefits may include range improvement, among other benefits. These projects may include technical assistance for, outreach to, and engagement with disadvantaged communities.

CHAPTER 6.3. Conservation Corps.

86105. The sum of forty million dollars (\$40,000,000) is appropriated from the Fund to the California Conservation Corps for projects to protect, restore, and improve the health of watershed lands, including forest lands, meadows, wetlands, chaparral, riparian habitat and other watershed lands. Projects may include, but are not limited to, regional and community fuel hazard reduction projects on public lands, invasive species removal, and stream, river, and riparian restoration projects. The California Conservation Corps shall allocate at least fifty percent (50%) of the funds pursuant to this section for grants to certified local conservation corps. Projects shall improve water quality, water supply reliability, or riparian or watershed health. Projects shall be undertaken in coordination with a nonprofit organization or public agency.

CHAPTER 6.4. Central Valley Fisheries Restoration.

86106. (a) The people of California find and declare that the protection, restoration and enhancement of native fish populations (including anadromous salmonids) of the Central Valley is necessary for the ecological and economic health of the State of California.

(b) Fish need both suitable habitat and appropriately timed flows in rivers and their tributaries.

(c) The State Water Resources Control Board shall take note of the funding provided by this chapter and the resulting fish habitat restoration as the Board determines flows necessary to restore Central Valley native fish populations and fisheries.

(d) Many state and federal agencies, including the Department of Water Resources, Department of Fish and Wildlife, Delta Stewardship Council, Delta Conservancy, Wildlife Conservation Board, Central Valley Flood Protection Board, and federal Bureau of Reclamation, United States Fish and Wildlife Service, and National Marine Fisheries Service have prepared policies and plans to restore Central Valley native fish and fisheries habitat, but these policies and plans are not fully funded.

(e) Many state and federal laws require the restoration of Central Valley native fish populations and fisheries habitat, but funding has not been fully available to carry out the requirements of these laws.

(f) The sum of four hundred million dollars (\$400,000,000) is appropriated from the Fund to the California Natural Resources Agency for the restoration of Central Valley populations of native fish and fisheries habitat.

(1) (A) The Secretary of the Natural Resources Agency shall appoint a Central Valley Fisheries Advisory Committee made up of representatives from the Central Valley Salmon Habitat Partnership, appropriate local, state and federal fish and water management and other agencies, nonprofit organizations, commercial fishing organizations, universities, local agencies and Indian tribes with relevant scientific expertise including representation from the upper watersheds. The committee shall advise the Secretary on the annual expenditure of funds appropriated pursuant to this Chapter. The

committee may solicit projects, and direct the creation of projects pursuant to this chapter, subject to approval by the Secretary.

(B) The committee shall work closely with representatives from each river basin in the Central Valley, including local government and water agencies, Indian tribes, and nonprofit organizations, to develop projects that are most suitable for the conditions in the basin, and which meet the other requirements of this section.

(C) In proposing projects, the committee shall take into account the entire life cycle of the fish species to be benefitted, and shall consider the interaction of the effects of each project within a river basin with projects in other river basins. The committee shall also consider adverse impacts resulting from poor watershed health, including severe wildfire and extensive tree mortality.

(2) Projects funded pursuant to this section shall increase self-sustaining populations of native fish, or contribute to an existing fish population becoming self-sustaining in the future, with a minimal requirement of expenditures to continue to operate the project. No funds may be expended on fish hatcheries.

(3) The committee shall give high priority to projects that provide multiple benefits, such as improved flood management, improved water quality, improved water supply, enhanced groundwater sustainability, aquifer remediation and reduction of emission of greenhouse gases, while also improving conditions for native fish species and their habitats. The committee shall also give high priority to projects that can be integrated into an existing flow regime and provide multi-species benefits over a range of flow conditions. The committee shall also give high priority to projects that are consistent with recovery plan and resiliency strategies for native California fish species.

(4) Expenditures shall be for capital outlay projects, such as conservation easements, water measurement needed to measure the effects of the project, projects that restore or enhance fisheries habitat such as floodplain expansion, reintroductions of fish into their historical habitat, improved fish passage opportunities, creation or enhancement of spawning and rearing habitat and other projects. Acquisition of land or easements as part of a fisheries enhancement project must be from willing sellers. Project costs shall include the costs of planning, environmental review, mitigation of the impacts of the project, and permitting. High priority shall be given to projects that provide adult and juvenile fish access to or fish passage through agricultural fields or floodplain habitats that will provide enhanced juvenile rearing and food production opportunities.

(5) Of the funds authorized by this section, the Secretary of the Natural Resources Agency may allocate up to ten million dollars (\$10,000,000) for one or more grants for capital outlay and related programmatic purposes to institutions of higher education for facilities that can be used to improve scientific and technical coordination, communication and training among those institutions, the department, the Department of Fish and Wildlife, the State board and other state agencies to assure that developments in ecosystem and fisheries science and management are deployed and employed across higher education institutions and state government agencies.

(g) Based on the recommendations of the committee, the Secretary of the Natural Resources Agency may make grants to any state or local agency, Indian tribe, or nonprofit organization to carry out the purpose of this section. The Secretary shall give high priority to projects that include matching funds, projects with a local agency as the lead agency, and projects supporting proposed actions in the Sacramento Valley Salmon Resiliency Strategy (as published by the California Natural Resources Agency in June 2017, and as

it may be amended), the National Marine Fisheries Service California Central Valley Steelhead Recovery Plan and other similar strategies as they are adopted.

(h) Of the amount appropriated pursuant to this section, not less than thirty-five million dollars (\$35,000,000) shall be available for projects to restore rivers and streams in support of fisheries and wildlife, including, but not limited to, reconnection of rivers with their floodplains, riparian and side-channel habitat restoration pursuant to the California Riparian Habitat Conservation Program, Chapter 4.1 (commencing with Section 1385) of Division 2 of the Fish and Game Code, and restoration and protection of upper watershed forests and meadow systems that are important for fish and wildlife resources. Subdivision (f) of Section 79738 of the Water Code applies to this subdivision. Priority shall be given to projects supported by multi-stakeholder public or private partnerships, or both, using a science-based approach and measurable objectives to guide identification, design, and implementation of regional actions to benefit salmon and steelhead.

(i) Of the amount appropriated pursuant to this section, five million dollars (\$5,000,000) shall be available to assist in the development of the Central Valley Salmon Partnership Habitat Implementation Plan.

(j) The Secretary shall give high priority to the removal of Dennett Dam on the Tuolumne River, if additional funds are still needed to complete removal of the Dam.

(k) A local public agency, Indian tribe or nonprofit organization receiving funding under this chapter may use up to twenty percent (20%) of those funds to establish a trust fund, the proceeds of which shall be used exclusively to pay or help pay for the maintenance and monitoring of the project being funded.

(1) If the local public agency, Indian tribe or nonprofit organization is unable to continue to maintain and monitor the project, it may transfer ownership of the trust fund to another public agency, Indian tribe or nonprofit organization, with the approval of the Secretary of the Natural Resources Agency.

(2) This subdivision does not apply to state agencies.

(3) If the local public agency, Indian tribe or nonprofit organization does not establish a trust fund pursuant to paragraph (1), the agency, tribe or organization shall certify to the Secretary of the Natural Resources Agency that it can maintain the project from funds otherwise available to the agency, tribe or organization.

(4) If all or part of the project cannot be maintained or is condemned, the trust fund and any unexpended interest are appropriated to the California Natural Resources Agency. The funds returned to the Agency may be utilized only for projects pursuant to this chapter.

(l) Of the amount appropriated to the California Natural Resources agency pursuant to this section, seven million dollars (\$7,000,000) is appropriated to the Department of Fish and Wildlife for native fish restoration projects on the upper Feather River below Oroville dam for gravel restoration, streambed restoration, and salmon habitat restoration projects.

CHAPTER 7. Groundwater Sustainability and Storage.

86110. (a) The sum of six hundred seventy-five million dollars (\$675,000,000) is appropriated from the Fund to the department for projects and programs that support sustainable groundwater management

consistent with Part 2.74 of Division 6 (commencing with Section 10720). The funds shall be used for competitive grants that advance sustainable groundwater management through implementation of groundwater sustainability plans and projects that protect, enhance, or improve groundwater supplies. At least ten percent (10%) of all grants made pursuant to this paragraph shall be made to groundwater sustainability agencies whose groundwater basins underlie disadvantaged communities.

(b) The sum of ten million dollars (\$10,000,000) is appropriated from the fund to the State board, for use by the Office of Sustainable Water Solutions to implement a multidisciplinary technical assistance program for small and disadvantaged communities, and support the involvement of disadvantaged communities and the public in groundwater sustainability agencies and in the development and implementation of groundwater sustainability plans.

86111. (a) Of the funds authorized by section 86110, six hundred forty million dollars (\$640,000,000) shall be available for grants to groundwater sustainability agencies implementing groundwater sustainability plans pursuant to subdivision (k) of Section 10721 for the following purposes:

(1) Groundwater recharge and storage projects including but not limited to acquisition of land and groundwater pumping allocations from willing sellers, planning of facilities such as feasibility studies and environmental compliance, distribution systems, and monitoring facilities. No grant made pursuant to this section shall exceed twenty million dollars (\$20,000,000).

(2) Projects that implement groundwater sustainability plans pursuant to Part 2.74 of Division 6 (commencing with Section 10720). Projects eligible for funding include but are not limited to feasibility studies, environmental compliance, engineering work used to develop groundwater use and sustainable yield for specific projects, well use measurement and innovative decision support tools.

(3) Projects that assess and address saltwater intrusion including future impacts related to climate change.

(4) Matching grants to groundwater sustainability agencies to develop groundwater sustainability plans pursuant to subdivision (k) of Section 10721. No grant shall exceed one million dollars (\$1,000,000), and no groundwater sustainability agency shall receive more than one grant.

(b) Of the funds authorized by this section, the sum of five million dollars (\$5,000,000) shall be available for research to guide investments made pursuant to this section. Research activities may include, but are not limited to, geophysical surveys, system-level modeling and analysis, development of novel methods and tools that can be applicable to local decision-making, cross-sector economic and policy analysis of novel recharge methods, and development of new approaches to significantly enhance groundwater recharge and fit-for-purpose water treatment and reuse.

(c) Of the funds authorized by this section, the department may allocate up to ten million dollars (\$10,000,000) for the development of publicly accessible decision support tools to assist groundwater sustainability agencies in conducting drinking water quality analysis, including the development and assessment of sustainable yield, undesirable results, measurable objectives and other required targets. The decision support tools should also support vulnerability assessments to help determine communities that may be at risk of facing water supply or contamination challenges. The tools should be available for other efforts such as drought vulnerability assessments and shall be linked to the Human Right to Water indicator housed at the State board.

(d) Of the funds authorized by this section, the department may allocate up to five million dollars (\$5,000,000) for one or more grants for capital outlay and related programmatic purposes to institutions of higher education for facilities that can be used to improve communication and coordination among these institutions, the department and the State board in order to assure that developments in groundwater science and management are efficiently deployed and employed across higher education institutions and state government agencies.

(e) A local public agency, Indian tribe or nonprofit organization receiving funding under this section may use up to twenty percent (20%) of those funds to establish a trust fund used exclusively to pay or help pay for the maintenance and monitoring of the agency's or organization's interest in land acquired pursuant to this section.

(1) If the local public agency, Indian tribe or nonprofit organization that acquired an interest in land with money from this section decides to transfer that interest to another public agency, Indian tribe or nonprofit organization, the ownership of the trust fund established to maintain that interest in land shall also be transferred.

(2) This subdivision does not apply to state agencies.

(3) If the local public agency, Indian tribe or nonprofit organization does not establish a trust fund pursuant to this subdivision the agency, tribe or organization shall certify to the state agency making the grant that it can maintain the land to be acquired from funds otherwise available to the agency, tribe or organization.

(4) If the interest in land is condemned or if the local public agency, Indian tribe or nonprofit organization determines that the interest in land is unable to fulfill the purposes for which money from this chapter was expended, the trust fund and any unexpended interest are appropriated to the agency that provided the money. The funds returned to the agency may be utilized only for projects pursuant to this chapter.

86112. (a) The department shall give priority for funding pursuant to this chapter to the following in equal priority:

(1) Groundwater basins designated by the department as critically overdrafted basins, groundwater basins which are in danger of becoming critically overdrafted, and groundwater basins where surface and groundwater are interconnected.

(2) Groundwater basins with documented water quality problems, land subsidence, impacts on surface streams or groundwater dependent ecosystems, or other undesirable results as defined by subdivision (x) of Section 10721.

(3) Groundwater basins that protect important state-owned resources, such as state parks and wildlife areas.

(4) Projects that support the use of floodwaters of acceptable water quality to recharge groundwater basins. This innovative multi-benefit concept brings together four important California water management objectives, including flood hazard reduction, sustainable groundwater management, ecosystem restoration, and water supply reliability.

(A) Projects may include adaptive modification of flood and conservation storage operations at reservoirs, modifications to spillway facilities at existing reservoirs, inundation of new or expanded flood bypasses or temporary flood storage land areas, application of floodwaters to agricultural lands during fallow or dormant seasons, or increased use of existing groundwater recharge facilities.

(B) Projects may include using floodwaters for recharge of groundwater projects, with both flood hazard reduction and groundwater sustainability benefits.

(C) Projects that provide benefits in flood hazard reduction and groundwater sustainability. Project feasibility can also be supported by ecosystem restoration and water supply benefits.

(b) Of the amount appropriated in section 86110, the department may use up to ten million dollars (\$10,000,000) for the following purposes:

(1) Assess statewide potential for use of floodwaters for recharge and prioritize locations based upon proximity and conveyance connections in the State with flood hazard reduction and groundwater sustainability needs.

(2) Complete a pilot study of a priority location to demonstrate potential water resources management innovations to facilitate flood hazard reduction and groundwater recharge.

(3) Identify and demonstrate use of analytical tools and innovative water management techniques to support development of available floodwaters and recharge of groundwater basins.

(4) Develop economic monetization techniques of groundwater recharge benefits.

(5) Demonstrate application of the department's climate change methodology to both water supply and flood management applications.

(6) Provide technical assistance to groundwater sustainability and local flood management agencies, as well as coordination with state and federal flood agencies.

(c) The department shall consider the following criteria when awarding grants:

(1) The potential of the project to prevent or correct undesirable results due to groundwater use.

(2) The potential of the project to maximize groundwater storage, reliability, recharge or conjunctive use.

(3) The potential of the project to support sustainable groundwater management.

(4) The annualized cost-effectiveness of the project to achieve the goals of the Sustainable Groundwater Management Act, Chapter 2.74 of Division 6 (commencing with Section 10720).

(d) Eligible entities as defined in subdivision (a) of Section 86166, including groundwater sustainability agencies, shall be eligible for grants. Priority for funding shall be given to local agencies implementing the Sustainable Groundwater Management Act.

(e) For purposes of awarding funding under this chapter, a local cost share of not less than fifty percent (50%) of the total cost of the project shall be required. The cost-sharing requirement may be waived or reduced for that portion of a project that directly benefits a disadvantaged community or economically distressed area, or for projects the majority of whose benefits are to restore ecosystems dependent on groundwater.

(f) No grant may be made unless the Department of Fish and Wildlife certifies that harm done to fish or wildlife as a result of the project will be mitigated to ensure any potential impacts are less than significant.

(g) Eligible projects may include such infrastructure improvements such as improved canal and infiltration capacity.

86113. (a) For purposes of this section, "District" means the Borrego Water District.

(b) Of the amount appropriated in Section 86110, thirty-five million dollars (\$35,000,000) shall be awarded as a grant to the District for the following programs:

(1) Acquisition of land and acquisition of the right to pump groundwater from willing sellers to reduce groundwater pumping in order to bring groundwater pumping within the boundaries of the Borrego Springs Subbasin of the Borrego Valley Groundwater Basin to a level that is sustainable on a long-term basis pursuant to the Sustainable Groundwater Management Act, Chapter 2.74 of Division 6 (commencing with Section 10720). Lands acquired may be transferred to the Department of Parks and Recreation, a nonprofit organization or another public agency for future management.

(2) Water end-use efficiency, including urban and agricultural water conservation, and water conservation on recreational facilities such as golf courses.

(3) Restoration of lands acquired pursuant to this section.

(4) Stormwater capture for groundwater basin recharge and re-use.

(5) Other District projects implementing the Sustainable Groundwater Management Act.

(c) (1) No cost sharing by the District is required to implement this section. This is justified because the community of Borrego Springs is a severely disadvantaged community, and because excessive groundwater pumping can impact important resources in Anza-Borrego Desert State Park whose 500,000 annual visitors contribute an estimated forty million dollars (\$40,000,000) annually to the region, as well as support 600 jobs.

(2) The District may require cost sharing by beneficiaries when making grants pursuant paragraphs (2) and (4) of subdivision (b).

(d) As a condition of this grant, the District must agree to:

(1) Implement measures which assure that lands not presently being irrigated will not come into irrigation, and that presently irrigated lands will not become more intensively irrigated; and

(2) Require new development to pay all costs of water purchases the District incurs, and all costs of water projects the District undertakes in order to accommodate that development.

(e) (1) The District or a nonprofit organization that receives funding pursuant to this chapter to acquire an interest in land may use up to twenty percent (20%) of those funds to establish a trust fund that is exclusively used to help pay for the maintenance, monitoring and restoration of that interest in land.

(2) The District or a nonprofit organization that acquires an interest in land with money from this chapter and transfers the interest in land to another public agency or nonprofit organization shall also transfer the ownership of the trust fund that was established to maintain that interest in land.

(3) This subdivision does not apply to state agencies.

(4) If the District or nonprofit organization does not establish a trust fund pursuant to this subdivision, the agency or organization shall certify to the department that it can maintain the land to be acquired from funds otherwise available to the agency or organization.

(5) If the interest in land is condemned or if the District or nonprofit organization determines that the interest in land is unable to fulfill the purposes for which money from this chapter was expended, the trust fund and any unexpended interest are appropriated to the District. The funds returned to the District may be utilized only for projects pursuant to this chapter.

(f) Any funds not needed by the District to implement the program described in this section may be granted by the District to a nonprofit organization or the California Department of Parks and Recreation to acquire lands adjacent to or in the immediate proximity of Anza-Borrego Desert State Park to prevent development or irrigation of that land which might impact groundwater resources in the Park. These lands may be inside or outside the boundaries of the District, but must be within the boundaries of the Borrego Springs Subbasin of the Borrego Valley Groundwater Basin, which is the source of all potable water for the Borrego Springs community and visitors to the Park. The lands may be used for wildlife habitat.

(g) The District may award grants to nonprofit organizations in order to carry out all or part of the programs authorized by this section.

CHAPTER 8. Water for Wildlife, Pacific Flyway Restoration, and Dynamic Habitat Management.

86120. The sum of three hundred million dollars (\$300,000,000) is appropriated from the Fund to the Wildlife Conservation Board (hereinafter in this section “the Board”) to acquire water from willing sellers and to acquire storage and delivery rights to improve conditions for fish and wildlife in streams, rivers, wildlife refuges, wetland habitat areas and estuaries. High priority shall be given to meeting the water delivery goals of the Central Valley Project Improvement Act (Title 34 of Public Law 102-575). The Board may arrange for acquisition, long-term lease agreements, or transfer of water rights if it determines such actions are beneficial to wildlife conservation. The Board may sell, transfer, or store water or storage rights purchased pursuant to this section, if the Board finds that the sale, transfer or storage will not cause harm to fish and wildlife. In years when the Board does not require the water for fish and wildlife purposes, the Board may temporarily sell or lease the water or delivery rights. Notwithstanding Section 13340 of the Government Code, the proceeds of any water sales pursuant to this section by the Board are appropriated directly to the Board without regard to fiscal year. The Board shall use the proceeds of the sale, lease or transfer of water or delivery rights to achieve conservation purposes authorized by this

section. The acquisition of water using funds expended pursuant to this chapter shall only be used for projects that will provide fisheries, wildlife or ecosystem benefits.

86121. The sum of fifty million dollars (\$50,000,000) is appropriated from the Fund to the California Department of Fish and Wildlife for the purpose of improving water supply and water quality conditions for fish and wildlife on private lands. The California Department of Fish and Wildlife may provide incentives to landowners for conservation actions on private lands or use of voluntary habitat credit exchange mechanisms. Such incentives shall be designed to be appropriately flexible and responsive to the highly variable amounts of water required by fish and wildlife.

The Department of Fish and Wildlife shall use a portion of the funds provided by this section to develop a programmatic authorization to expedite approval of habitat restoration and water quality improvement projects not covered under Chapter 6.5 of Division 2 of the Fish and Game Code, and for the implementation of that Chapter.

86122. The sum of three hundred million dollars (\$300,000,000) is appropriated from the Fund to the Wildlife Conservation Board for coastal and Central Valley salmon and steelhead fisheries restoration projects. The Wildlife Conservation Board shall give priority to projects that contribute to the recovery of salmon and steelhead species listed pursuant to the state or federal endangered species acts, to enhance commercial and recreational salmon fisheries and to achieve the goals of Chapter 8 of Part 1 of Division 6 (commencing with Section 6900) of the Fish and Game Code.

(a) Of the amount appropriated by this section, up to one hundred million dollars (\$100,000,000) shall be spent for matching grants to local agencies for capital outlay projects to implement programs to improve fish passage opportunities and to restore anadromous salmonid habitats, particularly juvenile rearing habitat for spring run salmon, on rivers in the Sacramento Valley that have dams blocking the main stem of the river.

(b) Of the amount appropriated by this section, at least one hundred million dollars (\$100,000,000) shall be spent to install fish screens on the Sacramento and San Joaquin Rivers and their tributaries and in the Delta to screen anadromous fish from water intakes. High priority shall go to projects identified as high priority in the Sacramento Valley Salmon Resiliency Strategy (as published by the California Natural Resources Agency in June 2017, and as it may be amended).

86123. (a) The sum of two hundred eighty million dollars (\$280,000,000) is appropriated from the Fund to the Wildlife Conservation Board for projects to protect migratory birds through habitat acquisition, easements, restoration, or other projects, and to provide water for wildlife refuges and wildlife habitat areas to fulfill the purposes identified in the Central Valley Joint Venture Implementation Plan, as it may be amended, including:

- (1) Projects to implement this section which may include conservation actions on private lands.
- (2) Protection and restoration of riparian and wetland habitat in the Sacramento River Basin.
- (3) Protection and restoration of riparian and wetland habitat in the San Joaquin and Tulare Basins.

(b) Of the amount appropriated by this section, forty million dollars (\$40,000,000) shall be deposited in the California Waterfowl Habitat Preservation Account established pursuant to Section 3467 of the Fish

and Game Code, for the purposes of implementing the California Waterfowl Habitat Program pursuant to Article 7 (commencing with Section 3460) of Chapter 2 of Part 1 of Division 4 of the Fish and Game Code, the California Landowner Incentive Program of the Department of Fish and Wildlife, the Permanent Wetland Easement Program of the Wildlife Conservation Board, and the establishment or enhancement of waterfowl nesting and other wildlife habitat cover on fallowed lands including projects authorized pursuant to Section 1018.

(c) Of the amount appropriated by this section, ten million dollars (\$10,000,000) shall be deposited in the Shared Habitat Alliance for Recreational Enhancement (SHARE) Account established pursuant to Section 1572 of the Fish and Game Code and administered by the Department of Fish and Wildlife for the purposes of providing hunting and other wildlife-dependent recreational opportunities to the public through voluntary agreements with private landowners.

(d) Of the amount appropriated by this section, at least one hundred and ten million dollars (\$110,000,000) shall be expended for acquisition and delivery of water to wildlife refuges, and associated infrastructure projects, to achieve full compliance with the terms of subsection (d) of Section 3406 of the Central Valley Project Improvement Act (Title 34 of Public Law 102-575).

CHAPTER 8.6. Sacramento Region Water Reliability and Habitat Protection.

86124. (a) Ten million dollars (\$10,000,000) is appropriated from the Fund to the department for grants to the Regional Water Authority and to the City of Sacramento on behalf of the Sacramento Area Water Forum for projects that are consistent with the coequal objectives of the Water Forum Agreement. Eligible projects include facilities, studies and other actions to improve flow and temperature conditions and habitat in the lower American River, increase water use efficiency and conservation, or improve the integration of surface water and groundwater supplies to provide for dry year water supply reliability.

(b) The Regional Water Authority and the Water Forum shall jointly develop and approve studies, projects, or programs to be funded by the grants. Highest priority shall be given to improving water temperature conditions in the lower American River, and to projects or programs that contribute to both of the Water Forum's coequal objectives of improving water supply and protecting the environment. The Regional Water Authority will be the grantee for water supply and water efficiency projects. The City of Sacramento, on behalf of the Water Forum, will be the grantee for environmental protection, water temperature studies, and habitat restoration projects.

(c) The amount allocated in aggregate to the package of projects shall not exceed fifty percent (50%) of the projects' total cost.

(d) No funds appropriated pursuant to this section may be spent to build new surface storage or raise existing reservoirs.

CHAPTER 9. Bay Area Regional Water Reliability.

86125. Two hundred and fifty million dollars (\$250,000,000) is appropriated from the Fund to the department for a grant to the group of eight water agencies collectively known as the Bay Area Regional Reliability Partnership (BARR) for new facilities that extend the benefits of surface water storage for region-wide benefits in any of the following areas: drought supply reliability, drinking water quality, and emergency storage, as generally described in the Final Mitigation Project List contained in the San Francisco Bay Area Regional Reliability Drought Contingency Plan. The Contra Costa Water District may

receive the grant on behalf of the Partnership unless the BARR Partnership has a governance structure in place at the time of the grant award that makes its eligible to receive the funds directly. The participating water agencies in the San Francisco Bay Area Regional Reliability Drought Contingency Plan will determine and designate funds to one or any of the listed projects, however in no case will the amount determined for any single project be more than 50% of the project's total cost. No funds appropriated pursuant to this section may be spent to build new surface storage, or raise existing reservoirs.

CHAPTER 10. Improved Water Conveyance and Water Conservation.

86126. Even though the drought has eased, the effects of the drought are still being felt in many areas throughout the state, including the San Joaquin Valley. Further exacerbating the impact of drought conditions on water users were legal requirements restricting pumping from the Sacramento-San Joaquin Delta. One of the consequences of both the drought and pumping restrictions was a significant increase in groundwater pumping as a means to replace reduced surface supplies. Such increase in groundwater pumping lowers groundwater tables, which in turn causes wells to go dry and land to subside, which has particularly been the case on the east side of the San Joaquin Valley. The Friant-Kern Canal has lost 60% of its capacity to convey water for both consumptive uses and groundwater recharge. Unless conveyance capacity is restored and increased, the subsidence will continue to get worse and those local communities, including disadvantaged communities, who largely rely on groundwater to serve their citizens, will continue to suffer adverse effects. Significant public benefits will result from this state investment, including avoiding increased unemployment, stabilization of groundwater, and securing a more stable food supply for California.

86127. The sum of seven hundred fifty million dollars (\$750,000,000) is appropriated from the Fund to the department for a grant to the Friant Water Authority for water conveyance capital improvements, including restored and increased conveyance capacity to and in the Madera and Friant-Kern canals, resulting in greater groundwater recharge, improved conveyance and utilization of floodwaters, and for water conservation. Improvements with funds provided by this paragraph shall be completed consistent with applicable state and federal laws and contracts.

86128. The sum of one hundred million dollars (\$100,000,000) is appropriated from the Fund to the Natural Resources Agency for actions that support projects defined in paragraph 11 in the settlement agreement to restore the San Joaquin River referenced in Section 2080.2 of the Fish and Game Code. Before expenditure may occur, formal concurrence on specific projects to be undertaken is required by the settling parties to the agreement.

86129. The diversion of water from Barker Slough to the North Bay Aqueduct adversely impacts listed fish species, and also adversely impacts water quality served to a large urban area. There would be multiple public benefits to relocating the diversion to the North Bay Aqueduct to the Sacramento River.

86130. The sum of five million dollars (\$5,000,000) is appropriated from the fund to the department to plan for a diversion of water from the Sacramento River to the North Bay Aqueduct to reduce the adverse impact on listed fish species, and provide a higher quality of drinking water to those served by the Aqueduct.

CHAPTER 11. Oroville Dam Flood Safety.

86131. Oroville Dam provides flood control for the Sacramento Valley. The inclusion of flood control at Oroville Dam was not an obligation of the public water agencies that receive water from Oroville Dam. The flood control function of Oroville Dam was paid for by the federal government.

86132. The sum of two hundred million dollars (\$200,000,000) is appropriated from the Fund to the department for repair and reconstruction of the spillways at the Oroville Dam.

86133. The sum of twenty-one million dollars (\$21,000,000) is appropriated from the Fund to the department. Fifteen million dollars (\$15,000,000) shall be spent for Feather River sediment management and removal between Live Oak and Verona in coordination with the Sutter Butte Flood Control Agency. Six million dollars (\$6,000,000) of these funds shall be awarded as a grant to the Sutter Butte Flood Control Agency for floodwater attenuation projects at the Oroville Wildlife Area that provide downstream flood control relief and ecosystem restoration.

86134. The sum of one million dollars (\$1,000,000) is appropriated from the Fund to the department for a grant to Butte County for capital outlay projects and equipment for emergency preparedness coordination and communications consistent with the California Office of Emergency Services Standardized Emergency Management System (SEMS).

CHAPTER 12. General Provisions.

86151. (a) In projects involving voluntary habitat restoration, water quality improvement and multi-benefit floodplain restoration each agency administering provisions of this division shall encourage interagency coordination and develop and utilize efficient project approval and permitting mechanisms, including but not limited to the provisions of Chapter 6.5 of Division 2 of the Fish and Game Code (regardless of whether that chapter is still in effect) and programmatic permits for voluntary habitat restoration, so as to avoid project delays and maximize the amount of money spent on project implementation.

(b) Projects designed to primarily protect migratory birds through acquisition, easements, restoration or other projects shall be consistent with the plans and recommendations established by the federal Migratory Bird Joint Venture partnerships that encompass parts of California.

(c) Any agency providing funds pursuant to this division to disadvantaged communities or economically distressed areas may provide funding to assist these communities in applying for that funding, including technical and grant writing assistance. These funds may be provided to nonprofit organizations and local public agencies assisting these communities.

(d) Any agency receiving funds pursuant to this division may contract for the services of resource conservation districts pursuant to Section 9003 of the Public Resources Code.

(e) Agencies may count in-kind contributions up to twenty-five percent (25%) of the total project cost as part of cost sharing. Agencies may count the value of the donated land in a bargain sale as part of cost sharing.

(f) Agencies considering proposals for acquisition of lands shall also consider the ability of the proposed final owner of the land to maintain it in a condition that will protect the values for which it is to be acquired, and to prevent any problems that might occur on neighboring lands if the land is not properly managed.

(g) Trust funds established pursuant to this act shall be managed pursuant to the requirements of the Uniform Prudent Management of Institutional Funds Act, Part 7 (commencing with Section 18501) of Division 9 of the Probate Code.

(h) Projects designed to primarily protect riparian habitat through acquisition, easements, restoration or other projects shall consider the plans and recommendations established by the California Riparian Habitat Conservation Program pursuant to Chapter 4.1 of Division 2 of the Fish and Game Code (commencing with Section 1385).

(i) The administering agency shall provide advance payment of 50% of grant awards for those projects that satisfy both of the following criteria:

(1) The project proponent is a disadvantaged community or eligible entity as defined in subdivision (a) of Section 86166, or the project benefits a disadvantaged community.

(2) The grant award for the project is less than one million dollars (\$1,000,000).

(j) Eligible grant costs shall include indirect costs as defined in federal Office of Management and Budget guidelines, as well as reasonable overhead costs.

(k) Agencies receiving funds designated for specific programs or grantees shall expedite the expenditure or transfer of those funds with the least amount of process necessary to comply with existing state laws and regulations, and the requirements of this division. It is the intent of this division that the expenditure or transfer of funds shall be efficient, cost-effective, and expeditious, and generally should occur no later than 90 days from demonstrated eligibility by the recipient for the funds requested.

86152. Agencies shall, to the extent practicable, quantify the amount of water generated for human and environmental use resulting from proposed expenditures they make pursuant to this division. Agencies shall, to the extent practicable, quantify the improvement in the quality of water generated for human and environmental use resulting from proposed expenditures they make pursuant to this division.

86153. To the extent consistent with the other provisions of this division, statewide agencies making grants pursuant to this division shall seek to allocate funds equitably to eligible projects throughout the state, including northern and southern California, coastal and inland regions, and Sierra and Cascade foothill and mountain regions.

86154. Applicants for grants pursuant to this division shall indicate whether the grant proposal is consistent with the local Integrated Regional Water Management Plan, if one exists. However, consistency with the Integrated Regional Water Management Plan shall not be required as a condition of any grant, and grant proposals shall not be given lower priority if they are not consistent with Integrated Regional Water Management Plans.

86155. (a) Notwithstanding any other provision of this division, a local public agency with a population of less than 100,000 and a median household income of less than one hundred percent (100%) of the state average household income shall be required to provide matching funds of no more than thirty-five percent (35%) for a grant for a project entirely within their jurisdiction. State agencies making grants to these local public agencies may provide funding in advance of construction of portions of the project, if the state agency determines that requiring the local public agency to wait for payment until the project is completed would make the project infeasible.

(b) Nothing in this section prohibits a state agency from making a grant to a disadvantaged community or economically distressed area that does not require cost sharing.

86156. Any repayment of loans made pursuant to this division, including interest payments, and interest earnings shall be deposited in the Fund and shall be available solely for the purposes of the chapter or section that authorized the loan.

86157. (a) Each state agency that receives an appropriation of funding made available by this division shall be responsible for establishing metrics of success and reporting the status of projects and all uses of the funding on the state's bond accountability Internet Web site.

(b) Each state agency that receives an appropriation of funding made available by this division shall do the following:

(1) Evaluate the outcomes of projects funded by this division.

(2) Include in the agency's reporting pursuant to Section 86003 the evaluation described in subdivision (a) of this section.

(3) Hold a grantee of funds accountable for completing projects funded by this division on time and within scope.

86158. (a) For projects carried out by state agencies pursuant to this division, up to ten percent (10%) of funds allocated for each program funded by this division may be expended for planning, monitoring and reporting necessary for the successful design, selection, and implementation of the projects and verification of benefits. An eligible entity receiving a grant for a project pursuant to this division may also receive sufficient funds for planning, monitoring and reporting necessary for the successful design, selection, and implementation of the projects. This section shall not otherwise restrict funds ordinarily used by an agency for "preliminary plans," "working drawings," and "construction" for a capital outlay project or grant project.

(b) Permit and plan check fees and reasonable administrative and indirect project fees and costs related to managing construction shall be deemed part of construction costs. Project costs allocated for project planning and design, and direct and indirect administrative costs shall be identified as separate line items in the project budget.

86159. Notwithstanding Section 16727 of the Government Code, funding provided pursuant to Chapters 6 and 8 may be used for grants and loans to nonprofit organizations to repay financing described in Section 22064 of the Financial Code related to projects that are consistent with the purposes of those chapters.

86160. Not more than a total of five percent (5%) of the funds allocated to any state agency under this division may be used to pay for its costs of administering programs and projects specified in this division.

86161. (a) Water quality monitoring data shall be collected and reported to the State board in a manner that is compatible and consistent with surface water monitoring data systems or groundwater monitoring data systems administered by the State board, consistent with Part 4.9 of Division 6. Watershed monitoring data shall be collected and reported to the Department of Conservation in a manner that is compatible and consistent with the statewide watershed program administered by the Department of Conservation.

(b) State agencies making grants or loans pursuant to this division may include specific expenditures for compliance with local, state and federal permitting and other requirements.

(c) Up to one percent (1%) of funds allocated for each program funded by this division may be expended for research into methods to improve water supply, water related habitat, and water quality relevant to that program, in addition to any other amounts provided for in this division.

86162. (a) Prior to disbursing grants or loans pursuant to this division, each state agency that receives an appropriation from the funding made available by this division to administer a grant or loan program under this division shall develop and adopt project solicitation and evaluation guidelines. The guidelines shall include monitoring and reporting requirements and may include a limitation on the dollar amount of each grant or loan to be awarded. The guidelines shall not include a prohibition on the recovery of reasonable overhead or indirect costs by local public agencies, Indian tribes or nonprofit organizations. If the state agency has previously developed and adopted project solicitation and evaluation guidelines that comply with the requirements of this division, it may use those guidelines. Overhead or indirect costs incurred by a local public agency, Indian tribe or nonprofit organization are eligible for reimbursement and shall not weigh negatively in the evaluation of funding proposals pursuant to this division.

(b) Prior to disbursing grants or loans, the state agency shall conduct three regional public meetings to consider public comments prior to finalizing the guidelines. The state agency shall publish the draft solicitation and evaluation guidelines on its website at least 30 days before the public meetings. One meeting shall be conducted at a location in northern California, one meeting shall be conducted at a location in the Central Valley of California, and one meeting shall be conducted at a location in southern California. Agencies without jurisdiction in one or more of these three regions may omit the meetings in the region or regions within which they do not have jurisdiction. Upon adoption, the state agency shall transmit copies of the guidelines to the fiscal committees and the appropriate policy committees of the Legislature.

(c) At least 45 days prior to soliciting projects pursuant to this division, a state agency administering funds pursuant to this division shall post an electronic form of the guidelines for grant applicants on its website. Project solicitation and evaluation guidelines shall only include criteria based on the applicable requirements of this division.

(d) Nothing in this division restricts agencies from enforcing and complying with existing laws.

86163. Each project funded from this division shall comply with the following requirements:

(a) The investment of public funds pursuant to this division will result in public benefits that address the most critical statewide needs and priorities for public funding, as determined by the agency distributing the funds.

(b) In the appropriation and expenditure of funding authorized by this division, priority will be given to projects that leverage private, federal, or local funding or produce the greatest public benefit. All state agencies receiving funds pursuant to this division shall seek to leverage the funds to the greatest extent possible, but agencies shall take into account the limited ability to cost share by small public agencies, and by agencies seeking to benefit disadvantaged communities and economically distressed areas.

(c) A funded project shall advance the purposes of the chapter from which the project received funding.

(d) In making decisions regarding water resources pursuant to this division, state and local agencies will use the best available science to inform those decisions.

(e) To the extent practicable, a project supported by funds made available by this division will include signage informing the public that the project received funds from the Water Supply and Water Quality Act of 2018.

(f) To the extent feasible, projects funded with proceeds from this division shall promote state planning priorities consistent with the provisions of Section 65041.1 of the Government Code and sustainable communities strategies consistent with the provisions of subparagraph (B) of paragraph (2) of subdivision (b) of Section 65080 of the Government Code.

(g) To the extent feasible, watershed objectives for private lands included in this division should be achieved through use of conservation easements and voluntary landowner participation, including, but not limited to, the use of perpetual conservation easements pursuant to Division 10.2 (commencing with Section 10200) and Division 10.4 (commencing with Section 10330) of the Public Resources Code, voluntary habitat credit exchange mechanisms, and conservation actions on private lands.

86164. Funds provided by this division shall not be expended to pay the costs of the design, construction, operation, mitigation, or maintenance of Delta water conveyance facilities. Those costs shall be the responsibility of the water agencies that benefit from the design, construction, operation, mitigation, or maintenance of those facilities.

86165. (a) This division does not diminish, impair, or otherwise affect in any manner whatsoever any area of origin, watershed of origin, county of origin, or any other water rights protections, including, but not limited to, rights to water appropriated prior to December 19, 1914, provided under the law. This division does not limit or affect the application of Article 1.7 (commencing with Section 1215) of Chapter 1 of Part 2 of Division 2, Sections 10505, 10505.5, 11128, 11460, 11461, 11462, and 11463, and Sections 12200 to 12220, inclusive.

(b) For the purposes of this division, an area that utilizes water that has been diverted and conveyed from the Sacramento River hydrologic region, for use outside the Sacramento River hydrologic region or the Delta, shall not be deemed to be immediately adjacent thereto or capable of being conveniently supplied with water therefrom by virtue or on account of the diversion and conveyance of that water through facilities that may be constructed for that purpose after January 1, 2018.

(c) Nothing in this division supersedes, limits, or otherwise modifies the applicability of Chapter 10 (commencing with Section 1700) of Part 2 of Division 2, including petitions related to any new conveyance constructed or operated in accordance with Chapter 2 (commencing with Section 85320) of Part 4 of Division 35.

(d) Unless otherwise expressly provided, nothing in this division supersedes, reduces, or otherwise affects existing legal protections, both procedural and substantive, relating to the State board's regulation of diversion and use of water, including, but not limited to, water right priorities, the protection provided to municipal interests by Sections 106 and 106.5, and changes in water rights. Nothing in this division expands or otherwise alters the State board's existing authority to regulate the diversion and use of water or the courts' existing concurrent jurisdiction over California water rights.

(e) Nothing in this division shall be construed to affect the California Wild and Scenic Rivers Act (Chapter

1.4 (commencing with Section 5093.50) of Division 5 of the Public Resources Code) or the federal Wild and Scenic Rivers Act (16 U.S.C. Section 1271 et seq.) and funds authorized pursuant to this division shall not be available for any project that could have an adverse effect on the values upon which a wild and scenic river or any other river is afforded protections pursuant to the California Wild and Scenic Rivers Act or the federal Wild and Scenic Rivers Act.

(f) Nothing in this division supersedes, limits, or otherwise modifies the Sacramento-San Joaquin Delta Reform Act of 2009 (Division 35 (commencing with Section 85000)) or any other applicable law, including, but not limited to, Division 22.3 (commencing with Section 32300) of the Public Resources Code.

(g) Notwithstanding any other provision of law, any agency or nonprofit organization acquiring land pursuant to this division may make use of the Natural Heritage Preservation Tax Credit Act of 2000 (Division 28 (commencing with Section 37000) of the Public Resources Code). Funds appropriate pursuant to this division that are not designated for competitive grant programs may also be used for the purposes of reimbursing the General Fund pursuant to the Natural Heritage Preservation Tax Credit Act of 2000.

(h) Funds provided pursuant to this division, and any appropriation or transfer of those funds, shall not be deemed to be a transfer of funds for the purposes of Chapter 9 (commencing with Section 2780) of Division 3 of the Fish and Game Code.

86166. (a) Applicants eligible to receive grants, loans and contracts pursuant to this division are public agencies, state universities (including university-managed national laboratories), resource conservation districts, nonprofit organizations, public utilities, mutual water companies, public water systems as defined in subdivision (h) of Section 116275 of the Health and Safety Code, urban water suppliers as defined in Section 10617 of the Water Code, federally recognized Indian tribes, federal agencies owning or managing land in California, and state Indian tribes listed on the Native American Heritage Commission's California Tribal Consultation List. State agencies granting funds pursuant to this division shall give priority to eligible applicants with experience in planning, designing, and developing the types of projects receiving funding from the agencies, or which have access to consulting help in these areas.

(b)(1) To be eligible for funding under this division, a project proposed by a public utility that is regulated by the Public Utilities Commission, or a mutual water company, shall have a clear and definite public purpose and the project shall benefit the customers of the watersystem and not the investors.

(2) To be eligible for funding under this division, an urban water supplier shall have adopted and submitted an urban water management plan in accordance with the Urban Water Management Planning Act, Part 2.6 (commencing with Section 10610) of Division 6.

(3) To be eligible for funding under this division, an agricultural water supplier shall have adopted and submitted an agricultural water management plan in accordance with the Agricultural Water Management Planning Act, Part 2.8 (commencing with Section 10800) of Division 6.

(4) In accordance with Section 10608.56, an agricultural water supplier or an urban water supplier is ineligible for grant funding under this division unless it complies with the requirements of Part 2.55 (commencing with Section 10608) of Division 6.

(5) Notwithstanding any other provision of this division, agencies receiving funds pursuant to this division may reduce or eliminate cost sharing requirements when making grants of one million dollars (\$1,000,000) or less to nonprofit organizations with budgets less than one million dollars (\$1,000,000) if

the agency determines that such grants would be the most effective way to achieve the purposes of this division.

86167. Where feasible, projects funded pursuant to this division may use the services of the California Conservation Corps or certified community conservation corps, as defined in Section 14507.5 of the Public Resources Code. Public agencies receiving funding under this division shall give additional priority to projects that involve the services of the California Conservation Corps or a certified community conservation corps, or other nonprofit entities that provide job training and education opportunities for veterans, foster care recipients, farmworkers or local youth in conservation or restoration projects.

86168. Each state agency that receives an appropriation of funding made available by this division shall be responsible for establishing and reporting on the state's bond accountability website each of the following: metrics of success, metrics for benefitting disadvantaged communities and economically distressed areas, progress in meeting those metrics, status of projects funded under this division, and all uses of the funding the state agency receives under this division. The Secretary of the Natural Resources Agency shall annually report to the Legislature expenditures made pursuant to this division, and the benefits derived from those expenditures.

86169. The proceeds of bonds issued and sold pursuant to this division (excluding the proceeds of any refunding bonds issued in accordance with Section 86192) shall be deposited in the Water Supply Reliability and Drought Protection Fund of 2018, which is hereby created in the State Treasury.

86169.1 Notwithstanding Section 13340 of the Government Code, moneys in the Water Supply Reliability and Drought Protection Fund of 2018 are continuously appropriated without regard to fiscal year for the purposes of this division in the manner set forth in this division. Funds authorized by, and made available pursuant to this division shall be available and expended only as provided in this division, and shall not be subject to appropriation or transfer by the Legislature or the Governor for any other purpose.

86170. Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code does not apply to the development or implementation of programs or projects authorized or funded under this division.

86171. (a) Funds provided by this division shall not be used to support or pay for the costs of environmental mitigation, except for the costs of environmental mitigation for projects funded pursuant to this division.

(b) Funds provided by this division shall be used for environmental enhancements or other public benefits.

(c) Notwithstanding paragraphs (a) and (b) of this section, the costs of mitigation of the environmental impacts directly related and limited to expenditures under this division may be paid for by funds provided by this division.

(d) Funds available pursuant to this division shall not be expended to pay the costs of the design, construction, operation, mitigation, or maintenance of Delta conveyance facilities.

86172. Every entity implementing this division shall give highest priority to funding projects that combine relatively high cost-effectiveness, durability, and enhanced environmental quality.

86174. Acquisitions pursuant to Chapter 6 of this division shall be from willing sellers only.

86177. The requirement that a project be cost-effective does not require a full benefit/cost analysis.

86178. Agencies implementing this division shall give special consideration to projects that employ new or innovative technology or practices, including decision support tools that support the integration of multiple strategies and jurisdictions, including, but not limited to, water supply, wildfire reduction, habitat improvement, invasive weed control, flood control, land use, and sanitation.

86179. Any contract (including a contract to provide a grant) between a public agency, Indian tribe or nonprofit organization and the Department of Fish and Wildlife or the Wildlife Conservation Board for work funded pursuant to this division, or pursuant to Division 26.7 shall be considered a contract subject to the requirements of Section 1501.5 of the Fish and Game Code, and therefor shall not be considered a public work or a public improvement, and is not subject to Chapter 1 (commencing with Section 1720) of Part 7 of Division 2 of the Labor Code.

86179.1. Priority shall be given to the expenditure of funds on activities that affect the Delta and the species that rely on it that are generally consistent with the report "A Delta Renewed: A Guide to Science-Based Ecological Restoration in the Sacramento-San Joaquin Delta" prepared in 2016 by the San Francisco Estuary Institute-Aquatic Science Center.

86179.2. In the awarding of grants to be made by any agency pursuant to this act or Division 26.7 after the effective date of this act, overhead or indirect costs incurred by a local public agency, Indian tribe or nonprofit organization are eligible for reimbursement and shall not weigh negatively in the evaluation of funding proposals. Eligible grant costs shall include indirect costs as defined in federal Office of Management and Budget guidelines, as well as reasonable overhead costs. For nonprofit organizations, grants shall provide for reimbursement of indirect costs by applying the organization's federally negotiated indirect cost rate, if one exists. If a negotiated rate does not exist, the organization may elect to use the default indirect cost rate of 10 percent (10%) of its modified total direct costs as defined by the Office of Management and Budget.

86179.3. No grants made pursuant to this division shall result in an unmitigated increase in a community's exposure to flood hazards or in a net reduction in flood conveyance capacity of any publicly owned flood protection facility.

86179.4. In awarding grants for land acquisition, the Wildlife Conservation Board shall give preference to organizations that voluntarily pay property taxes.

CHAPTER 13. Fiscal Provisions.

86180. (a) Bonds in the total amount of eight billion eight hundred seventy-seven million dollars (\$8,877,000,000), or so much thereof as is necessary, not including the amount of any refunding bonds issued in accordance with Section 86192 may be issued and sold to provide a fund to be used for carrying out the purposes expressed in this division and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both principal of, and interest on, the bonds as the principal and interest become due and payable.

(b) The Treasurer shall from time to time sell the bonds authorized by the committee pursuant to Section 86182. Bonds shall be sold upon the terms and conditions specified in one or more resolutions to be adopted by the committee pursuant to Section 16731 of the Government Code.

86181. The bonds authorized by this division shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law, and all of the provisions of that law, as that law may be amended, apply to the bonds and to this division and are hereby incorporated in this division as though set forth in full in this division, except subdivisions (a) and (b) of Section 16727 of the Government Code.

86182. (a) Solely for the purpose of authorizing the issuance and sale pursuant to the State General Obligation Bond Law of the bonds authorized by this division, the Water Supply Reliability and Drought Protection Finance Committee is hereby created. For purposes of this division, the Water Supply Reliability and Drought Protection Finance Committee is the “committee” as that term is used in the State General Obligation Bond Law.

(b) The finance committee consists of the Director of Finance, the Treasurer, and the Controller. Notwithstanding any other provision of law, any member may designate a representative to act as that member in his or her place for all purposes, as though the member were personally present.

(c) The Treasurer shall serve as chairperson of the finance committee.

(d) A majority of the finance committee may act for the finance committee.

86183. The finance committee shall determine whether or not it is necessary or desirable to issue bonds authorized by this division in order to carry out the actions specified in this division and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

86184. For purposes of the State General Obligation Bond Law, “board,” as defined in Section 16722 of the Government Code, means the Secretary of the Natural Resources Agency.

86185. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds each year. It is the duty of all officers charged by law with any duty in regard to the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

86186. Notwithstanding Section 13340 of the Government Code, there is hereby appropriated from the General Fund in the State Treasury, for the purposes of this division, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this division, as the principal and interest become due and payable.

(b) The sum that is necessary to carry out the provisions of Section 86189, appropriated without regard to fiscal years.

86187. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account in accordance with Section 16312 of the Government Code for the purpose of carrying out this division less any amount withdrawn pursuant to Section 86189. The amount of the request shall not exceed the amount of the unsold bonds that the committee has, by resolution, authorized to be sold (excluding any refunding bond authorized pursuant to Section 86192) for the purpose of carrying out this division. The board shall execute those documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the Fund to be allocated in accordance with this division.

86188. Notwithstanding any other provision of this division, or of the State General Obligation Bond Law, if the Treasurer sells bonds that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes under designated conditions or is otherwise entitled to any federal tax advantage, the Treasurer may maintain separate accounts for the bond proceeds invested and for the investment earnings on those proceeds, and may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or take any other action with respect to the investment and use of those bond proceeds, as may be required or desirable under federal law in order to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

86189. For the purposes of carrying out this division, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold (excluding any refunding bond authorized pursuant to Section 86192) for the purpose of carrying out this division less any amount borrowed pursuant to Section 86187. Any amounts withdrawn shall be deposited in the Fund. Any moneys made available under this section shall be returned to the General Fund, with interest at the rate earned by the moneys in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this division.

86190. All moneys deposited in the Fund that are derived from premium and accrued interest on bonds sold pursuant to this division shall be reserved in the Fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest, except that amounts derived from premium may be reserved and used to pay the cost of bond issuance prior to any transfer to the General Fund.

86191. Pursuant to the State General Obligation Bond Law, the cost of bond issuance shall be paid out of the bond proceeds, including premiums, if any. To the extent the cost of bond issuance is not paid from premiums received from the sale of bonds, these costs shall be shared proportionately by each program funded through this division by the applicable bond sale.

86192. The bonds issued and sold pursuant to this division may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law. Approval by the voters of the state for the issuance of the bonds under this division shall include approval of the issuance of any bonds issued to refund any bonds originally issued under this division or any previously issued refunding bonds. Any bond refunded with the proceeds of refunding bonds as authorized by this section may be legally defeased to the extent permitted by law in the manner and to the extent set forth in the resolution, as amended from time to time, authorizing such refunded bonds.

86193. The proceeds from the sale of bonds authorized by this division are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, and the disbursement of these proceeds is

not subject to the limitations imposed by that article.

SECTION 2. Section 1 of this act shall take effect immediately upon approval by the voters of the Water Supply and Water Quality Act of 2018, as set forth in that section at the November 6, 2018, statewide general election. In order to fund a water supply reliability and drought protection program at the earliest possible date, it is necessary that this act take effect immediately.

SECTION 3. Conflicting Provisions.

(a) The provisions and intent of the Water Supply and Water Quality Act of 2018 shall be given precedence over any state law, statute, regulation or policy that conflicts with this section, and the policy and intent of this act shall prevail over any such contrary law, statute, regulation or policy.

(b) If this division is approved by the voters, but superseded by any other conflicting ballot division approved by more voters at the same election, and the conflicting ballot division is later held invalid, it is the intent of the voters that this act shall be given the full force of law.

(c) If any rival or conflicting initiative regulating any matter addressed by this act receives the higher affirmative vote, then all non-conflicting parts of this act shall become operative.

SECTION 4. If any provision of this act or the application thereof is held invalid, that invalidity shall not affect other provisions or applications of this act that can be given effect without the invalid provisions or applications, and to this end the provisions of this act are severable.

SECTION 5.

Section 2799.7 is added to the Fish and Game Code to read:

2799.7. Subdivision (f) of Section 2787 does not apply to Section 2795. Notwithstanding other provisions of this article and Section 13340 of the Government Code, as of July 2, 2020 funds transferred pursuant to Section 2795 shall be continuously appropriated to the Wildlife Conservation Board for purposes of Chapter 8 (commencing with Section 86120) of Division 38 of the Water Code.

SECTION 6.

Part 12 is added to Division 6 of the Water Code to read:

Section 11860. (a) Notwithstanding any other provision of law (including Section 13340 of the Government Code and Sections 39710 through 39723 of the Health and Safety Code), the fees paid, the cost of compliance instruments acquired, and the increased cost of power purchased by the Department of Water Resources, hereafter "Department," as a result of the implementation of Division 25.5 of the Health and Safety Code are continuously appropriated to the Department from the Greenhouse Gas Reduction Fund, as defined in Section 16428.8 of the Government Code, and the fees paid, the cost of compliance instruments acquired and the increased cost of power purchased by the Metropolitan Water District of Southern California (Statutes 1969, chapter 209, as amended), hereafter "District," as a result of the implementation of Division 25.5 of the Health and Safety Code are continuously appropriated to the District from the Greenhouse Gas Reduction Fund, as defined in Section 16428.8 of the Government Code.

(b) The funds appropriated to the Department pursuant to this section shall be expended within the State Water Resources Development System, and on consumer water conservation programs within the jurisdiction of the State Water Resources Development System.

(c) The funds appropriated to the District pursuant to this section shall be expended within the water storage, treatment, conveyance, and distribution system of the District and on consumer water conservation programs within the jurisdiction of the District.

(d) Of the consumer water conservation programs authorized by subdivisions (b) and (c), highest priority shall be given to those benefitting disadvantaged communities (as defined subdivision (a) of Section 79505.5, as it may be amended) and economically distressed areas (as defined in subdivision (k) of Section 79702, as it may be amended).

(e) All expenditures pursuant to this section shall meet the requirements of Chapter 4.1 of Part 2 of Division 26 of the Health and Safety Code. The Department and District will provide an annual report to the Air Resources Board on the prior-year's project implementation along with a plan for current year implementation.

(f) No funds provided by this part shall be expended to pay the costs of the design, construction, operation, mitigation, or maintenance of new Delta water conveyance facilities. No funds provided by this section shall be expended to pay the costs of construction of new surface water storage facilities or to expand the capacity of the California Aqueduct or the Colorado River Aqueduct. Those costs shall be the responsibility of the water agencies that benefit from the design, construction, operation, mitigation, or maintenance of those facilities.

(g) All reasonable and feasible measures shall be taken to reduce, avoid, or mitigate significant negative environmental impacts from projects undertaken pursuant to this section.

Section 11861. (a) Notwithstanding any other provision of law (including Section 13340 of the Government Code and Sections 39710 through 39723 of the Health and Safety Code), the fees paid, the cost of compliance instruments acquired, and the increased cost of power purchased by the Contra Costa Water District, hereafter "District," as a result of the implementation of Division 25.5 of the Health and Safety Code are continuously appropriated to the District from the Greenhouse Gas Reduction Fund, as defined in Section 16428.8 of the Government Code, and the fees paid, the cost of compliance instruments acquired and the increased cost of power purchased by the San Luis and Delta Mendota Water Authority hereafter "San Luis Authority," as a result of the implementation of Division 25.5 of the Health and Safety Code are continuously appropriated to the San Luis Authority from the Greenhouse Gas Reduction Fund, as defined in Section 16428.8 of the Government Code.

(b) (1) The funds appropriated to the Contra Costa Water District pursuant to this section shall be expended within the boundaries of the District, and on consumer water conservation programs within the District.

(2) The funds appropriated to the San Luis Authority pursuant to this section shall be expended within the water storage, treatment, conveyance, and distribution system of the San Luis Authority and on water conservation, water quality improvement, water treatment, water supply and similar water programs within the jurisdiction of the Authority.

(c) Of the funds appropriated pursuant to subdivision (b), highest priority shall be given to those projects

benefitting disadvantaged communities (as defined subdivision (a) of Section 79505.5, as it may be amended) and economically distressed areas (as defined in subdivision (k) of Section 79702, as it may be amended).

(d) All expenditures pursuant to this section shall meet the requirements of Chapter 4.1 of Part 2 of Division 26 of the Health and Safety Code. The District and San Luis Authority will provide an annual report to the Air Resources Board on the prior-year's project implementation along with a plan for current year implementation.

(e) All reasonable and feasible measures shall be taken to reduce, avoid, or mitigate significant negative environmental impacts from projects undertaken pursuant to this section.



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

7.

Meeting Date: 04/09/2018
Subject: RISE Act and Fair and Just Sentencing Reform Act of 2018
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2018-09
Referral Name: RISE Act and Fair and Just Sentencing Reform Act of 2018
Presenter: L. DeLaney **Contact:** L. DeLaney, 925-335-1097

Referral History:

Supervisor Gioia referred to the Legislation Committee a request for support for SB 1392, Repeal Ineffective Sentencing Enhancement 2018 (RISE) Act and SB 1393, Fair and Just Sentencing Reform Act of 2018, from the organization Californians United for a Responsible Budget on behalf of co-sponsoring organizations American Civil Liberties Union of California, Californians United for a Responsible Budget, the Coalition for Humane Immigrant Rights of Los Angeles (CHIRLA), Drug Policy Alliance, Ella Baker Center for Human Rights, the Friends Committee on Legislation California, Pillars of the Community, Tides Advocacy, and the Women's Foundation of California, Women's Policy Institute.

These bills have not been vetted as yet by the Contra Costa County justice system partners. SB 1392 is opposed by: Association for Los Angeles Deputy Sheriffs; California Code Enforcement Officers; California College and University Police Chiefs Association; California Correctional Supervisors Organization; California District Attorneys Association; California Narcotic Officers Association; California State Sheriffs' Association; Los Angeles Police Protective League; Los Angeles Professional Peace Officers Association; Peace Officers Research Association of California. CSAC has a "Watch" position on the bill.

SB 1392 is opposed by Association for Los Angeles Deputy Sheriffs; California District Attorneys Association; California State Sheriffs' Association; Los Angeles Police Protective League; Peace Officers Research Association of California. CSAC has a "Watch" position on the bill.

Referral Update:

SB 1392: Separate Prison Terms

Author: [Holly J. Mitchell \(D-030\)](#)
Coauthor [Beall \(D\)](#) , [Bradford \(D\)](#) , [Quirk \(D\)](#) , [Weber \(D\)](#) , [Carrillo \(D\)](#) , [Lara \(D\)](#) , [Kalra \(D\)](#)
Title: Separate Prison Terms

Fiscal Committee: yes
Urgency Clause: no
Introduced: 02/16/2018
Disposition: Pending
Location: Senate Appropriations Committee
Summary: Deletes provision that requires an additional one-year term for each prior separate prison term or county jail felony term under the law, except under specified circumstances.
Status: 04/03/2018 From SENATE Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (5-1)

The text of the bill can be found here:

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB1392

The bill analysis is included in Attachment A, along with a Fact Sheet from the bill authors, and a draft support letter.

SB 1393 (Mitchell)

Author: [Holly J. Mitchell \(D-030\)](#)
Coauthor [Beall \(D\)](#) , [Bradford \(D\)](#) , [Quirk \(D\)](#) , [Weber \(D\)](#) , [Kalra \(D\)](#) , [Carrillo \(D\)](#) , [Lara \(D\)](#)
Title: Sentencing
Fiscal Committee: yes
Urgency Clause: no
Introduced: 02/16/2018
Disposition: Pending
Location: Senate Appropriations Committee
Summary: Deletes a restriction prohibiting a judge from striking a prior serious felony conviction in connection with imposition of the 5-year enhancement for each prior conviction of a serious felony.
Status: 04/03/2018 From SENATE Committee on PUBLIC SAFETY: Do pass to Committee on APPROPRIATIONS. (5-1)

The text of SB 1393 can be found here:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB1393

The purpose of this bill is to allow a court, in the interest of justice, to strike or dismiss a prior serious felony conviction which otherwise adds an enhancement of 5 years for each prior conviction of a serious felony.

The fact sheet for the bill, the bill analysis, and a sample support letter are included in Attachment B.

According to the author:

Nearly every sentence enhancement in California can be dismissed at the time of sentencing if the judge finds that doing so would serve the interest of justice. However, under existing law people with current and prior serious felony convictions receive a mandatory five-year enhancement. As a result, judges lack the discretion to tailor these sentences based on the facts of the case, the defendant's history and culpability or other potential mitigating factors. This has resulted in mandatory additional terms for thousands of individuals incarcerated throughout California's prisons. This rigid and arbitrary system has meted out punishments that are disproportionate to the offense, which does not serve the interests of justice, public safety, or communities.

SB1393 amends Penal Code Sections 667 and 1385 by restoring the court's discretion, in the interest of justice, to strike a five-year sentence enhancement for each prior serious felony conviction on a person's record, when a person is currently convicted of a serious felony. Allowing judicial discretion is consistent with other sentence enhancement laws and retains existing penalties for serious crimes.

Recommendation(s)/Next Step(s):

CONSIDER recommending to the Board of Supervisors a position of "Support" on SB 1392 and SB 1393 and directing staff to place the bills on the Board's Consent calendar for April 24, 2018.

Attachments

Attachment A: Bill Analysis, Fact Sheet, Support Letter

Attachment B: Fact Sheet, Bill Analysis, Support Letter

SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair
2017 - 2018 Regular

Bill No:	SB 1392	Hearing Date:	April 3, 2018
Author:	Mitchell		
Version:	February 16, 2018		
Urgency:	No	Fiscal:	Yes
Consultant:	SC		

Subject: *Sentence Enhancements: Prior Convictions*

HISTORY

Source: American Civil Liberties Union (ACLU) of California
The Advocacy Fund
California Coalition for Women Prisoners
Californians United for a Responsible Budget
Drug Policy Alliance
Ella Baker Center for Human Rights
Friends Committee on Legislation of California
Pillars of the Community
Women's Foundation of California

Prior Legislation: SB 180 (Mitchell), Ch. 677, Stats. 2017
SB 620 (Bradford), Ch. 682, Stats. 2017
SB 966 (Mitchell), 2015-2016, failed Assembly Public Safety Committee

Support: Access Support Network; Alameda County Public Defender's Office; Alliance San Diego; American Friends Society Committee; California Association of Alcohol and Drug Program Executives; California Catholic Conference; California Immigrant Policy Center; California Public Defenders Association; Center on Juvenile and Criminal Justice; Coleman Advocates for Children and Youth; Contra Costa County Racial Justice Coalition; Courage Campaign; Crossroads, Inc.; Dr. Martin Luther King, Jr. Academic Middle School; Education is a Vital Sign; Felony Murder Elimination Project; Greenlining Institute; Harm Reduction Coalition; Harm Reduction Services; HealthRIGHT 360; Immigrant Legal Resource Center; Justice Now; Law Enforcement Action Partnership; Lawyers Committee for Civil Rights; Legal Services for Prisoners with Children; Los Angeles Regional Reentry Partnerships; A New Way of Life Reentry Project; Oakland Rising; Prison Renaissance; Public Health Justice Collective; Restaurant Opportunities Centers of California; Riverside Temple Beth El; Root & Rebound; Rubicon Programs; San Diego Immigrant Rights Consortium; San Francisco Public Defenders Office; Showing Up for Racial Justice; St. James Infirmary; Successful Reentry, LLC; Tarzana Treatment Centers; W. Hayward Burns Institute; Western Center on Law and Poverty; White People 4 Black Lives/Showing Up for Racial Justice-Los Angeles; several individuals

Opposition: Association for Los Angeles Deputy Sheriffs; California Code Enforcement Officers; California College and University Police Chiefs Association; California Correctional Supervisors Organization; California District Attorneys Association;

California Narcotic Officers Association; California State Sheriffs' Association; Los Angeles Police Protective League; Los Angeles Professional Peace Officers Association; Peace Officers Research Association of California

PURPOSE

The purpose of this bill is to repeal the one-year sentence enhancement for each prior prison or county jail felony term that applies to a defendant sentenced on a new felony.

Existing law imposes a three-year sentence enhancement for each prior separate prison term served by the defendant if the prior offense was a violent felony and the new offense is a violent felony. (Pen. Code, § 667.5, subd. (a).)

Existing law imposes a one-year sentence enhancement for each prior prison or county jail felony term if the new offense is a felony. (Pen. Code, § 667.5, subd. (b).)

This bill deletes the one-year sentence enhancement for prison or county jail felony priors.

COMMENTS

1. Need for This Bill

According to the author:

Existing law imposes an additional one-year term for each prior separate prison term or county jail felony term under the law, except under specified circumstances. Sentencing enhancements have not made the public safer. Instead they place a significant burden on taxpayers and families across California. Each additional year in prison costs more than \$70,000 dollars per person. Long and punitive sentences cripple state and local budgets and shift dollars away from the supportive services that are needed to protect public safety.

SB 1392, the Repeal Ineffective Sentencing Enhancements (RISE) Act of 2018 repeals the provision under Penal Code 667.5(b) that requires an additional one-year term for each prior separate prison term or county jail felony term under the law.

2. Sentencing Enhancements

Existing law contains a variety of enhancements that can be used to increase the term of imprisonment a defendant will serve. Enhancements add time to a person's sentence for factors relevant to the defendant such as prior criminal history or for specific facts related to the crime. Multiple enhancements can be imposed in a single case and can range from adding a specified number of years to a person's sentence, or doubling a person's sentence or even converting a determinate sentence into a life sentence.

A recent Public Policy Institute of California (PPIC) publication on enhancements found that, "As of September 2016, 79.9% of prisoners in institutions operated by the California Department of Corrections and Rehabilitation (CDCR) had some kind of sentence enhancement; 25.5% had

three or more. Aside from second and third strikes, the most common enhancement adds one year for each previous prison or jail term.” (*Sentence Enhancements: Next Target of Corrections Reform?* PPIC (Sept. 2017) < <http://www.ppic.org/blog/sentence-enhancements-next-target-corrections-reform/> > [as of Mar. 21, 2018].)

According to data provided by CDCR, as of December 1, 2017, there were 16,177 sentences that had the enhancement that this bill would repeal.

3. Sentence Increases: Research on the Deterrent Effect and Impact on State Prisons

A comprehensive report published in 2014, entitled *The Growth of Incarceration in the United States*, discusses the effects on crime reduction through incapacitation and deterrence, and describes general deterrence compared to specific deterrence:

A large body of research has studied the effects of incarceration and other criminal penalties on crime. Much of this research is guided by the hypothesis that incarceration reduces crime through incapacitation and deterrence. Incapacitation refers to the crimes averted by the physical isolation of convicted offenders during the period of their incarceration. Theories of deterrence distinguish between general and specific behavioral responses. General deterrence refers to the crime prevention effects of the threat of punishment, while specific deterrence concerns the aftermath of the failure of general deterrence—that is, the effect on reoffending that might result from the experience of actually being punished.

(National Research Council (2014) *The Growth of Incarceration in the United States: Exploring Causes and Consequences* Committee on Causes and Consequences of High Rates of Incarceration, J. Travis, B. Western, and S. Redburn, Editors. Committee on Law and Justice, Division of Behavioral and Social Sciences and Education. Washington, DC: The National Academies Press. (http://johnjay.jjay.cuny.edu/nrc/NAS_report_on_incarceration.pdf.)

In regard to deterrence, the authors note that in “the classical theory of deterrence, crime is averted when the expected costs of punishment exceed the benefits of offending. Much of the empirical research on the deterrent power of criminal penalties has studied sentence enhancements and other shifts in penal policy.” (National Research Council, *supra*, *The Growth of Incarceration in the United States*, p. 132.)

Deterrence theory is underpinned by a rationalistic view of crime. In this view, an individual considering commission of a crime weighs the benefits of offending against the costs of punishment. Much offending, however, departs from the strict decision calculus of the rationalistic model. Robinson and Darley (2004) review the limits of deterrence through harsh punishment. They report that offenders must have some knowledge of criminal penalties to be deterred from committing a crime, but in practice often do not.

(*Id.* at p. 133.) The report concludes: The incremental deterrent effect of increases in lengthy prison sentences is modest at best. “Because recidivism rates decline markedly with age, lengthy prison sentences, unless they specifically target very high-rate or extremely dangerous offenders, are an inefficient approach to preventing crime by incapacitation.” (*Id.* at p. 5.)

In a 2014 report, the Little Hoover Commission addressed the disconnect between science and sentencing: putting away offenders for increasingly longer periods of time, with no evidence that

lengthy incarceration, for many, brings any additional public safety benefit. The report also explains how California's sentencing structure and enhancements contributed to a 20-year state prison building boom. (<http://lhc.ca.gov/sites/lhc.ca.gov/files/Reports/219/Report219.pdf>.)

4. Argument in Support

According to ACLU of California, a sponsor of this bill:

This punishment has failed to protect communities or reduce crime, but has resulted in overcrowded jails and prisons and harsh punishments. By repealing this ineffective, harmful, and costly punishment, the state will also free up funds to invest in community programs that actually improve the quality of life and reduce crime.

....

Counties around the state are building new jails to imprison more people with long sentences, funneling away money that could instead be used for community-based programs and services. Since 2007, California has spent \$2.5 billion on county jail construction (fn. omitted) — not including the costs borne by the counties for construction and increased staffing, or the state's debt service for these high-interest loans. Sheriffs have argued for this expansion by pointing to their growing jail populations, particularly people with long sentences and with mental health and substance use needs. By repealing sentence enhancements for people with prior prison and felony jail terms, SB 1392 will address a key driver of costly jail expansion, allowing state and county funds to be invested in programs and services that meet community needs and improve public safety, including community-based mental health and substance use treatment, job programs, and affordable housing.

5. Argument in Opposition

The California Code Enforcement Officers writes in opposition:

These enhancements exist, in part, to allow sentences to appropriately reflect someone's criminal conduct history. A person who has previously been sent to prison, only to commit a new felony upon their release is subject to the one-year enhancement SB 1392 seeks to eliminate. A person who has previously been sent to prison three times would potentially be subject to three one-year enhancements. That is, if the prosecutor alleged and proved the grounds for the enhancement, and a judge chose not to dismiss or strike the enhancement.

The underlying premise of SB 1392 is that a recalcitrant criminal should be sentenced the same as a first time offender, despite a lengthy criminal history and a track record of disregard for the law. We reject that premise.

-- END --



Senators Holly J. Mitchell and Lara

SB 1392 One-Year Fair and Just Sentencing Reform

THIS BILL

SB 1392 would amend Penal Code 667.5 to remove a sentencing enhancement that adds an additional year of incarceration for each prior prison term or felony county jail term. The bill would not change the base sentence for any offense or amend any other enhancement.

BACKGROUND

California has some of the most severe sentence enhancements for prior convictions in the nation. According to the Public Policy Institute of California, "California has more than 100 separate code sections that enhance sentences" based on a person's current offense and/or record of prior convictions. As of 2016, 79% of people under California Department of Corrections and Rehabilitation custody had some kind of sentence enhancement attached to their base sentence; 25% had three or more enhancements stacked on. SB 1392 would amend one of the most commonly used sentencing enhancements that adds one year for each previous prison or felony jail term, which impacted one-third of people convicted in 2017.

Research refutes the idea that the threat of sentencing enhancements deters people from committing crimes. Sentencing enhancements have not made our communities safer. Instead, they have put significant financial burdens on taxpayers and families statewide. Each additional year in prison costs \$70,000 per person. Long and punitive sentences cripple state and local budgets and shift dollars away from desperately needed community services.

California voters have made a clear and evident cultural shift away from prioritizing incarceration over community investment. This was demonstrated by the passage of Propositions 47, 57 and 64. In 2014, Proposition 47 reduced many non-violent felonies to misdemeanors. In 2016, Proposition 64 decriminalized possession of cannabis and eliminated most felonies for growing or selling cannabis.

In 2017, the same shift was conveyed by the California Legislature with the passage of SB 180

(Mitchell), the RISE Act, which repealed a three-year sentencing enhancement for prior drug convictions.

These sentence enhancements have had devastating impacts on families and communities, specifically those most impacted by the punitive policies of the failed war on drugs and tough-on-crime policies. Research shows horrific intergenerational impacts and gender disparities that exist among incarcerated poor people from communities of color, with women being the fastest growing population behind bars since the 1980s.

Repealing ineffective sentencing enhancements can save millions of dollars, reduce prison and jail populations, and end the double punishment for people already impacted by the criminal justice system. It will give California the opportunity to divest from expensive and ineffective policies of mass incarceration and instead invest in our communities.

SOLUTION

Building on California voter and legislative intent, SB 1392 would repeal California's one-year sentencing enhancement for each prior prison or felony jail term. SB 1392 would put in effect the bipartisan movement to end the use of expensive and ineffective tough-on-crime policies that have destroyed thousands of lives and families.

SPONSORS

ACLU (American Civil Liberties Union)
CHIRLA (Coalition for Humane Immigrant Rights)
Ella Baker Center
Drug Policy Alliance
Friends Committee on Legislation
Tides Advocacy
California Coalition for Women Prisoners
Californians United for a Responsible Budget
Pillars of the Community
Women's Foundation of California, Women's Policy Institute

FOR MORE INFORMATION

Bridget Kolakosky bridget.kolakosky@sen.ca.gov
Office of Senator Holly J. Mitchell (916) 651-4030

On Your Letterhead

Date

Senator Holly Mitchell
State Capitol, Room 5080
Sacramento, CA 95814

Re: Support for SB 1392 (Mitchell) Repeal Ineffective Sentencing Enhancements Act of 2018

Dear Senator Mitchell,

On behalf of **YOUR ORGANIZATION NAME**, I write in strong support of your SB 1392, the Repeal Ineffective Sentencing Enhancements (RISE) Act of 2018. SB 1392 repeals Penal Code 667.5(b), a sentencing enhancement that adds an additional year of incarceration for each prior prison term or qualifying county jail term.

BRIEF DESCRIPTION OF YOUR ORGANIZATION

Research refutes the idea that the threat of sentencing enhancements deters people from committing crimes. Sentencing enhancements have not made our communities safer. Instead they have placed a significant burden on taxpayers and families across California. Each additional year in prison costs more than \$70,000 dollars per person. Long and punitive sentences cripple state and local budgets and shift dollars away from the supportive services that our communities desperately need.

The RISE Act of 2018 will free state and county funds that could then be invested in community-based mental health and substance use treatment, employment services, and housing.

Further, sentence enhancements based on prior convictions target the poorest and most marginalized people in our communities — those with substance use and mental health needs, and those who, after prior contact with police or imprisonment, have struggled to reintegrate into society.

These sentence enhancements have had devastating impacts on families and communities, specifically those most impacted by the punitive policies of the failed war on drugs and tough-on-crime policies. Research shows horrific intergenerational impacts from these failed policies, which disproportionately harm poor communities of color. The rapidly increasing rates of incarceration for women has further worsened the devastation for families and children.

California voters have made a clear and evident cultural shift away from prioritizing incarceration over community investment, as demonstrated by the passage of

Propositions 47, 57, and 64. In 2014, Proposition 47 reduced many non-violent felonies to misdemeanors. In 2016, Proposition 64 decriminalized possession of cannabis and eliminated most felonies for growing or selling cannabis. In 2017, voters also passed Proposition 57, which reduced incarceration by increasing credit-earning and parole opportunities.

In 2017, the same shift was conveyed by the California legislature with the passage of SB 180 (Mitchell) the RISE Act, which repealed a three-year sentencing enhancement for prior drug convictions, and SB 620 (Bradford) which added judicial discretion in the application of gun enhancements.

SB 1392 is urgently needed. Counties around the state are building new jails to imprison more people with long sentences, funneling money away from community-based programs and services, increasing the time that families remain separated, and harming people's chances to successfully reenter society.

For these reasons, among others, our organization strongly supports SB 1392 (Mitchell), the RISE Act 2018.

Respectfully,

YOUR NAME
TITLE, ORGANIZATION

Cc:

Email letters to: Romarilyn Ralston, California Coalition for Women Prisoners,
wpicriminaljustice2018@gmail.com

Fax letters to: Stella Choe, Counsel for Senate Committee on Public Safety, (916) 445-4688

CC: Honorable Holly J. Mitchell, California State Senate; Honorable Ricardo Lara, California State Senate (Joint Author); Honorable Ash Kalra, California State Assembly (Principle Co-Author); Honorable Joel Anderson, California State Senate (Committee Member); Honorable Steven Bradford, California State Senate (Committee Member); Honorable Hannah-Beth Jackson, California State Senate (Committee Member); Honorable Jeff Stone, California State Senate (Committee Member); Honorable Scott D. Wiener, California State Senate (Committee Member)



Senators Holly J. Mitchell and Lara

SB 1393 Five-Year Fair and Just Sentencing Reform

THIS BILL

SB 1393 is a moderate reform that would increase the fairness of the justice system. The bill amends Penal Code Sections 667 and 1385 to restore the court's discretion, in the interest of justice and at the time of sentencing, to strike sentence enhancements for prior serious felony convictions, when a person is currently charged with a serious felony. Allowing judicial discretion is consistent with other sentence enhancement laws and retains existing sanctions for serious crimes.

BACKGROUND

California has some of the most severe sentence enhancements for prior convictions in the nation. As of 2016, 79% of people under California Department of Corrections and Rehabilitation (CDCR) custody had some kind of sentence enhancement attached to their base sentence; 25% had three or more enhancements stacked on top of each other. One of the most frequently used is the five-year enhancement for prior convictions of serious offenses, which is applied consecutively for each prior conviction. This enhancement is often served in addition to lengthy sentence enhancements already imposed under the Three Strikes Law, which doubles or triples the length of a base sentence, or adds 25-years-to-life, for the same prior convictions.

These mandatory sentencing enhancements have resulted in a rigid and arbitrary system that has meted out punishments that are severely disproportionate to the person's culpability and that do not serve the interests of justice or public safety. Further, there is no conclusive evidence that sentence enhancements benefit public safety. Despite not making our community safer, sentence enhancements are a significant burden on California taxpayers and communities: each additional year that is applied costs California taxpayers upwards of

\$70,000 dollars per incarcerated person. By reducing the use of unnecessary enhancements,

California can divest from expensive and ineffective policies of mass incarceration and invest in our communities.

California voters have made a resounding cultural shift away from prioritizing excessive incarceration in favor of less harsher sentences, expanded reentry services, prevention and community reinvestment. In 2016, voters overwhelmingly passed Proposition 57, which allows judges rather than prosecutors to determine whether youth are tried as adults. Californians strongly believe in the importance of judicial discretion and its role of creating a fair justice system.

In 2017, the same shift was conveyed by the California legislature with the passage of SB 620 (Bradford) which added judicial discretion in the application sentencing enhancements for prior convictions involving guns.

Sentencing enhancements for prior convictions result in extreme periods of incarceration and have been the primary drivers of prison overcrowding. The California prison system remains under Federal oversight for unconstitutional and overcrowded conditions. The ongoing prison overcrowding litigation indicates that prison capacity and related issues concerning conditions of confinement remain unresolved.

SOLUTION

Nationwide, there is growing bipartisan support for reforming long and ineffective prison sentences. California law mandates an extra five years for every prior conviction for a serious offense when a person is charged with a serious offense. While most sentence enhancements can be declined if the judge believes they are unjust in a specific case, these enhancements are mandatory in all cases — judges are forbidden from tailoring these sentences to an individual's case and culpability. Trial courts should retain the discretion to dismiss sentencing enhancements for

prior offenses based on the facts of the case in order to further the interest of justice.

SPONSORS

ACLU (American Civil Liberties Union)
CHIRLA (Coalition for Humane Immigrant Rights)
CA Coalition for Women Prisoners
Californians United for a Responsible Budget
Ella Baker Center
Drug Policy Alliance
Friends Committee on Legislation
Pillars of the Community
Tides Advocacy
Women's Foundation of CA, Women's Policy
Institute

FOR MORE INFORMATION

Bridget Kolakosky bridget.kolakosky@sen.ca.gov
Office of Senator Holly J. Mitchell
(916) 651-4030



SENATE COMMITTEE ON PUBLIC SAFETY

Senator Nancy Skinner, Chair
2017 - 2018 Regular

Bill No:	SB 1393	Hearing Date:	April 3, 2018
Author:	Mitchell		
Version:	February 16, 2018		
Urgency:	No	Fiscal:	Yes
Consultant:	SC		

Subject: *Sentencing*

HISTORY

Source: American Civil Liberties Union (ACLU) of California
The Advocacy Fund
California Coalition for Women Prisoners
Californians United for a Responsible Budget
Drug Policy Alliance
Ella Baker Center
Friends Committee on Legislation of California
Pillars of the Community
Women's Foundation of California

Prior Legislation: SB 180 (Mitchell), Ch. 677, Stats. 2017
SB 620 (Bradford), Ch. 682, Stats. 2017
SB 966 (Mitchell), 2015-2016, failed Assembly Public Safety Committee

Support: Access Support Network; Alameda County Public Defender's Office; Alliance San Diego; American Friends Service Committee; California Association of Alcohol and Drug Program Executives; California Catholic Conference; California Immigrant Policy Center; California Public Defenders Association; Center on Juvenile and Criminal Justice; Coleman Advocates for Children & Youth; Contra Costa County Racial Justice Coalition; Courage Campaign; Crossroads, Inc.; Daily Kos; Dr. Martin Luther King, Jr. Academic Middle School; Felony Murder Elimination Project; Harm Reduction Coalition; Harm Reduction Services; HealthRIGHT 360; Immigrant Legal Resource Center; Justice Now; Lawyers' Committee for Civil Rights; Legal Services for Prisoners with Children; Los Angeles Regional Reentry Partnership; A New Way of Life Reentry Project; Oakland Rising; Prison Renaissance; Public Health Justice Collective; Restaurant Opportunities Centers of California; Riverside Temple Beth El; Root & Rebound; Rubicon Programs; San Diego Immigrant Rights Consortium; San Francisco Public Defenders Office; Showing up for Racial Justice; St. James Infirmary; Successful Reentry; Tarzana Treatment Centers, Inc.; W. Hayward Burns Institute; Western Center on Law and Poverty; White People for Black Lives/Showing Up for Racial Justice – Los Angeles; several individuals

Opposition: Association for Los Angeles Deputy Sheriffs; California District Attorneys Association; California State Sheriffs' Association; Los Angeles Police Protective League; Peace Officers Research Association of California

PURPOSE

The purpose of this bill is to allow a court, in the interest of justice, to strike or dismiss a prior serious felony conviction which otherwise adds an enhancement of 5 years for each prior conviction of a serious felony.

Existing law states that any person convicted of a serious felony who previously has been convicted of a serious felony, as defined, shall receive, in addition to the sentence imposed by the court for the present offense, a five-year enhancement for each such prior conviction. The terms of the present offense and each enhancement shall run consecutively. (Pen. Code § 667, subd. (a)(1).)

Existing law provides that if a defendant has one prior serious and/or violent felony conviction, as defined, that has been pled and proved, the determinate term or minimum term for an indeterminate term shall be twice the term otherwise provided as punishment for the current felony conviction. (Pen. Code, § 667, subd. (e)(1).)

Existing law provides that if a defendant has two or more prior serious and/or violent felony convictions, as defined, that have been pled and proved, the term for the current felony conviction shall be an indeterminate term of life imprisonment as specified. (Pen. Code, § 667, subd. (e)(2).)

Existing law specifies that the total amount of credits that may be awarded to a person convicted of a serious felony shall not exceed 20% of the total term of imprisonment imposed and shall not accrue until the defendant is physically placed in the state prison. (Pen. Code, § 667, subd. (c)(5).)

Existing law authorizes a judge or magistrate, either of his or her own motion or upon the application of the prosecuting attorney, and in furtherance of justice, to order an action to be dismissed, as specified. (Pen. Code, § 1385, subd. (a).)

Existing law prohibits a judge from striking any prior conviction of a serious felony for purposes of enhancement of a sentence. (Pen. Code, § 1385, subd. (b).)

This bill deletes the prohibition against striking any prior serious felony convictions for purposes of enhancing a sentence.

COMMENTS

1. Need for This Bill

According to the author:

Nearly every sentence enhancement in California can be dismissed at the time of sentencing if the judge finds that doing so would serve the interest of justice. However, under existing law people with current and prior serious felony convictions receive a mandatory five-year enhancement. As a result, judges lack the discretion to tailor these sentences based on the facts of the case, the defendant's history and culpability or other potential mitigating factors. This has resulted in mandatory additional terms for thousands of individuals incarcerated throughout California's prisons. This rigid and arbitrary system has meted out punishments that are disproportionate to the offense, which does not serve the interests of justice, public safety, or communities.

SB1393 amends Penal Code Sections 667 and 1385 by restoring the court's discretion, in the interest of justice, to strike a five-year sentence enhancement for each prior serious felony conviction on a person's record, when a person is currently convicted of a serious felony. Allowing judicial discretion is consistent with other sentence enhancement laws and retains existing penalties for serious crimes.

2. Sentencing Enhancements

Existing law contains a variety of enhancements that can be used to increase the term of imprisonment a defendant will serve. Multiple enhancements can be imposed in a single case. Enhancements can range from adding a specified number of years to a person's sentence, or doubling a person's sentence or even converting a determinate sentence into a life sentence.

According to a recent Public Policy Institute of California (PPIC) publication on enhancements,

Overall, California has more than 100 separate code sections that enhance sentences based on the current offense or the offender's record. For example, using a firearm while committing a violent and/or sexual felony adds anywhere from 10 to 25 years. A gang-related felony results in 2 to 10 additional years, depending upon the seriousness of the offense.

As of September 2016, 79.9% of prisoners in institutions operated by the California Department of Corrections and Rehabilitation (CDCR) had some kind of sentence enhancement; 25.5% had three or more.

(*Sentence Enhancements: Next Target of Corrections Reform?* PPIC (Sept. 2017) <<http://www.ppic.org/blog/sentence-enhancements-next-target-corrections-reform/>> [as of Mar. 21, 2018].) CDCR data indicates that, as of December 1, 2017, there were 19,677 sentences that included the 5-year enhancement.

This bill provides the judge with discretion to strike a prior serious felony conviction in appropriate circumstances in the interests of justice. The judge retains the ability to continue imposing the enhancement where the additional punishment is warranted. The reasons for the dismissal must be stated orally on the record. If requested by either party, the reasons must also be set forth in a written minute order. (Pen. Code, § 1385, subd. (a).) Where the trial court's action lacks reason, it may be invalidated as an abuse of discretion. (See *People v. Williams*, (1998) 17 Cal.4th 148, 159.) For example, in *Williams*, the Court found that the trial court improperly struck the prior felony because the defendant could not be deemed "outside the spirit" of the three strikes law – i.e., the trial court's order fell outside the bounds of reason under the applicable law and the relevant facts. (*Id.* at pp. 161, 162-165.)

Striking a prior conviction pursuant to Penal Code section 1385 does not wipe out the prior conviction, or prevent that conviction from being considered in connection with later convictions; it simply means that the judge made a determination that, in the interest of justice, the defendant should not be required to be sentenced to a statutorily increased penalty. (*People v. Ortega* (2000) 84 Cal.App.4th 659, 666.)

3. Legislative History

Penal Code section 1385 gives discretion to judges to strike or dismiss a prior conviction or added punishment. The California Supreme Court has ruled that even if a statute prescribing a particular sentence uses the term "shall," this is insufficient to evidence an intent that the trial court was precluded from exercising such discretionary powers. (See *People v. Williams* (1981) 30 Cal.3d 470.) In *Williams*, the Court reviewed the history and purpose of Penal Code section 1385:

The trial court's power to dismiss an action has been recognized by statute since the first session of the Legislature in 1850. The rules of criminal procedure enacted in that session included the provision that "[the] Court may, either of its own motion, or upon the application of the District Attorney, and in furtherance of justice, order any action, after indictment, to be dismissed; but in such case the reasons of the dismissal shall be set forth in the order, which must be entered on the minutes." (Stats. 1850, ch. 119, § 629, p. 323.) With slight changes, this provision became section 1385 when the Penal Code was enacted in 1872.

....

"A determination whether to dismiss in the interests of justice after a verdict involves a balancing of many factors, including the weighing of the evidence indicative of guilt or innocence, the nature of the crime involved, the fact that the defendant has or has not been incarcerated in prison awaiting trial and the length of such incarceration, the possible harassment and burdens imposed upon the defendant by a retrial, and the likelihood, if any, that additional evidence will be presented upon a retrial. When the balance falls clearly in favor of the defendant, a trial court not only may but should exercise the powers granted to him by the Legislature and grant a dismissal in the interests of justice." (*People v. Superior Court of Marin County (Howard)* (1968) 69 Cal. 2d 491, 505.)

The court also discussed the policy served by [the section at issue in the case]. "Mandatory, arbitrary or rigid sentencing procedures invariably lead to unjust results. Society receives maximum protection when the penalty, treatment or disposition of the offender is tailored to the individual case. Only the trial judge has the knowledge, ability and tools at hand to properly individualize the treatment of the offender. Subject always to legislative control and appellate review, trial courts should be afforded maximum leeway in fitting the punishment to the offender." (*People v. Dorsey* (1972) 28 Cal.App3d 15, 18.)

(*People v. Williams, supra*, 30 Cal.3d at 479-482.) The Court then looked to the legislative intent and found that there was no indication of contrary legislative intent and thus held that absent a clear expression of legislative intent in this regard, a sentencing statute will not be construed to abrogate a trial court's general section 1385 power to strike. (*Id.* at p. 482.)

Similarly, in *People v. Fritz* (1985) 40 Cal.3d 227, the California Supreme Court held that although the language of Penal Code section 667, subdivision (a)(1) is mandatory – "[any] person convicted of a serious felony . . . shall receive . . . a five-year enhancement for each such

prior conviction" – such language did not eliminate the court's ability under Penal Code section 1385 to strike or dismiss a conviction in the interests of justice. The Court found that neither Penal Code section 667 or article I, section 28, both enacted by the voters as part of Proposition 8 in the June 1982 election, contained express language eliminating this discretion nor was there anything in the ballot analysis or arguments which were before the voters that suggests such a purpose. (*Id.* at pp. 230-231.)

In 1986, the California Legislature passed, and the governor signed into law, a bill to abrogate *Fritz* by specifically restricting the authority of the trial court to strike prior convictions of serious felonies when imposing an enhancement under Section 667 of the Penal Code. (Chapter 85, Statutes of 1986.) This bill deletes this restriction and returns the court's discretion to strike prior serious felony convictions for purposes of the 5-year enhancement.

4. Argument in Support

Drug Policy Alliance, a sponsor of this bill, writes:

SB 1393 is a modest, incremental reform that corrects a costly inconsistency in state law. The bill will provide for judicial discretion in sentencing a person convicted for a second or subsequent serious offense. Current law inappropriately ties a judge's hands, requiring that the court, when imposing a sentence for a serious felony, in addition and consecutive to the term imposed for that serious felony, to impose an additional 5-year enhancement for each prior conviction of a serious felony. This is above and in addition to "strike enhancements" that may also be applied to persons who have been previously convicted of a serious offense.

California law generally authorizes a judge, in the interests of justice, to order an action dismissed. SB 1393 will return to the court, appropriate authority to sentence

according to the facts of the case, in the interests of justice. It does not affect the base sentence, or [any] another enhancements. It allows the judge to impose the five-year enhancement if they believe it to be just and necessary.

5. Argument in Opposition

The Peace Officers Research Association of California opposes this bill:

Current law requires the court, when imposing a sentence for a serious felony, in addition and consecutive to the term imposed for that serious felony, to impose a 5-year enhancement for each prior conviction of a serious felony. Existing law generally authorizes a judge, in the interests of justice, to order an action dismissed, but precludes a judge from striking any prior serious felony conviction in connection with imposition of the 5-year enhancement. This bill would delete the restriction prohibiting a judge from striking a prior serious felony conviction in connection with imposition of the 5-year enhancement described above and would make conforming changes.

-- END --

On Your Letterhead**Date**

Senator Holly Mitchell
State Capitol, Room 5080
Sacramento, CA 95814

Re: Support for SB 1393 (Mitchell) Fair and Just Sentencing Reform

Dear Senator Mitchell,

On behalf of **YOUR ORGANIZATION NAME**, I write in strong support of SB 1393, the Fair and Just Sentencing Reform Act. SB 1393 (Mitchell) amends Penal Code Sections 667 and 1385 by restoring the court's discretion, in the interest of justice, to strike a five-year sentence enhancement for each prior serious felony conviction on a person's record, when a person is currently convicted of a serious felony. Allowing judicial discretion is consistent with other sentence enhancement laws and retains existing penalties for serious crimes.

BRIEF DESCRIPTION OF YOUR ORGANIZATION

Nearly every sentence enhancement in California can be dismissed if the judge believes they are unjust in a specific case. But for people with current and prior serious felonies, for which people receive a mandatory five extra years for each prior, judges are forbidden from tailoring a sentence to an individual's case and culpability. This has resulted in mandatory terms for thousands of individuals incarcerated throughout California's prisons. This rigid and arbitrary system has meted out punishments that are disproportionate to the offense and do not serve the interests of justice, public safety, or communities.

SB 1393 (Mitchell) does not repeal any existing enhancements for serious felonies. Rather, SB 1393 allows judges to impose or not impose the sentence enhancement if it is in the interest of justice, helping to ensure that incarcerated Californians do not serve unnecessarily long sentences.

The voters recognized the importance of judicial discretion in overwhelmingly passing Proposition 57, which allowed a judge, rather than the prosecutor, to decide whether a youth should be tried as an adult. The state legislature followed suit in passing SB 620 (Bradford), which allowed judicial discretion in the application of gun enhancements.

California now has the regrettable distinction of meting out some of the longest sentences in the nation, driven largely by sentencing enhancements for prior convictions. The California prison system remains under Federal oversight for overcrowded conditions. The ongoing prison overcrowding litigation indicates that prison capacity and related issues concerning conditions of confinement remain unresolved.

For these reasons, among others, our organization strongly supports SB 1393 (Mitchell), the Fair and Just Sentencing Reform Act, an urgently needed reform.

Respectfully,

YOUR NAME
TITLE, ORGANIZATION

Cc:

Email letters to: Romarilyn Ralston, California Coalition for Women Prisoners,
wpicriminaljustice2018@gmail.com

Fax letters to: Stella Choe, Counsel Senate Committee on Public Safety, (916) 445-4688

CC: Honorable Holly J. Mitchell, California State Senate; Honorable Ricardo Lara, California State Senate (Joint Author); Honorable Ash Kalra, California State Assembly (Principle Co-Author); Honorable Joel Anderson, California State Senate (Committee Member); Honorable Steven Bradford, California State Senate (Committee Member); Honorable Hannah-Beth Jackson, California State Senate (Committee Member); Honorable Jeff Stone, California State Senate (Committee Member); Honorable Scott D. Wiener, California State Senate (Committee Member)