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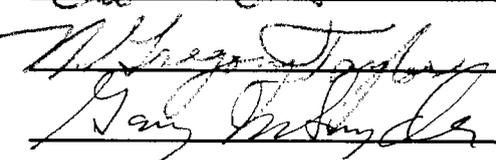
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

8-2

March 23, 1998

To: Board of Directors (Engineering and Operations Committee--Action)
(Committee on Legislation--Action)

From: General Manager
General Counsel

Submitted by: Gary M. Snyder

Subject: Assembly Bill 1918 (Thompson) Mandating Waterskiing, Jet Skiing and Windsurfing at the Eastside Reservoir Project

RECOMMENDATION(S)

Oppose Assembly Bill 1918 (Thompson) which amends the Metropolitan Water District Act to require waterskiing, jet skiing and windsurfing activities at the Eastside Reservoir Project.

EXECUTIVE SUMMARY

On February 17, 1998 Assembly Member Thompson introduced AB 1918 (see Attachment No. 1) which adds Section 148 to the Metropolitan Water District Act to require The Metropolitan Water District of Southern California (Metropolitan) to allow waterskiing, jet skiing, and windsurfing activities on the water in the Eastside Reservoir Project.

Section 4050(b) of the California Health and Safety Code prohibits body-contact recreation at reservoirs such as the Eastside Reservoir Project. In 1997 your Board adopted legislative policy principles regarding potential body-contact recreation activities at the Eastside Reservoir (see Attachment No. 2).

Assembly Bill 1918 would mandate specified body contact activities at the Eastside Reservoir Project without reimbursement by the State. Adoption of AB 1918 would preclude your Board from determining policy relative to the nature of the activities authorized at the Eastside Reservoir Project. It is recommended that your Board oppose AB 1918.

DETAILED REPORT

Current state law (Section 4050(b)) of the California Health and Safety Code prohibits body-contact recreation at reservoirs such as the Eastside Reservoir Project. In January 1997 Assembly Member Thompson introduced AB 145 (Attachment No. 3) which would have

authorized specified body-contract recreational activities upon the water at the reservoir. Although the intent of AB 145 was to modify state law to authorize body contact activities at the Eastside Reservoir Project, the bill as introduced did not eliminate the Board's authority to make the final determination as to the nature of activities to be allowed at the reservoir. Due to on-going discussions between Metropolitan staff and representatives of the City of Hemet and Riverside County, Assembly Member Thompson did not pursue AB 145.

In February 1997 your Board adopted Legislative Policy Principles Regarding Potential Body-Contact Recreation at the Eastside Reservoir Project. It is anticipated that the issues of (i) whether to allow body-contact activities and, (ii) the type of boating activities to be authorized at the Eastside Reservoir will be before your Board in June or July of 1998.

On February 17, 1998, Assembly Member Thompson introduced AB 1918. This bill differs from AB 145 in that rather than authorizing body contact activities it mandates such activities and pre-empts the authority of the Board to determine the appropriate activities to be allowed at the Eastside Reservoir Project. The bill specifically provides that, while it creates a State mandated program, there will be no state reimbursement of costs resulting from the implementation of the program.

It is recommended that your Board oppose AB 1918 on the basis that the Board is the appropriate entity to determine the nature of activities that will be allowed at the Eastside Reservoir Project.

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Attachments (3)

ASSEMBLY BILL No. 1918

Introduced by Assembly Member Thompson

February 17, 1998

An act to add Section 148 to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), relating to metropolitan water districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 1918, as introduced, B. Thompson. Metropolitan Water District of Southern California: Eastside Reservoir.

(1) The Metropolitan Water District Act confers authority, and imposes duties, on metropolitan water districts, including the Metropolitan Water District of Southern California.

This bill would specifically require the Metropolitan Water District of Southern California to allow waterskiing, jet skiing, and windsurfing activities on the water in the Eastside Reservoir, thereby imposing a state-mandated local program.

(2) 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: yes. State-mandated local program: yes.

AB 1918

— 2 —

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

1 SECTION 1. Section 148 is added to the Metropolitan
2 Water District Act (Chapter 209 of the Statutes of 1969),
3 to read:

4 148. The Metropolitan Water District of Southern
5 California shall allow waterskiing, jet skiing, and
6 windsurfing activities on the water in the Eastside
7 Reservoir.

8 SEC. 2. No reimbursement is required by this act
9 pursuant to Section 6 of Article XIII B of the California
10 Constitution because a local agency or school district has
11 the authority to levy service charges, fees, or assessments
12 sufficient to pay for the program or level of service
13 mandated by this act, within the meaning of Section 17556
14 of the Government Code.

15 Notwithstanding Section 17580 of the Government
16 Code, unless otherwise specified, the provisions of this act
17 shall become operative on the same date that the act
18 takes effect pursuant to the California Constitution.

Attachment 2 to 8-2

Revision 2 8-16

February 11, 1997

To: Board of Directors (Executive Committee--Action)

From: General Manager _____

Submitted by: Gary M. Snyder _____
Chief Engineer _____

Mark D. Beuhler _____
Director of Water Quality _____

Subject: Legislative Policy Principles Regarding Potential Body-Contact Recreation at the Eastside Reservoir Project (Re AB 145: Thompson)

RECOMMENDATION

As approved and revised herein by the Engineering and Operations Committee, the Water Planning and Resources Committee, and the Committee on Legislation, it is recommended that the Board adopt the following legislative policy principles regarding potential body-contact recreation activities at the main lake of the Eastside Reservoir Project to provide guidance to staff in responding to legislation on this issue:

a. Metropolitan supports the development of significant recreation facilities and activities at the Eastside Reservoir Project.

b.. Body-contact activities shall not result in a significant adverse impact to the health and safety of water users and consumers and will not result in a significant degradation of secondary water quality standards (e.g., taste and odor).

c.. Body-contact uses of the reservoir shall not result in unreasonable cost to consumers or member agencies resulting from potential water treatment needs.

d.. Body-contact activities on the reservoir shall not unreasonably impede the Eastside Reservoir Project's primary function as a domestic water supply reservoir.

e.. Body-contact recreation activities at the Eastside Reservoir Project shall not result in significantly increased liability to Metropolitan.

f.. Refrain from requesting exceptions to the Health & Safety Code until the recreation feasibility planning has been completed.

REPORT

On January 21, 1997, AB 145 was introduced to amend the Metropolitan act regarding body-contact recreation at the Eastside Reservoir Project. A copy of AB 145 is attached. Section 115825 (b) of the State of California Health and Safety Code prohibits body-contact recreation on reservoirs such as the Eastside Reservoir Project.

It is expected that policy hearings on this issue could occur as early as February 21. The legislative policy principles contained in this Board action would guide staff in responding to legislation regarding body-contact recreation at the Eastside Reservoir Project. If AB 145 is amended from its current form, additional guidance will be sought in subsequent Board action.

Over the past several years, Metropolitan has been involved in a detailed review of the potential for body-contact recreation activities at the Eastside Reservoir Project. This has included a number of opportunities for community input, including two public workshops.

The Metropolitan Board held a workshop on the public health issues associated with body-contact recreation on December 2, 1996. Staff is now reviewing and preparing responses to comments made by the City of Hemet at the workshop, which staff will discuss with City representatives in February 1997. Following these discussions, staff will prepare and widely distribute the draft *Body-Contact Recreation Feasibility Report*, addressing the public health, financial, economic, environmental, liability, and legal impacts of allowing body-contact recreation on the reservoir. Following the report's distribution, staff will hold public workshops to solicit public comments in preparation for providing final findings and a recommendation for a decision on body-contact recreation.

ASSEMBLY BILL No. 145

Introduced by Assembly Member Thompson

January 21, 1997

An act to add Section 148 to the Metropolitan Water District Act (Chapter 209 of the Statutes of 1969), relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 145, as introduced, B. Thompson. Eastside Reservoir: water activities.

Under the Metropolitan Water District Act a district is granted certain powers and purposes.

This bill would specifically authorize a district under that act to allow waterskiing, jet skiing, and windsurfing activities upon the water in the Eastside Reservoir.

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

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

- 1 SECTION 1. Section 148 is added to the Metropolitan
- 2 Water District Act (Chapter 209 of the Statutes of 1969),
- 3 to read:
- 4 148. A district may allow waterskiing, jet skiing, and
- 5 windsurfing activities upon the water in the Eastside
- 6 Reservoir.