

May 21, 1999

To: Board of Directors (Communications and Legislation Committee—Action)

From: General Manager _____

Submitted by: Debra C. Man, Chief _____
Planning and Resources

Subject: AB 1521 (Machado) Regarding Delta Flood Control, Levee Maintenance,
and Recreational Programs

RECOMMENDATIONS

It is recommended that the Board take a position of support for AB 1521.

EXECUTIVE SUMMARY

AB 1521 (attachment) by Assemblyman Mike Machado (Linden) would appropriate \$52,000,000 from the General Fund to the Department of Water Resources and the Department of Parks and Recreation, of which \$50,000,000 would be used for Bay/Delta levee programs and \$2,000,000 for the Delta recreation program.

DETAILED REPORT

AB 1521 (attachment) would appropriate \$50,000,000 from the General Fund to the Department of Water Resources, of which \$25,000,000 would be used for the program of flood control projects and \$25,000,000 for local assistance under the Delta levee maintenance program. The bill would also appropriate \$2,000,000 from the General Fund to the Department of Parks and Recreation for the Delta recreation program.

The State Water Project (SWP) is vulnerable to potential Bay/Delta levee failures. Many levees are structurally weak or not properly maintained and present a high risk of failure, particularly during periods of high runoff or earthquakes. A levee failure could induce rapid sea-water intrusion to the Delta, thereby contaminating the quality of Metropolitan’s SWP supply and potentially interrupting water deliveries for millions of urban and agricultural users. Continued funding of the special flood control projects and local assistance under the Delta levee maintenance program will significantly reduce the threat of catastrophic levee failure. Furthermore, AB 1521 is consistent with the CALFED Bay/Delta Program Long-Term Levee Protection Plan and further protects SWP assets and operations.

The existing Special Flood Control Projects program provides funds to designated local agencies in the Bay/Delta for flood control projects and for related habitat mitigation and net long-term improvement

projects. The program focuses on flood control projects in the western Delta where levee failure has the highest likelihood of impacting water quality and supplies to southern California. The program was established by the California Legislature under SB 34 (Statutes of 1988), SB 1065 (Statutes of 1991), and AB 360 (Statutes of 1996). The Delta levees maintenance program provides financial assistance to local agencies for the maintenance and rehabilitation of non-project Delta levees. The maintenance program is essential to maintaining the functions of the non-project and project levees. The program, originally known as the "Way Bill" program (Statutes of 1973), was revised with enactment of SB 34, SB 1065, and AB 360.

Over \$89 million have been provided to local agencies since the inception of the Flood Control Projects Program and Delta levees maintenance program. At this time the majority of the funds authorized for these programs have been expended. AB 1521 will provide continued funding of the programs through FY 2000-2001 to meet the immediate needs of the programs.

For longer term funding of the programs, two proposed bond measures have been introduced during the 1999-2000 State Legislative Session. AB 564 (Machado) and SB 530 (Costa-Fresno) have proposed a \$1.8 billion bond measure that would authorize \$75 million for the Delta levee rehabilitation program. AB 1239 (Leonard-San Bernardino) has proposed a \$2.05 billion bond measure that would authorize \$50 million for the Delta levee rehabilitation program.

Staff has reviewed AB 1521 and recommends that the Board take a position of support.

AMP:bvf

Attachment 8-11A

Attachment 8-11A

**The following 3 pages are attachments to
Board Letter Item 8-11**

AMENDED IN ASSEMBLY APRIL 22, 1999

AMENDED IN ASSEMBLY APRIL 14, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1521

Introduced by Assembly Member Machado

February 26, 1999

~~An act relating to water, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.—An act relating to water, and making an appropriation therefor.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1521, as amended, Machado. Delta flood control, levee maintenance, and recreational programs.

Existing law requires the Department of Water Resources to implement a program of flood control projects in the Sacramento-San Joaquin Delta. Existing law requires the Department of Water Resources to implement a program for the maintenance and improvement of levees in the delta which are not project facilities under the State Water Resources Law of 1945. Existing law provides for a recreational program in the Sacramento-San Joaquin Delta that is administered by the Department of Parks and Recreation.

This bill would appropriate \$50,000,000 from the General Fund to the department, of which \$25,000,000 would be used for that program of flood control projects and \$25,000,000 for

local assistance under that delta levee maintenance program, as prescribed. The bill would appropriate \$2,000,000 from the General Fund to the Department of Parks and Recreation for that delta recreational program.

~~The bill would declare that it is to take effect immediately as an urgency statute.~~

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

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

1 SECTION 1. The following sums are hereby
2 appropriated without regard to fiscal years, from the
3 General Fund, as follows:

4 (a) The sum of fifty million dollars (\$50,000,000) to the
5 Department of Water Resources, as follows:

6 (1) Twenty-five million dollars (\$25,000,000) for
7 special flood protection projects under Chapter 2
8 (commencing with Section 12310) of Part 4.8 of Division
9 6 of the Water Code.

10 (2) Twenty-five million dollars (\$25,000,000) for local
11 assistance under the delta levee maintenance
12 subventions program under Part 9 (commencing with
13 Section 12980) of Division 6 of the Water Code, and for
14 the administration of that assistance.

15 (3) Of the funds appropriated pursuant to paragraph
16 (1) or (2), not more than 10 percent may be used to repair
17 levee crown roads if the damage is attributable to flood
18 control maintenance.

19 (4) *Any funds that are made available under*
20 *paragraph (2) that are unencumbered on January 1, 2002,*
21 *may be used to reimburse local agencies for the state's*
22 *share of costs for eligible projects completed on or after*
23 *July 1, 1998, and before January 1, 2000.*

24 (b) The sum of two million dollars (\$2,000,000) to the
25 Department of Parks and Recreation for the purposes of
26 Article 6 (commencing with Section 78560) of Chapter 4
27 of Division 24 of the Water Code.

28 ~~SEC. 2. This act is an urgency statute necessary for the~~
29 ~~immediate preservation of the public peace, health, or~~



1 ~~safety within the meaning of Article IV of the~~
2 ~~Constitution and shall go into immediate effect. The facts~~
3 ~~constituting the necessity are:~~

4 ~~In order to remedy critical flood control problems and~~
5 ~~to enhance recreational opportunities in the~~
6 ~~Sacramento San Joaquin Delta as soon as possible,~~
7 ~~thereby protecting public health and safety and the~~
8 ~~environment, it is necessary that this act take effect~~
9 ~~immediately.~~

