

Express Support, if Amended, for

AB 300 (Caballero, D-Salinas)

&

AB 1408 (Krekorian, D-Burbank)

Communication and Legislation Committee

8-10

April 14, 2009

Background

- **Existing law: Cities and counties to consider water supply in approval of major developments**
 - 1st at the environmental review stage (SB 610)
 - 2nd at subdivision map approval stage (SB 221)
- **Existing law: Does not directly encourage water conservation**
- **AB 300 and AB 1408 are similar bills that modify existing water supply assessment and verification laws to encourage additional water conservation in new developments**

AB 1408 Summary

(As introduced Feb 27th)

- **Sponsor: PCL and East Bay MUD**
- **Encourages extraordinary conservation measures (beyond code and BMPs) to offset water demand**
 - Residential developments over 500 units
- **Mitigation Fund to offset water demand for new subdivisions**
 - Administered by public water system
 - Not spent on: code requirements, funded programs, BMPs
 - Spent within water service area
 - Unspecified % to disadvantage communities

Identified Concerns

- Requires water supplier to enforce implementation
- Meeting disadvantaged community requirement
- Limits funding within service areas
- Restrictions on eligible conservation measures
- Public hearing process burdensome
- Needs simple reporting

AB 300 Summary

(As amended April 2nd)

- **Sponsor - California Building Industry Association**
- **Allows developer to reduce demand by extraordinary voluntary measures (on site)**
- **Allows developers extraordinary conservation measures to offset water demand (off site)**
 - **Using Mitigation Fund through water provider**
- **Water provider to monitor & report actual water savings for 5-years**

Identified Concerns

- Both in CEQA and map approval stage
- Need simple reporting

Board Options

■ Option #1

- Adopt the CEQA determination
- Authorize the General Manager to express Metropolitan's support AB 300 and AB 1408 , if amended

■ Option #2

- Adopt the CEQA determination
- Authorize the General Manager to express Metropolitan's support for either AB 300 or AB 1408

■ Option #3

- Take no Position on AB 300 and AB 1408

Recommendation

- Option #1