

Agenda Report

File #: 2020-1347, **Version:** 1

FROM: James D. Herberg, General Manager

SUBJECT:

2021 LEGISLATIVE AND REGULATORY PLAN

GENERAL MANAGER'S RECOMMENDATION

RECOMMENDATION:

Approve the Orange County Sanitation District 2021 Legislative and Regulatory Plan.

BACKGROUND

Each year, the Board of Directors adopts a Legislative and Regulatory Plan (Plan), which is a summary of the Orange County Sanitation District's (Sanitation District) goals, key issues, and policy positions. The legislative and regulatory policies in this document are developed taking into consideration the Sanitation District's priorities, the wastewater industry, and the Sanitation District's member agencies and policy needs.

These Board-approved policies serve as the Sanitation District's official positions of support or opposition on issues of importance to the agency. The Plan is a dynamic document, adopted annually and modified to meet the needs of the Sanitation District as Federal, State, and Local policymaking agendas change throughout the year.

RELEVANT STANDARDS

- Maintain influential legislative advocacy and a public outreach program
- Build brand, trust, and support with policy makers and community leaders
- Maintain collaborative and cooperative relationships with regulators, stakeholders, and neighboring communities

PROBLEM

Without a strong advocacy program, elected officials may not be aware that the Sanitation District is more than a wastewater treatment plant - treating and sending water to the ocean. The Sanitation District is an environmentally engaged organization which recycles more than 50 percent of its wastewater. Additionally, to help meet the goal of 100 percent recycling, the Sanitation District uses the byproducts from the wastewater treatment process to produce biosolids to fertilize crops and energy used to help power the two plants in Fountain Valley and Huntington Beach.

PROPOSED SOLUTION

Approve the 2021 Legislative and Regulatory Plan and advise staff to work with Local, State, and Federal officials to advocate the Sanitation District's legislative interests. Help to create/monitor legislation and grants that would benefit the Sanitation District, the wastewater industry, and the community as a whole. To assist in our relationship building activities, we will continue to reach out to our elected officials providing facility tours, one-on-one meetings, and trips to D.C. and Sacramento.

RAMIFICATIONS OF NOT TAKING ACTION

If we do not work with the Local, State, and Federal elected officials, legislation could be passed that negatively affects the Sanitation District and the wastewater industry as a whole. Additionally, this could affect our chances of receiving grant funding.

ADDITIONAL INFORMATION

The Sanitation District's State and Federal Lobbyists met with over 25 Sanitation District subject matter experts in early September. From the subject matter expert meetings, two proposed pieces of legislation were suggested:

- Bill Concept 1 - Raising the Threshold for Force Account Work

Legislative Change Requested:

Current law, Public Contract Code Section 20783, states that any force account work done by a sanitation district themselves cannot exceed \$5,000. Furthermore, the same code states that any expenditure for work exceeding \$35,000 shall be bid to the lowest responsible bidder after notice. The Sanitation District's request would be to increase the force account threshold described in Section 20783, as well as the bid threshold for work.

- Bill Concept 2 - Video Surveillance

Legislative Change Requested:

Assemblyman Cooley authored Assembly Bill (AB) 510 in 2019. The goal of AB 510 was to modernize our State's retention records mandate to allow for modern practices and provided flexibility for public agencies to adapt to future technological advances. Unfortunately, this bill did not pass.

The goal would be to amend Government Code 26202.3 to allow local public agencies, including special districts, to adopt records retention policies designed for modern digital recording technologies, while ensuring the proper retention of any records in which an incident may have occurred. This change in law will allow agencies to retain important records while deleting useless ones, thus saving a significant amount of taxpayer dollars on unnecessary data storage costs.

- **Recommended Decision:**

After further research and discussion with management and our subject matter experts it was decided that the Sanitation District should not put forth an effort to carry these bills as they would not prove to be a benefit to the Sanitation District. Additionally, carrying these bills would not save the Sanitation District money or time. Newer technology allows us to store more videos at a much lower cost of older technology. Additionally, after further review and consultation with the Purchasing and Contracts Manager, it has been discovered that there are other avenues for force and bid account thresholds. Therefore, staff is recommending that we do not carry the above stated bills.

ATTACHMENT

The following attachment(s) may be viewed on-line at the OC San website (www.ocsan.gov) with the complete agenda package:

- Orange County Sanitation District 2021 Legislative and Regulatory Plan