

TO: LISA BOGNUDA <sup>LSB</sup>  
ACTING GENERAL MANAGER

FROM: PETER SEVCIK  
DISTRICT ENGINEER

DATE: DECEMBER 1, 2010

**AGENDA ITEM**  
**2**  
**DECEMBER 6, 2010**

**REVIEW CALIFORNIA URBAN WATER CONSERVATION COUNCIL  
MEMORANDUM OF UNDERSTANDING AND RELATED STATE  
REQUIREMENTS**

**ITEM**

Review California Urban Water Conservation Council Memorandum of Understanding and Related State Requirements [RECEIVE REPORT AND PROVIDE DIRECTION TO STAFF].

**BACKGROUND**

The California Urban Water Conservation Council (CUWCC) was created to increase efficient water use statewide through partnerships among urban water agencies, public interest organizations, and private entities. The Council's goal is to integrate urban water conservation Best Management Practices (BMPs) into the planning and management of California's water resources. NCSD joined CUWCC in January 2008. The BMPs are part of the *Memorandum of Understanding* each water provider signs when joining the CUWCC. The BMPs are both guidelines to achieve water conservation and part of the reporting process for water suppliers to document water conservation efforts and results. In addition, the receipt of state grants and loans is tied to a water supplier's water conservation efforts and achievements.

The State of California Department of Water Resources (DWR) has published "Grant Program Guidelines" and "Proposal Solicitation Packages" for Round 1 of Proposition 84 Grants. District staff is working with SLO County Public Works staff on a grant proposal that is due to DWR by January 7, 2011 that includes the NCSD Waterline Intertie Project along with two County projects that are in the adopted Integrated Regional Water Management (IRWM) Plan. One of the supporting documents the District is required to submit in order to be eligible to receive grant funds is the AB 1420 self-certification document. Compliance with AB 1420 is related to the implementation of the CUWCC BMPs. Attached is a document that describes the AB 1420 compliance requirements.

The California Urban Water Management Planning Act requires a water supplier to analyze specific water demand management measures as part of the update of an Urban Water Management Plan or alternatively, to submit copies of the Annual BMP Monitoring Report required by the CUWCC. Preparation of an Annual BMP Monitoring Report is currently holding up the circulation of the Draft 2010 Urban Water Management Plan.

Staff needs policy direction from the Committee regarding each BMP, the current level of implementation of each BMP, and the future level of implementation of each BMP that is appropriate for the District so that the AB 1420 self-certification documents and the annual CUWCC BMP reports can be completed. See Item 3.

**RECOMMENDATION**

Staff recommends that the Committee receive the report and ask questions as appropriate.

**ATTACHMENTS**

- AB 1420 Compliance Requirements
- California Urban Water Management Planning Act
- CUWCC MOU

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## **Enclosure 1**

### **Compliance with AB 1420 Requirements**

Assembly Bill (AB) 1420 (Stats. 2007, ch. 628) amended the Urban Water Management Planning Act, Water Code Section 10610 et seq., to require, effective January 1, 2009, that the terms of, and eligibility for, any water management grant or loan made to an urban water supplier and awarded or administered by the Department of Water Resources (DWR), State Water Resources Control Board (SWRCB), or California Bay-Delta Authority (CBDA) or its successor agency (collectively referred to as "Funding Agencies"), be conditioned on the implementation of the water Demand Management Measures (DMMs) described in Water Code Section 10631(f).

Water management grants and loans include programs and projects for surface water or groundwater storage, recycling, desalination, water conservation, water supply reliability and water supply augmentation. This funding includes, but is not limited to, funds made available pursuant to Public Resources Code Section 75026 (Integrated Regional Water Management Program).

#### **Who is an Urban Water Supplier?**

"Urban Water Supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3000 customers or supplying more than 3000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers (Water Code Section 10617).

All urban water suppliers, whether members or not of the California Urban Water Conservation Council (CUWCC) Memorandum of Understanding (MOU), regardless of duration of membership, are subject to AB 1420 if applying for a water management grant or loan.

#### **Demand Management Measures and Best Management Practices**

AB 1420 conditions eligibility for a water management grant or loan on implementing the DMMs listed in Water Code section 10631(f). These DMMs correspond to the fourteen Best Management Practices (BMPs) listed and described in the CUWCC MOU. Based on this, DWR has consulted with the CUWCC and appropriate funding agencies, and determined that it will equate the DMMs with the BMPs described in the CUWCC MOU for loan and grant funding eligibility purposes.

#### **AB 1420 Requirements**

AB 1420 requires:

- (1) DWR, the State Water Board, and CBDA to condition water management grants or loans made to an urban water supplier on the implementation of the DMMs described in Water Code section 10631. [As noted above, the DMMs correspond to the BMPs described in the CUWCC Memorandum of Understanding (MOU)],

- (2) DWR, in consultation with the State Water Board and the CBDA, to develop eligibility requirements that consider the California Urban Water Conservation Council's BMPs; and,
- 3) DWR to exercise its discretionary authority to determine whether an urban water supplier is eligible for a water management grant or loan.

**What does BMP Implementation Compliance Mean?**

Urban water supplier may be eligible for a water management grant or loan if it demonstrates that it is implementing or scheduling the implementation of BMPs, as follows:

1. The urban water supplier is currently implementing all BMPs at a coverage level determined by the CUWCC MOU: <http://www.cuwcc.org/mou-main-page.aspx> ;  
or
2. The urban water supplier has submitted a schedule, budget, and finance plan commencing within the first year of the agreement for which grant funds are requested to implement all BMPs at the coverage level determined by the CUWCC MOU; or
3. The urban water supplier has demonstrated by providing supporting documentation that certain BMPs are "not locally cost effective." "Not locally cost effective" means that the present value of the local benefits of implementing a BMP is less than the present value of the local costs of implementing that BMP.

Compliance on a regional basis requires participation in a regional conservation program consisting of two or more urban water suppliers that achieves the level of conservation or water efficiency savings equivalent to the amount of conservation or savings achieved if each of the participating urban water suppliers implemented the water demand management measures. The urban water supplier administering the regional program shall provide participating urban water suppliers and DWR with data to demonstrate that the regional program is consistent with this clause. DWR shall review the data to determine whether the urban water suppliers in the regional program are meeting the eligibility requirements [Water Code section 10631.5(b)(2)(A)(ii)].

Past, current, and near future implementation of each BMP must together demonstrate that the urban water supplier is implementing BMPs at the coverage level determined by the CUWCC MOU.

**Alternative Conservation Approaches:**

AB 1420 allows for the implementation of alternative conservation approaches. [Water Code section 10631.5(b)(1)(A)]. For the purpose of loan and grant program this includes CUWCC Flex Track BMPs and/or other alternative conservation approaches. If an urban water supplier chooses to implement alternative conservation approaches, they must provide equal or greater water savings than the established BMPs.



For the details of BMP implementation and Flex Track, see <http://www.cuwcc.org/mou/exhibit-1-bmp-definitions-schedules-requirements.aspx>. The CUWCC is currently in the process of writing BMP Guidebooks to assist agencies with their BMP program implementation.

### **What Do I have to do to Demonstrate Compliance with AB 1420?**

Urban water suppliers must demonstrate, by completing AB 1420 Self-Certification Statement Table 1, that they are implementing all BMPs at the coverage level determined by the CUWCC MOU.

Urban water suppliers are required to complete the AB 1420 Self-Certification Statement Table 1 (Table 1). Table 1 provides an update of past and current BMP implementation, to demonstrate whether suppliers are implementing BMPs at the coverage level determined by the CUWCC MOU.

If urban water suppliers are not implementing all BMPs at the coverage level determined by the CUWCC MOU, they may be eligible to receive grant and loan funds by providing a schedule, budget, and finance plan to implement all BMPs at the coverage level determined by the CUWCC MOU.

Table 2 provides information on the schedule, budget, and finance plan to implement all BMPs, commencing during the first year of the agreement, for a project for which the urban water supplier receives funds.

Tables 1 and 2 are not complete without a signature of an authorized representative of the urban water supplier. By signing Table 1, the authorized representative certifies under penalty of perjury that all information and claims regarding compliance, implementation of the BMPs, and financing plans are true and accurate. The urban water supplier and its authorized representative understand that the information in Tables 1 and 2 and the supporting documents are extremely important and must be true and accurate. Falsification or inaccuracies in Tables 1 and 2 and in any supporting documents may, at the discretion of the Funding Agency, result in loss of all grant or loan funds to the applicant. Additionally, the Funding Agency may take legal action to recover any disbursed funds and refer the matter to the Attorney General's Office.

Urban water suppliers must also submit hard copies of any reports that support or substantiate claims made on Tables 1 and 2 regarding past, current, and planned BMP implementation or alternative conservation approaches, as well as any documentation supporting a claim of exemption. These reports include urban water management plans, and the most recent BMP reports to the CUWCC as part of the Urban MOU. If the urban water supplier is not a CUWCC member, any reports on BMP implementation and/or alternative conservation approaches must be submitted to DWR in the CUWCC report format.

Some Funding Agencies may provide funds to help the urban water supplier implement BMPs and/or alternative conservation approaches to comply with AB 1420. AB 1420 Compliance Table 3 should be completed and submitted **only if** the grant or loan program allows funding to be used for BMP implementation, **and** the urban water supplier is

proposing to use grant or loan funds for BMP implementation to comply with AB 1420. The use of grant or loan funds for BMP compliance and/or alternative conservation approaches, and conditions of that usage (amount of funding, cost-share, etc.) are program specific.

**How Often Must Documentation be Provided?**

An urban water supplier must complete Tables 1 and 2 for each grant or loan program. An urban water supplier who already has a signed agreement and has submitted Tables 1 and 2 will need to submit an updated Tables 1 and 2 when applying for funds from the same or another grant or loan program. Updated information must include any changes in the implementation schedule, financing, budget, and level of coverage. If there are no updates or changes to Tables 1 and 2, then there is no need to re-submit these tables.

**Where to Submit Documents**

**The completed documents should be submitted as follows:**

1. Submit the original Table 1 (and the original Table 2, if applicable), all supporting reports (BMP reporting), and documents substantiating the status of BMP implementation as described in Table 1 or any other documents (e.g., BMPs that have been implemented in the past, are currently being implemented, or are scheduled for implementation with a schedule, budget, level of implementation, and financing plan).

Via US Mail	Via Hand Delivery
Baryohay Davidoff (Attn. AB 1420 Compliance) Department of Water Resources Office of Water Use Efficiency & Transfers PO BOX 942836 Sacramento, CA 94236	Baryohay Davidoff (Attn. AB 1420 Compliance) Department of Water Resources Office of Water Use Efficiency & Transfers 901 P Street, Third Floor Sacramento, CA 95814

2. Submit a copy of Table 1, and a copy of Table 2 (and a copy of Table 3, if applicable) **along with the grant application package to the Funding Agency**

**Department Review Process**

Upon receipt of a water management grant or loan application, the Funding Agency will request from DWR an AB 1420 eligibility determination. AB 1420 requires that DWR make a determination and respond to the Funding Agency within 60 days of the request. Urban water suppliers that do not submit a completed Table 1 may not be eligible to receive grant or loan funds.

DWR will do the following:

1. Review Self-Certification Statement Tables 1 and 2 to determine whether the urban water supplier is eligible to receive grant or loan funds. The eligibility

determination will be based on information provided in Tables 1 and 2. DWR eligibility determination is subject to an audit of the supporting documents and information provided with Tables 1 and 2;

2. Review AB 1420 Compliance Table 3, if applicable;
3. Inform the Funding Agency, within 60 days of DWR's determination whether an urban water supplier is an eligible to receive funding. DWR may also recommend that Tables 1 and 2 be included in the grant or loan funding agreement and a schedule for submittal of progress reports to the Funding Agency to ensure continued compliance;
4. May audit the supporting documents to verify if all the information provided in Table 1 is accurate and valid, and to verify continued compliance. DWR will notify both the Funding Agency and the urban water supplier if it finds inaccuracies, discrepancies, or false statements to support claims made in Tables 1 and 2; and,
5. May request additional information and documentation, including reports to substantiate the accuracy of the information being reviewed before issuing its audit findings.

#### **Failure to Implement BMPs and/or Alternative Conservation Approaches**

Failure to implement BMPs and/or alternative conservation approaches as detailed in Tables 1, 2 or 3, if applicable, may cause the Funding Agency, at its sole discretion, to halt disbursement of grant or loan funds, not pay any pending invoices, and pursue any other applicable legal remedy.

**Established:** AB 797, Klehs, 1983

**Amended:** AB 2661, Klehs, 1990

AB 11X, Filante, 1991

AB 1869, Speier, 1991

AB 892, Frazee, 1993

SB 1017, McCorquodale, 1994

AB 2853, Cortese, 1994

AB 1845, Cortese, 1995

SB 1011, Polanco, 1995

AB 2552, Bates, 2000

SB 553, Kelley, 2000

SB 610, Costa, 2001

AB 901, Daucher, 2001

SB 672, Machado, 2001

SB 1348, Brulte, 2002

SB 1384, Costa, 2002

SB 1518, Torlakson, 2002

AB 105, Wiggins, 2004

SB 318, Alpert, 2004

SB 1087, Florez, 2005

SBX7 7, Steinberg, 2009

## **CALIFORNIA WATER CODE DIVISION 6 PART 2.6. URBAN WATER MANAGEMENT PLANNING**

### **CHAPTER 1. GENERAL DECLARATION AND POLICY**

10610. This part shall be known and may be cited as the "Urban Water Management Planning Act."

10610.2. (a) The Legislature finds and declares all of the following:

- (1) The waters of the state are a limited and renewable resource subject to ever-increasing demands.
- (2) The conservation and efficient use of urban water supplies are of statewide concern; however, the planning for that use and the implementation of those plans can best be accomplished at the local level.
- (3) A long-term, reliable supply of water is essential to protect the productivity of California's businesses and economic climate.



- (4) As part of its long-range planning activities, every urban water supplier should make every effort to ensure the appropriate level of reliability in its water service sufficient to meet the needs of its various categories of customers during normal, dry, and multiple dry water years.
  - (5) Public health issues have been raised over a number of contaminants that have been identified in certain local and imported water supplies.
  - (6) Implementing effective water management strategies, including groundwater storage projects and recycled water projects, may require specific water quality and salinity targets for meeting groundwater basins water quality objectives and promoting beneficial use of recycled water.
  - (7) Water quality regulations are becoming an increasingly important factor in water agencies' selection of raw water sources, treatment alternatives, and modifications to existing treatment facilities.
  - (8) Changes in drinking water quality standards may also impact the usefulness of water supplies and may ultimately impact supply reliability.
  - (9) The quality of source supplies can have a significant impact on water management strategies and supply reliability.
- (b) This part is intended to provide assistance to water agencies in carrying out their long-term resource planning responsibilities to ensure adequate water supplies to meet existing and future demands for water.

10610.4. The Legislature finds and declares that it is the policy of the state as follows:

- (a) The management of urban water demands and efficient use of water shall be actively pursued to protect both the people of the state and their water resources.
- (b) The management of urban water demands and efficient use of urban water supplies shall be a guiding criterion in public decisions.
- (c) Urban water suppliers shall be required to develop water management plans to actively pursue the efficient use of available supplies.

## **CHAPTER 2. DEFINITIONS**

10611. Unless the context otherwise requires, the definitions of this chapter govern the construction of this part.

10611.5. "Demand management" means those water conservation measures, programs, and incentives that prevent the waste of water and promote the reasonable and efficient use and reuse of available supplies.

10612. "Customer" means a purchaser of water from a water supplier who uses the water for municipal purposes, including residential, commercial, governmental, and industrial uses.

10613. "Efficient use" means those management measures that result in the most effective use of water so as to prevent its waste or unreasonable use or unreasonable method of use.

10614. "Person" means any individual, firm, association, organization, partnership, business, trust, corporation, company, public agency, or any agency of such an entity.

10615. "Plan" means an urban water management plan prepared pursuant to this part. A plan shall describe and evaluate sources of supply, reasonable and practical efficient uses, reclamation and demand management activities. The components of the plan may vary according to an individual community or area's characteristics and its capabilities to efficiently use and conserve water. The plan shall address measures for residential, commercial, governmental, and industrial water demand management as set forth in Article 2 (commencing with Section 10630) of Chapter 3. In addition, a strategy and time schedule for implementation shall be included in the plan.

10616. "Public agency" means any board, commission, county, city and county, city, regional agency, district, or other public entity.

10616.5. "Recycled water" means the reclamation and reuse of wastewater for beneficial use.

10617. "Urban water supplier" means a supplier, either publicly or privately owned, providing water for municipal purposes either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers. This part applies only to water supplied from public water systems subject to Chapter 4 (commencing with Section 116275) of Part 12 of Division 104 of the Health and Safety Code.

### **CHAPTER 3. URBAN WATER MANAGEMENT PLANS**

#### **Article 1. General Provisions**

10620.

- (a) Every urban water supplier shall prepare and adopt an urban water management plan in the manner set forth in Article 3 (commencing with Section 10640).
- (b) Every person that becomes an urban water supplier shall adopt an urban water management plan within one year after it has become an urban water supplier.
- (c) An urban water supplier indirectly providing water shall not include planning elements in its water management plan as provided in Article 2 (commencing with Section 10630) that would be applicable to urban water suppliers or public agencies directly providing water, or to their customers, without the consent of those suppliers or public agencies.
- (d)
  - (1) An urban water supplier may satisfy the requirements of this part by participation in areawide, regional, watershed, or basinwide urban water management planning where those plans will reduce preparation costs and contribute to the achievement of conservation and efficient water use.
  - (2) Each urban water supplier shall coordinate the preparation of its plan with other appropriate agencies in the area, including other water suppliers that share a common source, water management agencies, and relevant public agencies, to the extent practicable.
- (e) The urban water supplier may prepare the plan with its own staff, by contract, or in cooperation with other governmental agencies.
- (f) An urban water supplier shall describe in the plan water management tools and options used by that entity that will maximize resources and minimize the need to import water from other regions.

10621.

- (a) Each urban water supplier shall update its plan at least once every five years on or before December 31, in years ending in five and zero.
- (b) Every urban water supplier required to prepare a plan pursuant to this part shall notify any city or county within which the supplier provides water supplies that the urban water supplier will be reviewing the plan and considering amendments or changes to the plan. The urban water supplier may consult with, and obtain comments from, any city or county that receives notice pursuant to this subdivision.
- (c) The amendments to, or changes in, the plan shall be adopted and filed in the manner set forth in Article 3 (commencing with Section 10640).

## Article 2. Contents of Plans

10630. It is the intention of the Legislature, in enacting this part, to permit levels of water management planning commensurate with the numbers of customers served and the volume of water supplied.

10631. A plan shall be adopted in accordance with this chapter and shall do all of the following:

- (a) Describe the service area of the supplier, including current and projected population, climate, and other demographic factors affecting the supplier's water management planning. The projected population estimates shall be based upon data from the state, regional, or local service agency population projections within the service area of the urban water supplier and shall be in five-year increments to 20 years or as far as data is available.
- (b) Identify and quantify, to the extent practicable, the existing and planned sources of water available to the supplier over the same five-year increments described in subdivision (a). If groundwater is identified as an existing or planned source of water available to the supplier, all of the following information shall be included in the plan:
  - (1) A copy of any groundwater management plan adopted by the urban water supplier, including plans adopted pursuant to Part 2.75 (commencing with Section 10750), or any other specific authorization for groundwater management.
  - (2) A description of any groundwater basin or basins from which the urban water supplier pumps groundwater. For those basins for which a court or the board has adjudicated the rights to pump groundwater, a copy of the order or decree adopted by the court or the board and a description of the amount of groundwater the urban water supplier has the legal right to pump under the order or decree.

For basins that have not been adjudicated, information as to whether the department has identified the basin or basins as overdrafted or has projected that the basin will become overdrafted if present management conditions continue, in the most current official departmental bulletin that characterizes the condition of the groundwater basin, and a detailed description of the efforts being undertaken by the urban water supplier to eliminate the long-term overdraft condition.
  - (3) A detailed description and analysis of the location, amount, and sufficiency of groundwater pumped by the urban water supplier for the



past five years. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.

- (4) A detailed description and analysis of the amount and location of groundwater that is projected to be pumped by the urban water supplier. The description and analysis shall be based on information that is reasonably available, including, but not limited to, historic use records.
- (c) Describe the reliability of the water supply and vulnerability to seasonal or climatic shortage, to the extent practicable, and provide data for each of the following:
    - (1) An average water year.
    - (2) A single dry water year.
    - (3) Multiple dry water years.

For any water source that may not be available at a consistent level of use, given specific legal, environmental, water quality, or climatic factors, describe plans to supplement or replace that source with alternative sources or water demand management measures, to the extent practicable.

- (d) Describe the opportunities for exchanges or transfers of water on a short-term or long-term basis.
- (e)
  - (1) Quantify, to the extent records are available, past and current water use, over the same five-year increments described in subdivision (a), and projected water use, identifying the uses among water use sectors including, but not necessarily limited to, all of the following uses:
    - (A) Single-family residential.
    - (B) Multifamily.
    - (C) Commercial.
    - (D) Industrial.
    - (E) Institutional and governmental.
    - (F) Landscape.
    - (G) Sales to other agencies.
    - (H) Saline water intrusion barriers, groundwater recharge, or conjunctive use, or any combination thereof.
    - (I) Agricultural.

- (2) The water use projections shall be in the same five-year increments described in subdivision (a).
- (f) Provide a description of the supplier's water demand management measures. This description shall include all of the following:
- (1) A description of each water demand management measure that is currently being implemented, or scheduled for implementation, including the steps necessary to implement any proposed measures, including, but not limited to, all of the following:
    - (A) Water survey programs for single-family residential and multifamily residential customers.
    - (B) Residential plumbing retrofit.
    - (C) System water audits, leak detection, and repair.
    - (D) Metering with commodity rates for all new connections and retrofit of existing connections.
    - (E) Large landscape conservation programs and incentives.
    - (F) High-efficiency washing machine rebate programs.
    - (G) Public information programs.
    - (H) School education programs.
    - (I) Conservation programs for commercial, industrial, and institutional accounts.
    - (J) Wholesale agency programs.
    - (K) Conservation pricing.
    - (L) Water conservation coordinator.
    - (M) Water waste prohibition.
    - (N) Residential ultra-low-flush toilet replacement programs.
  - (2) A schedule of implementation for all water demand management measures proposed or described in the plan.

- (3) A description of the methods, if any, that the supplier will use to evaluate the effectiveness of water demand management measures implemented or described under the plan.
  - (4) An estimate, if available, of existing conservation savings on water use within the supplier's service area, and the effect of the savings on the supplier's ability to further reduce demand.
- (g) An evaluation of each water demand management measure listed in paragraph (1) of subdivision (f) that is not currently being implemented or scheduled for implementation. In the course of the evaluation, first consideration shall be given to water demand management measures, or combination of measures, that offer lower incremental costs than expanded or additional water supplies. This evaluation shall do all of the following:
- (1) Take into account economic and noneconomic factors, including environmental, social, health, customer impact, and technological factors.
  - (2) Include a cost-benefit analysis, identifying total benefits and total costs.
  - (3) Include a description of funding available to implement any planned water supply project that would provide water at a higher unit cost.
  - (4) Include a description of the water supplier's legal authority to implement the measure and efforts to work with other relevant agencies to ensure the implementation of the measure and to share the cost of implementation.
- (h) Include a description of all water supply projects and water supply programs that may be undertaken by the urban water supplier to meet the total projected water use as established pursuant to subdivision (a) of Section 10635. The urban water supplier shall include a detailed description of expected future projects and programs, other than the demand management programs identified pursuant to paragraph (1) of subdivision (f), that the urban water supplier may implement to increase the amount of the water supply available to the urban water supplier in average, single-dry, and multiple-dry water years. The description shall identify specific projects and include a description of the increase in water supply that is expected to be available from each project. The description shall include an estimate with regard to the implementation timeline for each project or program.

- (i) Describe the opportunities for development of desalinated water, including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.
- (j) Urban water suppliers that are members of the California Urban Water Conservation Council and submit annual reports to that council in accordance with the "Memorandum of Understanding Regarding Urban Water Conservation in California," dated September 1991, may submit the annual reports identifying water demand management measures currently being implemented, or scheduled for implementation, to satisfy the requirements of subdivisions (f) and (g).
- (k) Urban water suppliers that rely upon a wholesale agency for a source of water, shall provide the wholesale agency with water use projections from that agency for that source of water in five-year increments to 20 years or as far as data is available. The wholesale agency shall provide information to the urban water supplier for inclusion in the urban water supplier's plan that identifies and quantifies, to the extent practicable, the existing and planned sources of water as required by subdivision (b), available from the wholesale agency to the urban water supplier over the same five-year increments, and during various water-year types in accordance with subdivision (c). An urban water supplier may rely upon water supply information provided by the wholesale agency in fulfilling the plan informational requirements of subdivisions (b) and (c), including, but not limited to, ocean water, brackish water, and groundwater, as a long-term supply.

10631.5. The department shall take into consideration whether the urban water supplier is implementing or scheduled for implementation, the water demand management activities that the urban water supplier identified in its urban water management plan, pursuant to Section 10631, in evaluating applications for grants and loans made available pursuant to Section 79163. The urban water supplier may submit to the department copies of its annual reports and other relevant documents to assist the department in determining whether the urban water supplier is implementing or scheduling the implementation of water demand management activities.

10632. The plan shall provide an urban water shortage contingency analysis which includes each of the following elements which are within the authority of the urban water supplier:

- (a) Stages of action to be undertaken by the urban water supplier in response to water supply shortages, including up to a 50 percent reduction in water supply, and an outline of specific water supply conditions which are applicable to each stage.



- (b) An estimate of the minimum water supply available during each of the next three water years based on the driest three-year historic sequence for the agency's water supply.
- (c) Actions to be undertaken by the urban water supplier to prepare for, and implement during, a catastrophic interruption of water supplies including, but not limited to, a regional power outage, an earthquake, or other disaster.
- (d) Additional, mandatory prohibitions against specific water use practices during water shortages, including, but not limited to, prohibiting the use of potable water for street cleaning.
- (e) Consumption reduction methods in the most restrictive stages. Each urban water supplier may use any type of consumption reduction methods in its water shortage contingency analysis that would reduce water use, are appropriate for its area, and have the ability to achieve a water use reduction consistent with up to a 50 percent reduction in water supply.
- (f) Penalties or charges for excessive use, where applicable.
- (g) An analysis of the impacts of each of the actions and conditions described in subdivisions (a) to (f), inclusive, on the revenues and expenditures of the urban water supplier, and proposed measures to overcome those impacts, such as the development of reserves and rate adjustments.
- (h) A draft water shortage contingency resolution or ordinance.
- (i) A mechanism for determining actual reductions in water use pursuant to the urban water shortage contingency analysis.

10633. The plan shall provide, to the extent available, information on recycled water and its potential for use as a water source in the service area of the urban water supplier. The preparation of the plan shall be coordinated with local water, wastewater, groundwater, and planning agencies that operate within the supplier's service area, and shall include all of the following:

- (a) A description of the wastewater collection and treatment systems in the supplier's service area, including a quantification of the amount of wastewater collected and treated and the methods of wastewater disposal.
- (b) A description of the quantity of treated wastewater that meets recycled water standards, is being discharged, and is otherwise available for use in a recycled water project.

- (c) A description of the recycled water currently being used in the supplier's service area, including, but not limited to, the type, place, and quantity of use.
- (d) A description and quantification of the potential uses of recycled water, including, but not limited to, agricultural irrigation, landscape irrigation, wildlife habitat enhancement, wetlands, industrial reuse, groundwater recharge, and other appropriate uses, and a determination with regard to the technical and economic feasibility of serving those uses.
- (e) The projected use of recycled water within the supplier's service area at the end of 5, 10, 15, and 20 years, and a description of the actual use of recycled water in comparison to uses previously projected pursuant to this subdivision.
- (f) A description of actions, including financial incentives, which may be taken to encourage the use of recycled water, and the projected results of these actions in terms of acre-feet of recycled water used per year.
- (g) A plan for optimizing the use of recycled water in the supplier's service area, including actions to facilitate the installation of dual distribution systems, to promote recirculating uses, to facilitate the increased use of treated wastewater that meets recycled water standards, and to overcome any obstacles to achieving that increased use.

10634. The plan shall include information, to the extent practicable, relating to the quality of existing sources of water available to the supplier over the same five-year increments as described in subdivision (a) of Section 10631, and the manner in which water quality affects water management strategies and supply reliability.

### **Article 2.5 Water Service Reliability**

10635.

- (a) Every urban water supplier shall include, as part of its urban water management plan, an assessment of the reliability of its water service to its customers during normal, dry, and multiple dry water years. This water supply and demand assessment shall compare the total water supply sources available to the water supplier with the total projected water use over the next 20 years, in five-year increments, for a normal water year, a single dry water year, and multiple dry water years. The water service reliability assessment shall be based upon the information compiled

pursuant to Section 10631, including available data from state, regional, or local agency population projections within the service area of the urban water supplier.

- (b) The urban water supplier shall provide that portion of its urban water management plan prepared pursuant to this article to any city or county within which it provides water supplies no later than 60 days after the submission of its urban water management plan.
- (c) Nothing in this article is intended to create a right or entitlement to water service or any specific level of water service.
- (d) Nothing in this article is intended to change existing law concerning an urban water supplier's obligation to provide water service to its existing customers or to any potential future customers.

### **Articl 3. Adoption and Implementation of Plans**

10640. Every urban water supplier required to prepare a plan pursuant to this part shall prepare its plan pursuant to Article 2 (commencing with Section 10630).

The supplier shall likewise periodically review the plan as required by Section 10621, and any amendments or changes required as a result of that review shall be adopted pursuant to this article.

10641. An urban water supplier required to prepare a plan may consult with, and obtain comments from, any public agency or state agency or any person who has special expertise with respect to water demand management methods and techniques.

10642. Each urban water supplier shall encourage the active involvement of diverse social, cultural, and economic elements of the population within the service area prior to and during the preparation of the plan. Prior to adopting a plan, the urban water supplier shall make the plan available for public inspection and shall hold a public hearing thereon. Prior to the hearing, notice of the time and place of hearing shall be published within the jurisdiction of the publicly owned water supplier pursuant to Section 6066 of the Government Code. The urban water supplier shall provide notice of the time and place of hearing to any city or county within which the supplier provides water supplies. A privately owned water supplier shall provide an equivalent notice within its service area. After the hearing, the plan shall be adopted as prepared or as modified after the hearing.

10643. An urban water supplier shall implement its plan adopted pursuant to this chapter in accordance with the schedule set forth in its plan.

10644.

- (a) An urban water supplier shall file with the department and any city or county within which the supplier provides water supplies a copy of its plan no later than 30 days after adoption. Copies of amendments or changes to the plans shall be filed with the department and any city or county within which the supplier provides water supplies within 30 days after adoption.
- (b) The department shall prepare and submit to the Legislature, on or before December 31, in the years ending in six and one, a report summarizing the status of the plans adopted pursuant to this part. The report prepared by the department shall identify the outstanding elements of the individual plans. The department shall provide a copy of the report to each urban water supplier that has filed its plan with the department. The department shall also prepare reports and provide data for any legislative hearings designed to consider the effectiveness of plans submitted pursuant to this part.

10645. Not later than 30 days after filing a copy of its plan with the department, the urban water supplier and the department shall make the plan available for public review during normal business hours.

#### **CHAPTER 4. MISCELLANEOUS PROVISIONS**

10650. Any actions or proceedings to attack, review, set aside, void, or annul the acts or decisions of an urban water supplier on the grounds of noncompliance with this part shall be commenced as follows:

- (a) An action or proceeding alleging failure to adopt a plan shall be commenced within 18 months after that adoption is required by this part.
- (b) Any action or proceeding alleging that a plan, or action taken pursuant to the plan, does not comply with this part shall be commenced within 90 days after filing of the plan or amendment thereto pursuant to Section 10644 or the taking of that action.

10651. In any action or proceeding to attack, review, set aside, void, or annul a plan, or an action taken pursuant to the plan by an urban water supplier on the grounds of noncompliance with this part, the inquiry shall extend only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the supplier has not proceeded in a manner required by law or if the action by the water supplier is not supported by substantial evidence.

10652. The California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) does not apply to the preparation and adoption of plans pursuant to this part or to the implementation of actions taken pursuant to Section 10632. Nothing in this part shall be interpreted as exempting from the California Environmental Quality Act any project that would significantly affect water



supplies for fish and wildlife, or any project for implementation of the plan, other than projects implementing Section 10632, or any project for expanded or additional water supplies.

10653. The adoption of a plan shall satisfy any requirements of state law, regulation, or order, including those of the State Water Resources Control Board and the Public Utilities Commission, for the preparation of water management plans or conservation plans; provided, that if the State Water Resources Control Board or the Public Utilities Commission requires additional information concerning water conservation to implement its existing authority, nothing in this part shall be deemed to limit the board or the commission in obtaining that information. The requirements of this part shall be satisfied by any urban water demand management plan prepared to meet federal laws or regulations after the effective date of this part, and which substantially meets the requirements of this part, or by any existing urban water management plan which includes the contents of a plan required under this part.

10654. An urban water supplier may recover in its rates the costs incurred in preparing its plan and implementing the reasonable water conservation measures included in the plan. Any best water management practice that is included in the plan that is identified in the "Memorandum of Understanding Regarding Urban Water Conservation in California" is deemed to be reasonable for the purposes of this section.

10655. If any provision of this part or the application thereof to any person or circumstances is held invalid, that invalidity shall not affect other provisions or applications of this part which can be given effect without the invalid provision or application thereof, and to this end the provisions of this part are severable.

10656. An urban water supplier that does not prepare, adopt, and submit its urban water management plan to the department in accordance with this part, is ineligible to receive funding pursuant to Division 24 (commencing with Section 78500) or Division 26 (commencing with Section 79000), or receive drought assistance from the state until the urban water management plan is submitted pursuant to this article.

10657.

- (a) The department shall take into consideration whether the urban water supplier has submitted an updated urban water management plan that is consistent with Section 10631, as amended by the act that adds this section, in determining whether the urban water supplier is eligible for funds made available pursuant to any program administered by the department.
- (b) This section shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2006, deletes or extends that date.

MEMORANDUM OF UNDERSTANDING  
REGARDING  
URBAN WATER CONSERVATION  
IN CALIFORNIA

*As Amended June 9, 2010*

**MEMORANDUM OF UNDERSTANDING REGARDING  
URBAN WATER CONSERVATION IN CALIFORNIA**

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**MEMORANDUM OF UNDERSTANDING  
REGARDING  
URBAN WATER CONSERVATION  
IN CALIFORNIA**

The **Memorandum of Understanding Regarding Urban Water Conservation in California** (MOU) is made and entered into on the dates set forth below among the undersigned parties (signatories). The signatories represent urban water suppliers, public advocacy organizations and other interested groups as defined in Section 1.3 of this MOU.

ADOPTED

September 1991

AMENDED

February 10, 1993

March 9, 1994

September 30, 1997

April 8, 1998

December 9, 1998

September 16, 1999

September 21, 2000

March 14, 2001

December 11, 2002

March 10, 2004

March 9, 2005

March 14, 2007

June 13, 2007

December 10, 2008

June 11, 2009

September 16, 2009

June 9, 2010

*Note: The MOU was substantially revised on September 30, 1997 and again on December 10, 2008. Subsequent revisions are indicated accordingly throughout the MOU.*

## RECITALS

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- A. The signatories to this MOU recognize that California's economy, quality of life and environment depend in large part upon the water resources of the State. The signatories also recognize the need to provide reliable urban water supplies and to protect the environment. Increasing demands for urban, agricultural and environmental water uses call for conservation and the elimination of waste as important elements in the overall management of water resources. Many organizations and groups in California have an interest in urban water conservation, and this MOU is intended to gain much needed consensus on a complex issue.
- B. The urban water conservation practices included in this MOU (referred to as "Best Management Practices" or "BMPs") are intended to reduce long-term urban demands from what they would have been without implementation of these practices and are in addition to programs which may be instituted during occasional water supply shortages.
- C. The combination of BMPs and urban growth, unless properly accounted for in water management planning, could make reductions in urban demands during short-term emergencies such as droughts or earthquakes more difficult to achieve. However, notwithstanding such difficulties, the signatory water suppliers will carry out the urban water conservation BMP process as described in this MOU.
- D. The signatories recognize that means other than urban water conservation may be needed to provide long-term reliability for urban water suppliers and long-term protection of the environment. However, the signatories may have differing views on what additional measures might be appropriate to provide for these needs. Accordingly, this MOU is not intended to address these issues.
- E. A major benefit of this MOU is to conserve water which could be used for the protection of streams, wetlands and estuaries and/or urban water supply reliability. This MOU leaves to other forums the issue of how conserved water will be used.
- F. It is the intent of this MOU that individual signatory water suppliers (1) develop comprehensive conservation BMP programs using sound economic criteria and (2) consider water conservation on an equal basis with other water management options.
- G. It is recognized that present urban water use throughout the State varies according to many factors including, but not limited to, climate, types of housing and landscaping, amounts and kinds of commercial, industrial and recreational development, and the extent to which conservation measures have already been implemented. It is further recognized that many of the BMPs identified in Exhibit 1 to this MOU have already been implemented in some areas and that even with broader employment of BMPs, future urban water use will continue to vary from area to area. Therefore, this MOU is not intended to establish uniform per capita water use allotments throughout the urban areas of the State. This MOU is also not intended to limit the amount or types of conservation a water supplier can pursue or to limit a water supplier's more rapid implementation of BMPs.
- H. It is recognized that projections of future water demand should include estimates of anticipated demand reductions due to changes in the real price of water.



## TERMS

*Amended December 10, 2008; Amended March 9, 2005; Amended April 8, 1998*

### SECTION 1. DEFINITIONS

For purposes of this MOU, the following definitions apply:

1.1 **Best Management Practices.** A Best Management Practice ("BMP") means a policy, program, practice, rule, regulation or ordinance or the use of devices, equipment or facilities which meets either of the following criteria:

- (a) An established and generally accepted practice among water suppliers that results in more efficient use or conservation of water;
- (b) A practice for which sufficient data are available from existing water conservation projects to indicate that significant conservation or conservation related benefits can be achieved; that the practice is technically and economically reasonable and not environmentally or socially unacceptable; and that the practice is not otherwise unreasonable for most water suppliers to carry out.

Although the term "Best Management Practices" has been used in various statutes and regulations, the definitions and interpretations of that term in those statutes and regulations do not apply to this MOU. The term "Best Management Practices" or "BMPs" has an independent and special meaning in this MOU and is to be applied for purposes of this MOU only as defined above.

1.2 **Implementation.** "Implementation" means achieving and maintaining the staffing, funding, and in general, the priority levels necessary to achieve the level of activity called for in the descriptions of the various BMPs and to satisfy the commitment by the signatories to use good faith efforts to optimize savings from implementing BMPs as described in Section 4.4 of this MOU. Section B of Exhibit 1 to this MOU establishes the schedule for initial implementation of BMPs.

1.3 **Signatory Groups.** For purposes of this MOU, signatories will be divided into three groups as follows:

- (a) Group 1 will consist of water suppliers. A "water supplier" is defined as any entity, including a city, which delivers or supplies water for urban use at the wholesale or retail level.
- (b) Group 2 will consist of public advocacy organizations. A "public advocacy organization" is defined as a non profit organization:
  - (i) whose primary function is not the representation of trade, industrial, or utility entities, and
  - (ii) whose prime mission is the protection of the environment or who has a clear interest in advancing the BMP process.
- (c) Group 3 will consist of other interested groups. "Other interested groups" is defined as any other group which does not fall into one of the two groups above.

## **TERMS**

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- 1.4 **California Urban Water Conservation Council.** The California Urban Water Conservation Council or "Council" will have responsibility for monitoring the implementation of this MOU and will be comprised of signatories to this MOU grouped according to the definitions in Section 1.3 above. The duties of the Council are set forth in Section 6 and in Exhibit 2 to this MOU.

### **SECTION 2. PURPOSES**

2.1 **This MOU has Two Primary Purposes:**

- (1) to expedite implementation of reasonable water conservation measures in urban areas; and
- (2) pursuant to Section 5 of this MOU, to establish assumptions for use in calculating estimates of reliable future water conservation savings resulting from proven and reasonable conservation measures. Estimates of reliable savings are the water conservation savings which can be achieved with a high degree of confidence in a given service area. The signatories have agreed upon the initial assumptions to be used in calculating estimates of reliable savings. These assumptions are included in Exhibit 1 to this MOU. It is probable that average savings achieved by water suppliers will exceed the estimates of reliable savings.

### **SECTION 3. LIMITS TO APPLICABILITY OF MOU**

- 3.1 **Relationship Between Water Suppliers.** No rights, obligations or authorities between wholesale suppliers, retail agencies, cities or other water suppliers are created or expanded by this MOU. Moreover, wholesale water suppliers are not obligated to implement BMPs at the retail customer level except within their own retail service area, if any.
- 3.2 **Agriculture.** This MOU is intended to apply only to the delivery of water for domestic, municipal and industrial uses. This MOU is not intended to apply directly or indirectly to the use of water for irrigated agriculture with one exception. A signatory water supplier that serves agricultural customers may decide to include agricultural water deliveries in its calculation of water demand and compliance using the GPCD metric. If such agricultural deliveries are included, the supplier shall include relevant agricultural water demand in its Water Supply & Reuse and Accounts & Water Use standard reports.
- 3.3 **Reclamation.** The signatory water suppliers support the reclamation and reuse of wastewater wherever technically and economically reasonable and not environmentally or socially unacceptable, and agree to prepare feasibility studies on water reclamation for their respective service areas. However, this MOU does not apply to that aspect of water management, except where the use of reclaimed water may otherwise qualify as a BMP as defined above.
- 3.4 **Land Use Planning.** This MOU does not deal with the question of growth management. However, each signatory water supplier will inform all relevant land planning agencies at least annually of the impacts that planning decisions involving projected growth would have

## **TERMS**

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upon the reliability of its water supplies for the water supplier's service area and other areas being considered for annexation.

- 3.5 **Use of Conserved Water.** A major benefit of this MOU is to conserve water which could be used for the protection of streams, wetlands and estuaries and/or urban water supply reliability. This MOU leaves to other forums the issue of how conserved water will be used.

### **SECTION 4. IMPLEMENTATION OF BEST MANAGEMENT PRACTICES**

- 4.1 **The Best Management Practices List, Schedule of Implementation and Assumptions.**  
Exhibit 1 to this MOU contains:

- (a) In Section A: A list identifying those practices which the signatories believe presently meet the definition of a BMP as set forth in Section 1.1 of this MOU.
- (b) In Section B: A schedule for implementing the BMPs to be followed by signatory water suppliers unless exempted under Section 4.5 of this MOU or an alternative schedule is prepared pursuant to Section 4.6 of this MOU.
- (c) In Section C: Coverage requirements for implementing BMPs. Coverage requirements are the expected level of implementation necessary to achieve full implementation of BMPs. Coverage requirements may be expressed either in terms of activity levels by water suppliers or as water savings achieved.
- (d) In Section D: Reporting Requirements for Documenting BMP Implementation. These requirements vary by BMP, are considered the minimum record keeping and reporting requirements for water suppliers to document BMP implementation levels, and will provide the basic data used evaluate BMP implementation progress by water suppliers.
- (e) In Section E: Criteria to determine BMP implementation status of water suppliers. These criteria will be used to evaluate BMP implementation progress. Evaluation criteria vary by BMP, and are derived from the implementation guidelines and schedules presented in Sections A, B, and C.
- (f) In Section F: Assumptions for use in developing estimates of reliable savings from the implementation of BMPs. Estimates of reliable savings are the water conservation savings which can be achieved with a high degree of confidence in a given service area. The estimate of reliable savings for each BMP depends upon the nature of the BMP and upon the amount of data available to evaluate potential savings. For some BMPs (e.g., public information) estimates of reliable savings may never be generated. For others, additional data may lead to significant changes in the estimate of reliable savings. It is probable that average savings achieved by water suppliers will exceed the estimates of reliable savings.
- (g) In Section G: In the programmatic BMPs, the Flex Tack Menu, a list of potential alternative water savings measures is available for agencies which wish to promote new initiatives in water conservation. In order to qualify as in compliance with the BMP requirements, a utility using this menu, or a part of it, shall show water savings equal to or greater than of those which would have been achieved by following the BMP list.

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There is no section G in the Foundational BMPs.

- 4.2 **Initial BMPs, PBMPs, Schedules, and Estimates of Reliable Savings.** The initial position of conservation practices on the BMP and PBMP lists, the initial schedule of implementation and study for the BMP list, the initial schedule of study for the PBMP list, and the initial estimates of reliable savings represent compromises by the signatories to move the process

forward both for purposes of the present Bay/Delta proceedings as defined in Section 5 and to promote water conservation generally. The signatories agree that as more and better data are collected in the future, the lists, the schedules, and the estimates of reliable savings will be refined and revised based upon the most objective criteria available. However, the signatories agree that the measures included as initial BMPs in Section A of Exhibit 1 are economically justified on a statewide basis.

- 4.3 **Future Revision of BMPs, PBMPs, Schedules, and Estimates of Reliable Savings.** After the beginning of the initial term of the MOU as provided in Section 7.1, the California Urban Water Conservation Council ("Council") will, pursuant to Section 6 of this MOU and Exhibit 2, alter the composition of the BMP and PBMP lists, redefine individual BMPs, alter the schedules of implementation, and update the assumptions of reliable savings as more data becomes available. This dynamic BMP assessment process includes the following specific commitments:

- (a) The assumptions of reliable savings will be updated at least every 3 years.
- (b) The economic reasonableness of a BMP or PBMP will be assessed by the Council using the economic principles in Sections 3 and 4 of Exhibit 3.
- (c) A BMP will be removed from the BMP list if, after review of data developed during implementation, the Council determines that the BMP cannot be made economically reasonable or determines that the BMP otherwise fails to conform to the definition of BMPs in Section 1.1.
- (d) A PBMP will be moved to the BMP list and assigned a schedule of implementation if, after review of data developed during research, and/or demonstration projects, the Council determines that the PBMP is economically reasonable and otherwise conforms to the definition of BMPs in Section 1.1.

[Note: In 1997, the Council substantially revised the BMP list, definitions, and schedules contained in Exhibit 1. These revisions were adopted by the Council September 30, 1997.]

- 4.4 **Good Faith Effort.** While specific BMPs and results may differ because of varying local conditions among the areas served by the signatory water suppliers, a good faith effort to implement BMPs will be required of all signatory water suppliers. The following are included within the meaning of "good faith effort to implement BMPs":

- (a) The proactive use by a signatory water supplier of legal authorities and administrative prerogatives available to the water supplier as necessary and reasonable for the implementation of BMPs.

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- (b) Where implementation of a particular BMP is not within the legal authority of a signatory water supplier, encouraging timely implementation of the BMP by other entities that have the legal authority to carry out the BMP within that water supplier's service area pursuant to existing legal authority. This encouragement may include, but is not limited to, financial incentives as appropriate.
- (c) Cooperating with and encouraging cooperation between other water suppliers and other relevant entities whenever possible and within existing legal authority to promote the implementation of BMPs.
- (d) Optimizing savings from implementing BMPs.
- (e) For each signatory water supplier and all signatory public advocacy organizations, encouraging the removal of institutional barriers to the implementation of BMPs within that water supplier's service area. Examples of good faith efforts to remove institutional barriers include formal presentations and/or written requests to entities requesting approval of, or amendment to, local ordinances, administrative policies or legislation which will promote BMP implementation.

4.5 **Exemptions.** *As Amended on March 9, 2005.* A signatory water supplier will be exempt from the implementation of specific BMPs for as long as the supplier substantiates each reporting period that based upon then prevailing local conditions, one or more of the following findings applies:

- (a) A full cost-benefit analysis, performed in accordance with the principles set forth in Exhibit 3, demonstrates that either the program (i) would not be cost-effective overall when total program benefits and costs are considered; OR (ii) would not be cost-effective to the individual water supplier even after the water supplier has made a good faith effort to share costs with other program beneficiaries.
- (b) Adequate funds are not and cannot reasonably be made available from sources accessible to the water supplier including funds from other entities. However, this exemption cannot be used if a new, less cost-effective water management option would be implemented instead of the BMP for which the water supplier is seeking this exemption.
- (c) Implementation of the BMP is (i) not within the legal authority of the water supplier; and (ii) the water supplier has made a good faith effort to work with other entities that have the legal authority to carry out the BMP; and (iii) the water supplier has made a good faith effort to work with other relevant entities to encourage the removal of institutional barriers to the implementation of BMPs within its service area.

4.6 **Schedule of Implementation.** *As Amended on March 9, 2005.* The schedule of implementation for BMPs is set forth in Section B of Exhibit 1 to this MOU. However, it is recognized by the signatories that deviations from this schedule by water suppliers may be necessary. Therefore, a water supplier may modify, to the minimum extent necessary, the schedule for implementation of BMPs if the water supplier substantiates one or more of the following findings:



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- (a) That after a good faith effort to implement the BMP within the time prescribed, implementation is not feasible pursuant to the schedule. However, implementation of this BMP is still required as soon as feasible within the initial term of this MOU as defined in Section 7.1.
- (b) That implementation of one or more BMPs prior to other BMPs will have a more positive effect on conservation or water supplies than will adherence to the schedule.
- (c) That implementation of one or more Potential BMPs or other conservation measures prior to one or more BMPs will have a more positive effect on conservation or water supplies than will adherence to the schedule.
- (d) That the BMP was not implemented previously because the water supplier was exempt from its implementation as provided for in Section 4.5 above during prior years of required activity. When a water supplier has been exempt from implementing a BMP in the past, but is subsequently no longer exempt, the water supplier shall receive an extension of time to implement the BMP. The extension of time shall be equal to 100% of the time period for which fully documented exemptions were submitted to the Council, not to exceed the time allotted for completing the activities set forth within the BMP itself.

### **SECTION 5. CONSERVATION GOALS**

[Note: The original section 5. BAY/DELTA PROCEEDINGS was adopted with the initial MOU and referred to the State Water Resources Control Board water rights process underway in late 1980s and early 1990s to implement new Bay-Delta flow and export standards. Subsequent to those proceedings, further work under different auspices has proceeded with the same goals, in addition, Council membership has expanded to include agencies whose focus is on other watersheds and broader support for water use efficiency and conservation. Therefore, while including the original intent of this section, in December 2008 it has been amended to reflect these new circumstances.]

- 5.1 **Use of MOU to address Bay/Delta protection and water use efficiency.** The BMPs, the estimates of reliable savings and the processes established by this MOU are agreed to by the signatories for purposes of protection of the San Francisco Bay/Sacramento-San Joaquin Delta Estuary ("Bay/Delta"); in order to move the water conservation process forward; and/or to develop a cost effective alternative to new water supplies. The willingness of the signatories to enter into this MOU for purposes of the protection of the Bay/Delta in no way limits the signatories' ability to propose different conservation practices, different estimates of savings, or different processes, or for non-urban water suppliers or for other water management issues. The signatories may present other assumptions of reliable conservation savings, provided that such assumptions could not have adverse impacts upon the water supplies of any signatory water supplier. Furthermore, the signatories retain the right to advocate any particular level of protection for the Bay/Delta Estuary, including levels of freshwater flows, and do not necessarily agree on population projections for California. This MOU is not intended to address any authority or obligation of the State Board to establish freshwater flow protections or set water quality objectives for the Estuary, or to address any authority of the Department of Water Resources or United States Bureau of Reclamation.

## **TERMS**

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- 5.2 **Recommendations for Water Conservation.** The signatories will make the following recommendations to the State Board, Department of Water Resources or US Bureau of Reclamation to support BMPs and the advancement of water conservation practices:
- (a) That implementation of the BMP process set forth in this MOU represents a sufficient long-term water conservation program by the signatory water suppliers, recognizing that additional programs may be required during occasional water supply shortages;
  - (b) That the State Board should include a policy statement in the water rights considerations of the Bay/Delta protection supporting the BMP process described in this MOU and that the BMP process should be considered in any documents prepared by the State Board pursuant to the California Environmental Quality Act as part of the Bay/Delta proceedings.
  - (c) That the Department of Water Resources and Bureau of Reclamation consider an agency's implementation of the BMPs set for the in the MOU as evidence of good faith efforts by the signatory agency to achieve water use efficiency and conservation.
- 5.3 **Letter to State or Federal Water Agencies.** Within 30 days of signing this MOU, each signatory will jointly or individually convey the principles set forth in Sections 5.1 and 5.2 above by sending a letter to the State Board, Department of Water Resources and/or Bureau of Reclamation copied to the California Urban Water Conservation Council.
- 5.4 **Withdrawal from MOU.** If the State Board or EPA uses future urban water conservation savings that are inconsistent with the use of BMPs as provided in this MOU, any signatory shall have the right to withdraw from the MOU by providing written notice to the Council as described in Section 7.4(a)(1) below.

## **SECTION 6. CALIFORNIA URBAN WATER CONSERVATION COUNCIL**

- 6.1 **Organization.** The California Urban Water Conservation Council ("Council") will be comprised of all signatories to this MOU grouped according to the definition in Section 1. The signatories agree to the necessary organization and duties of the Council as specified in Exhibit 2 to this MOU. Within 30 days of the effective date of this MOU, the Council will hold its first meeting.
- 6.2 **BMP Implementation Reports.** The signatory water suppliers will submit standardized reports every other year to the Council providing sufficient information to inform the Council on the progress being made towards implementing the BMP process. The Council will make annual reports to the State Board. An outline for the Council's annual report to the State Board is attached as Exhibit 5 to this MOU.

## **SECTION 7. GENERAL PROVISIONS**

- 7.1 **Initial Term of MOU.** The initial term of this MOU shall be for a period of 10 years. This initial term shall commence on September 1, 1991.

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- 7.2 **Signatories.** Signatories shall consist of three groups: water suppliers, public advocacy organizations and other interested groups, arranged according to the definition in Section 1.3. Such arrangement will be made by a Council membership committee comprised of three representatives from the water suppliers' group and three representatives from the public advocacy organizations' group.
- 7.3 **Renewal of MOU.** The MOU shall be automatically renewed after the initial term of 10 years on an annual basis as to all signatories unless a signatory withdraws as described below in Section 7.4.
- 7.4 **Withdrawal from MOU.** Signatories to the MOU may withdraw from the MOU in three separate ways as described in sections (a), (b) and 8 below.
- (a) **Withdrawal prior to expiration of initial term.** Before the expiration of the initial term of 10 years, a signatory may withdraw by providing written notice to the Council declaring its intent to withdraw. This written notice must include a substantiated finding that one of the two provisions (i) or (ii) below applies:
- (i) During the present Bay/Delta proceedings, the State Board or EPA used future urban water conservation savings that are inconsistent with the use of BMPs as provided in this MOU; OR
  - (ii) After a period of 5 years from the commencement of the initial term of the MOU:
    - (1) Specific signatory water suppliers representing more than 10 percent of the population included within the combined service areas of the signatory water suppliers have failed to act in good faith pursuant to Section 4.4 of the MOU; and
    - (2) The signatory wishing to withdraw has attached findings to its past two annual reports to the Council beginning no earlier than the fourth annual report identifying these same signatory water suppliers and giving evidence based upon the information required to be submitted in the annual reports to the Council to support the allegations of failure to act in good faith; and
    - (3) The State Board has failed to require conservation efforts by the specific water suppliers adequate to satisfy the requirements of this MOU; and
    - (4) Discussions between the signatory wishing to withdraw and the specific signatories named have failed to satisfy the objections of the signatory wishing to withdraw.

After a signatory declares intent to withdraw under Section 7.4(a), the MOU shall remain in effect as to that signatory for 180 days.

- (b) **Withdrawal after expiration of initial term.** After the initial term of 10 years, any signatory may declare its intent to withdraw from the MOU unconditionally by providing written notice to the Council. After a signatory has declared its intent to

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withdraw as provided in this section, the MOU will remain in effect as to that signatory for 180 days.

- (c) **Immediate withdrawal.** Any signatory who does not sign a modification to the MOU requiring a 2/3 vote as described in Exhibit 2 of this MOU may withdraw from the MOU by providing written notice to the Council. The withdrawing signatory's duties under this MOU will be terminated effective immediately upon providing such written notice.

If a signatory withdraws from the MOU under any of the above methods, the MOU shall remain in effect as to all other signatories.

- 7.5 **Additional Parties.** Additional parties may sign the MOU after September 1, 1991 by providing written notice to and upon approval by the Council. Additional parties will be assigned by the Council to one of the three signatory groups defined in Section 1.3 before entry into the Council. All additional signatory water suppliers shall be subject to the schedule of implementation provided in Exhibit 1.
- 7.6 **Legal Authority.** Nothing in this MOU is intended to give any signatory, agency, entity or organization expansion of any existing authority. No organization formed pursuant to this MOU has authority beyond that specified in this MOU.
- 7.7 **Non-Contractual Agreement.** This MOU is intended to embody general principles agreed upon between and among the signatories and is not intended to create contractual relationships, rights, obligations, duties or remedies in a court of law between or among the signatories.
- 7.8 **Modifications.** The signatories agree that this writing constitutes the entire understanding between and among the signatories. The general manager, chief executive officer or executive director of each signatory or their designee shall have the authority to vote on any modifications to this MOU and its exhibits. Any modifications to the MOU itself and to its exhibits shall be made by the Council as described in Exhibit 2.

Pages 14 -53 of the MOU  
are included in Agenda Item 3



## **EXHIBIT 2. CALIFORNIA URBAN WATER CONSERVATION COUNCIL**

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As Amended on December 10, 2008

1. The California Urban Water Conservation Council (the "Council") will be comprised of a representative of each of the signatories to the MOU.
2. The Council's responsibilities and authorities include:
  - a. Recommending study methodologies for Best Management Practices ("BMPs"), including procedures for assessing the effectiveness and reliability of urban water conservation measures.
  - b. Developing guidelines including discount rate to be used by all signatories in computing BMP benefits and costs pursuant to Exhibit 3.
  - c. Reviewing and modifying the economic principles set forth in Exhibit 3.
  - d. Collecting and summarizing information on implementation of BMPs and Potential Best Management Practices ("PBMPs").
  - e. Adopting or modifying BMPs and PBMPs lists.
  - f. Adopting or modifying reliable water conservation savings data for BMPs.
  - g. Adopting or modifying the schedules of implementation for existing and new BMPs.
  - h. Adopting or modifying the schedules for research and demonstration projects for BMPs and PBMPs.
  - i. Coordinating and/or making recommendations regarding BMPs study and demonstration projects.
  - j. Accepting or denying requests for additional parties to join the MOU and assigning additional parties to one of the three signatory groups as described in Section 1.3 of the MOU.
  - k. Reviewing and modifying report formats.
  - l. Making annual reports to the State Water Resources Control Board and the Council Members on the above items based on the format described in Exhibit 5.
  - m. Within two years of the initial signing of this MOU, developing and implementing procedures and a funding mechanism for independent evaluation of the MOU process at the Council and signatory levels.
  - n. Undertaking such additional responsibilities as the Members may agree upon.

## EXHIBIT 2

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3. The Council will make formal reports to the State Water Resources Control Board and to the governing bodies of all Council Members. Such reports shall include a formal annual written report. Other reports such as status reports and periodic updates may be prepared as deemed appropriate by the Council. Any Member of the Council will be entitled to review draft reports and comment on all reports. Such comments shall be included in any final report at the Member's request.
4. It is anticipated that the Council will develop a committee structure, which will include a Membership Committee as described in Section 7.2 of the MOU. A Board of Directors and one or more technical committees may also be needed.
5. For purposes of the Council, signatories will be divided into three groups: water suppliers ("Group 1"), public advocacy organizations ("Group 2") and other interested groups ("Group 3") as those terms are defined in Section 1 of the MOU. Members of Groups 1 and 2 shall be Signatory members of the Council and shall possess all voting rights. Members of Group 3 shall be Signatory members and shall not have voting rights, but shall act in an advisory capacity to the Council. Beginning January 1, 2004 members shall become Full Members of the Council upon payment of the annual assessment as invoiced by the Council according to Section 11.01 of the Council's Bylaws. Full members shall be eligible to receive all services and benefits available from the Council's resources. For Group 2 members, payment shall mean payment in cash and/or in kind services. Officers and members of the Council Board of Directors shall be Full Members in good standing.
6. Decisions by the Council to undertake additional responsibilities; to modify the MOU itself; or to modify Exhibits 2 or 3 require the following:
  - a. The Council will provide notice to all signatories giving the text of the proposed action or modification at least 60 days in advance of the vote by the Council.
  - b. To pass the action or modification, there must be a vote in favor of the action or modification by at least 2/3 of the members of Group 1 voting, including votes made in person or in writing, and a vote in favor of the action or modification by at least 2/3 of the members of Group 2 voting, including votes made in person or in writing.
7. All other modifications and Council actions shall be undertaken as follows: There must be a vote in favor of the modification or action by a simple majority of the members of Group 1 voting, including votes made in person or in writing, and a vote in favor of the modification or action by a simple majority of the members of Group 2 voting, including votes made in person or in writing.

### **EXHIBIT 3. PRINCIPLES TO GUIDE THE PERFORMANCE OF BMP ECONOMIC (COST-EFFECTIVENESS) ANALYSIS**

*Amended April 8, 1998*

1. The total cost-effectiveness of a conservation measure will be measured by comparing the present value of the benefits of the measure listed in paragraph 3 below to the present value of the costs listed in paragraph 4. The measure will be cost-effective if the present value of the benefits exceeds the present value of the costs.
2. The cost-effectiveness of a conservation measure to the water supplier will be measured by comparing the present value of the benefits described in paragraph 5 to the present value of the costs described in paragraph 6. The measure will be cost-effective if the present value of the benefits exceeds the present value of the costs.
3. Total benefits exclude financial incentives received by water suppliers or by retail customers. These benefits include:
  - a. avoided capital costs of production, transport, storage, treatment, wastewater treatment and distribution capacity.
  - b. avoided operating costs, including but not limited to, energy and labor.
  - c. environmental benefits and avoided environmental costs.
  - d. avoided costs to other water suppliers, including those associated with making surplus water available to other suppliers.
  - e. benefits to retail customers, including benefits to customers of other suppliers associated with making surplus water available to these suppliers.
4. Total program costs are those costs associated with the planning, design, and implementation of the particular BMP, excluding financial incentives paid either to other water suppliers or to retail customers. These costs include:
  - a. capital expenditures for equipment or conservation devices.
  - b. operating expenses for staff or contractors to plan, design, or implement the program.
  - c. costs to other water suppliers.
  - d. costs to the environment.
  - e. costs to retail customers.
5. Program benefits to the water supplier include:
  - a. costs avoided by the water supplier of constructing production, transport, storage, treatment, distribution capacity, and wastewater treatment facilities, if any.

### EXHIBIT 3

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- b. operating costs avoided by the water supplier, including but not limited to, energy and labor associated with the water deliveries that no longer must be made.
  - c. avoided costs of water purchases by the water supplier.
  - d. environmental benefits and avoided environmental costs.
  - e. revenues from other entities, including but not limited to revenue from the sale of water made available by the conservation measure and financial incentives received from other entities.
6. Program costs to the water supplier include:
- a. capital expenditures incurred by the water supplier for equipment or conservation devices.
  - b. financial incentives to other water suppliers or retail customers.
  - c. operating expenses for staff or contractors to plan, design, or implement the program.
  - d. costs to the environment.
7. The California Urban Water Conservation Council ("Council") will be responsible for developing guidelines that will be used by all water suppliers in computing BMP benefits and costs. These guidelines will include, but will not be limited to, the following issues:
- a. analytical frameworks.
  - b. avoided environmental costs.
  - c. other impacts on the supply system that may be common to many water suppliers.
  - d. time horizons and discount rates.
  - e. avoided costs to non-water supply agencies.
  - f. benefits and costs to retail customers.
  - g. benefits of water made available to other entities as a result of conservation efforts.
- These guidelines will recognize the uniqueness of individual water suppliers and will therefore not impose excessive uniformity.
- [Note: In September 1996, the Council adopted "Guidelines for Preparing Cost-Effectiveness Analyses of Urban Water Conservation Best Management Practices"]
8. Within these guidelines, each water supplier will be responsible for analyses of the cost-effectiveness of particular BMPs on its system. These analyses will be reviewed by the Council.
9. The Council will also be responsible for periodically reviewing the overall framework set forth in this Exhibit.

## **EXHIBIT 4. SWRCB ANNUAL REPORT OUTLINE**

*As Amended on December 10, 2008*

- I. Administration and Project Funding**
- II. Council Activity on Best Management Practices**
  - BMP Reporting on Council Signatories
    - Revised BMP Reporting Forms
    - BMP Biannual Reporting Results
    - BMP Biannual Data Highlights
  - BMP Exemption Policy
  - BMP Modifications
- III. Technical Assistance**
- IV. General Outreach**

### **Tables**

- Table 1: Council MOU Urban Water Conservation Best Management Practices
- Table 2: Comparison of Retail and Wholesale BMP Reporting Requirements
- Table 3: Conservation Milestones
- Table 4: Technical Assistance Provided to Members

### **Figures**

- Figure 1: Number of Water Suppliers Filing BMP Reports per Annum
- Figure 2: Year-by-Year Council Signatory Growth
- Figure 3: CUWCC Signatory Member Water Use as a Percentage of California Urban Water Use
- Figure 4: Percentage of CUWCC Membership Submitting BMP Reports Historical Period to Date
- Figure 5: Percentage of Reporting Units in Compliance with BMPs Historical Period to Date

### **Attachments**

- Attachment A: Council Signatories as of End of Year
- Attachment B: Strategic Plan
- Attachment C: Council Budget
- Attachment D: Council Organization Chart
- Attachment E: Board of Directors Officers
- Attachment F: Signatory Agencies that Submitted Some or All BMP Reports during Reporting Period
- Attachment G: Signatory Agencies Not Submitting BMP Reports during Reporting Period



## EXHIBIT 5. BYLAWS

As Amended on December 10, 2008

### ARTICLE I Recitals and Definitions

**Section 1.01. Name of Corporation.** The name of this corporation shall be California Urban Water Conservation Council. In the balance of these Bylaws the corporation shall be referred to as the "Council."

**Section 1.02. The Council Is Nonprofit.** The Council has been formed pursuant to the California Nonprofit Corporation Law as a public benefit corporation.

**Section 1.03. Specific Purpose.** The specific and primary purpose of the Council is to implement the MOU, as defined in Section 1.05(c), below, which has been executed by and among signatories comprised of the water suppliers, public advocacy organizations and other interested groups that are more particularly described in Section 3.01, below. Without limiting the foregoing, the Council shall make formal reports to the State Water Resources Control Board and to the governing bodies of all Council Members. Such reports shall include a formal annual written report. Other reports, such as status reports and periodic updates, may be prepared as deemed appropriate by the Council.

**Section 1.04. Restrictions.** All policies and activities of the Council shall be consistent with and limited by the MOU and shall also be consistent with: (a) applicable federal, state and local antitrust and trade regulation laws; (b) applicable tax-exemption requirements, including the requirement that no part of the Council's net earnings inure to the benefit of any private individual; and (c) all other legal requirements including the California Nonprofit Corporation Law under which the Council is incorporated and to which its operations are subject, as amended from time to time.

**Section 1.05. Defined Terms.** The following terms shall, when used in these Bylaws, have the following meanings:

(a) Chair and Vice Chair mean and refer to the persons who, from time to time, occupy those positions on the Board of Directors that are analogous to the positions of Chair and Vice Chair of a nonprofit corporate board. The Chair and Vice Chair shall have the duties and responsibilities more particularly defined in Section 9.05, below.

(b) Council means and refers to the California Urban Water Conservation Council.

(c) Full Member means a Signatory Member of the Council who has paid the current annual assessment in full.

(d) Member means and refers to an organization that is a signatory to the MOU. Council Members shall be assigned to one of the three group classifications of membership more particularly defined in Section 3.03, below. When used generally, Member means Signatory Member. A Full Member of the Council is a Signatory Member entitled to full Council privileges and benefits.

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*As Amended on September 16, 2009*

(e) MOU means and refers to the Memorandum of Understanding Regarding Urban Water Conservation in California dated September 1991, and as the MOU may be amended from time to time.

(f) Plenary, Session or Plenary Meeting means and refers to a meeting of the Council Members (see Article V, below).

(g) Signatory Member means an organization that is a signatory to the MOU.

(h) Signatory and Signatory Organization mean and refer to qualified organizations which have executed the MOU and which have been accepted for membership in the Council in accordance with Section 3.02, below.

(i) Board of Directors means the Committee constituted and empowered as set forth in Article VII, below. The Board of Directors shall have the duties and powers of the board of directors of a California nonprofit public benefit corporation (California Corporations Code section 5210) subject to the limitations imposed on the Board of Directors by the California Nonprofit Public Benefit Corporation Law, the MOU and these Bylaws (see particularly Article VI, below, entitled "Actions Requiring Council Member Approval"). Accordingly, the Board of Directors is not a committee as the word "committee" is defined in Article X, below, or in California Corporations Code section 5110 et seq.

### ARTICLE II Principal Office

**Section 2.01. Location of Principal Office.** The principal office of the Council will be located at such place within the State of California as the Board of Directors may from time to time designate by resolution. Currently, the address of the principal office is 455 Capitol Mall, Suite 703, Sacramento, California.

### ARTICLE III Council Membership

**Section 3.01. Members of the Council.** The membership of the Council shall be comprised of, and limited to, organizations that are signatories to MOU. Eligible signatories are: (1) water suppliers ("Group 1 Signatories"); (2) public advocacy organizations ("Group 2 Signatories"); and (3) other interested groups ("Group 3 Signatories"). Those three Groups are more particularly defined in Section 3.03, below.

**Section 3.02. Application for Membership.** As provided in Section 7.2 of the MOU, the Council shall have a Membership Committee which shall have the responsibility of evaluating new signatory applicants for Membership in the Council and recommending to the Council approval or disapproval of the applicant and the recommended category of membership for the applicant. The Council may adopt and use an application form to be completed by MOU Signatory Organizations in order to guide the Council's Membership Committee in making recommendations to the Council regarding the proper Group classification for new signatories.

## EXHIBIT 5

*As Amended on September 16, 2009*

The Membership Committee shall consider applications and decide on the appropriate classification of new Signatory Organizations. Following action by the Membership Committee, the Committee's action shall be ratified by the Council Members at the Plenary meeting next following admittance of the new member organization to the Council. As of the date of the adoption of these Bylaws, the Members of the Council and their respective Group classifications (which are ratified and affirmed by the Members' approval of these Bylaws) are as set forth in Exhibit "5A".

### **Section 3.03. Classifications of Membership; Definition of Signatory Groups.**

The Council has three classes of membership comprised of the signatory groups identified in subparagraphs (a) through (c) of this Section 3.03:

(a) Water Suppliers -- Group 1 Signatories. Group 1 Signatories include and are limited to "water suppliers". A water supplier is any entity, including a city, which delivers or supplies water for urban use at the wholesale or retail level.

(b) Public Advocacy Organizations -- Group 2 Signatories. Group 2 Signatories include and are limited to public advocacy organizations. A "public advocacy organization" is defined to mean a nonprofit organization exempt from tax and described in either Internal Revenue Code section 501(c)(3) or 501(c)(4); which has as one of its significant missions and exempt purposes, environmentally sound management and conservation of California's waterways and water resources and/or protection of the environment; and which has a clear, but non-vested, interest in advancing the Best Management Practices ("BMPs") of the MOU. No public advocacy organization may be admitted to the Council's membership if such organization has a primary function of representing trade, industrial or utility entities.

(c) Other Interested Groups -- Group 3 Signatories. Group 3 Signatories include other organizations, approved for membership as provided in Section 3.02, above, which have a strong interest in, and commitment to, the purposes of the Council, but which are not eligible for inclusion in either Group 1 or Group 2.

**Section 3.04. Representatives of Signatory Organizations.** Each MOU Signatory shall designate one representative to the Council. The Signatory Organization shall be responsible for informing the Council of the identity of its designated representative at all appropriate times. Signatories may also name substitute representatives to attend meetings in place of the designated representative. Substitute representatives have the same voting rights as the Signatory's designated representative, but may not serve as an officer of the Council. Only one representative from any Signatory Organization may vote on any matter presented to the Council Members, to the Board of Directors, or as the designated member of any committee appointed and constituted in accordance with Article X, below; provided, however, that the same person can be designated as the representative or as a substitute representative of more than one Signatory Organization within the same Group classification. Designated and substitute representatives of Council Members are referred to in these Bylaws as "Representatives."

**Section 3.05. Term of Membership.** Each organization that signs the MOU and is admitted to membership in the Council shall remain a Member until the organization no longer qualifies for membership under Section 3.01, above or wishes to withdraw. Organizations listed in Exhibit "5A" shall be deemed to meet the qualification requirements of Section 3.01.



## EXHIBIT 5

As Amended on September 16, 2009

### ARTICLE IV Membership Voting

#### **Section 4.01. Member Voting Rights.**

(a) Generally. Only Group 1 Signatory Members and Group 2 Signatory Members have voting rights with respect to matters requiring the approval of Council Members under the MOU and these Bylaws (see particularly Article VI, below). Collectively, those two Groups are referred to as the "Voting Members" whenever these Bylaws discuss the voting rights of Council Members. On each matter submitted to a vote of the Voting Members, whether at a meeting of the membership called and held pursuant to the provisions of these Bylaws or otherwise, each Voting Member shall be entitled to cast one vote. Group 3 Signatory Members have no voting rights.

(b) Required Vote for Valid Action. Unless these Bylaws specifically confer authority on Group 1 Signatory Members or Group 2 Signatory Members to take unilateral action with respect to a particular matter (such as caucus votes to fill Group vacancies on the Board of Directors), any action requiring the vote or approval of the Voting Members of the Council shall require the affirmative vote of a majority of each of Group 1 and Group 2 Signatory Members, as to those actions identified in Section 6.02 (b), below, and a two-thirds affirmative vote of each of Group 1 and Group 2 Signatory Members as to those actions identified in Section 6.02(a), below. As to any other action or approval of the Voting Members not specifically identified in Section 6.02, below, the required affirmative vote shall be a majority of each of Group 1 and Group 2 Signatory Members.

#### **Section 4.02. Manner of Casting Votes.**

(a) Voting at a Meeting or by Written Ballot. Voting by Group 1 and Group 2 Signatory Members may be by voice or by written ballot solicited in accordance with section 5513 of the California Corporations Code, and Section 4.03 below. The vote on any other issue properly before a Plenary meeting of the Council Members shall be conducted by secret ballot when determined by the chairman of the meeting, in his or her discretion, or when requested by 10 percent of the Voting Members present at the meeting.

(b) Proxy Voting. Proxy voting shall be permitted on any matter put to the vote of the Council Members subject to the following restrictions:

(i) If a Group 1 or Group 2 Signatory Organization cannot be represented at a Plenary meeting by the Group's designated Representative or substitute Representative, the Group can, by written proxy, authorize another Representative of a Signatory Organization within the same Group classification to appear and vote on behalf of the absent Signatory Organization.

(ii) The proxy shall only be valid for the Plenary meeting for which it is issued, and for any adjournment thereof.

(iii) The proxy shall be in the form of a limited proxy which is defined as a proxy which instructs the proxy holder how he or she is to vote with respect to each matter which is scheduled to be presented at the Plenary for action by the Council Members.

## EXHIBIT 5

*As Amended on September 16, 2009*

### **Section 4.03. Action by Written Ballot Without a Meeting.**

(a) Written Ballots, Generally. In addition to voting in person or by proxy at Council Plenaries, any matter or issue requiring the vote of the Council Members, other than the election of the Board of Directors, may be submitted to the Voting Members for a vote by use of a written ballot without the necessity of calling a Plenary of the Council Members, so long as the requirements for action by written ballot set forth in this Section 4.03 are met. The determination to seek Member approval by written ballot shall be made by a majority vote of each of Group 1 and Group 2 Representatives on the Board of Directors.

(b) Distribution of Written Ballots. In the event that any matter or issue is to be voted upon by written ballot, the Committee shall distribute the written ballot to every Voting Member at least 30 days prior to the final date the written ballots are to be received for counting.

(c) Content of Written Ballots. Any written ballot distributed to the Voting Members to vote on an issue other than the election of the Committee shall set forth the proposed action, and provide an opportunity to specify approval or disapproval of the proposal.

(d) Balloting Time Requirements. All written ballots shall also provide a reasonable time within which to return the written ballot to the Council's principal office and shall state on its face or in an accompanying notice the date by which the written ballot must be returned in order to be counted. The time fixed for the return of ballots may only be extended if the Committee notifies the Voting Members (in the balloting materials originally sent to Council Members) that the right to extend has been reserved and then for no more than two successive periods of 30 days each. The time stated for the return of written ballots can be scheduled to coincide with the date of a Plenary meeting.

(e) Requirements for Valid Action. Approval by written ballot shall be valid only when the number of votes cast by ballot within the time period specified equals or exceeds the quorum specified in Section 5.05, below, and the number of approvals equals or exceeds the number of votes that would be required to approve the action if approval was sought at a meeting of the Council Members.

(f) Solicitation Rules. Written ballots shall be solicited in a manner consistent with the requirements of Section 5.04, below, pertaining to the issuance of notice of Council Members' Plenary meetings. All solicitations of written ballots shall indicate the number of responses needed to meet the quorum requirement for valid action and shall state the percentage of affirmative votes necessary to approve the measure submitted for Council Member approval.

(g) Notification of Balloting Results. Upon tabulation of the written ballots, the Board of Directors shall notify the Council Members of the outcome of the vote immediately following the close of the balloting process and tabulation of the ballots. If the number of ballots cast is insufficient to constitute a quorum, the Board of Directors shall so notify the Council Members.

(h) Prohibition of Revocation. Once cast, a written ballot may not be revoked.

## EXHIBIT 5

As Amended on September 16, 2009

### ARTICLE V Plenary Meetings of the Council

**Section 5.01. Place of Meeting.** Plenary meetings of the Council Members may be conducted at any reasonable place within the State of California and at such time as may be designated by the Board of Directors in the notice of the Plenary.

**Section 5.02. Annual Plenary Meeting.** There shall be an annual Plenary meeting in December of each year. The date, time and location of the Plenary shall be set forth in the notice of meeting sent to the Council Members in accordance with Section 5.05, below.

**Section 5.03. Other Regular Meetings.** In addition to the annual Plenary meeting, there shall be three additional quarterly Plenary meetings of the Council Members on a day and at a time and place determined by the Board of Directors and communicated to all Council Members at the inception of each calendar year.

**Section 5.04. Special Meetings.**

(a) **Persons Entitled to Call Special Meetings.** A simple majority of the members of the Board of Directors, or the Chair, may call special meetings of the Council Members at any time to consider any lawful business of the Council. In addition, five percent or more of the Voting Members of the Council may request that a Plenary be convened.

(b) **Procedures for Calling Special Meetings Requested by Council Members.** If a special Plenary meeting is called by the Voting Members, the request shall be submitted by the requesting Council Members in writing, specifying the general nature of the business proposed to be transacted, and shall be delivered personally or sent by registered mail or by electronic transmission or by facsimile transmission to the Chair, the Vice Chair, or the secretary of the Council. The officer receiving the request shall cause notice to be promptly given to the Council Members entitled to vote, in accordance with the provisions of Section 5.05, below, that a special Plenary will be held, and the date, time and specific purpose for such meeting, which date shall be not less than 35 nor more than 90 days following the receipt of the request. If the notice calling for a special Plenary meeting is not given within the 20 days after receipt of the petitioner's request, the Council Members requesting the meeting may give the notice. Nothing contained in this subsection shall be construed as limiting, fixing, or affecting the time when a Plenary meeting of Council Members may be held when the meeting is called by action of the Board of Directors or the Chair.

**Section 5.05. Notice of Meetings of the Council's Members.**

(a) **Generally.** All notices of Plenary meetings of Council Member Meetings (whether regular or special) shall be sent or otherwise given in writing to each Member who, on the record date for notice of the meeting (as provided in Section 5.09, below) is entitled to vote thereat, in accordance with subparagraph (c) of this Section 5.05, not less than 10 nor more than 90 days before the date of the meeting. The notice shall specify the place, date, and hour of the Plenary and (i) in the case of a special Plenary meeting, the general nature of the business to be transacted, and no other business may in that case be transacted, or (ii) in the case of a regular Plenary meeting, those matters which the Board of Directors, at the time of giving the notice, intends to



## EXHIBIT 5

*As Amended on September 16, 2009*

present for action by the Council Members; but any proper matter may be presented at the Plenary for action by the Council Members so long as a quorum is present.

(b) Mailing of Notice. Notice of any Plenary meeting of Council Members shall be given either personally or by first-class mail, or other written communication, charges prepaid, addressed to each Member either at the address of that Member appearing on the books of the Council or the address given by the Member to the Council for the purpose of notice. If for any reason notice is given by mail and the notice is not sent by first-class, registered or certified mail, the notice shall be given not less than 20 days (nor more than 90 days) before the meeting. Notice shall be deemed to have been given at that time when delivered personally or deposited in the mail or when sent by other means of written communication.

(c) Affidavit of Mailing; Effect Thereof. An affidavit of the mailing or other means of giving any notice of any Council Plenary meeting may be executed by the secretary or the assistant secretary of the Council, and if so executed, shall be filed and maintained in the minutes book of the Council. The secretary's affidavit shall constitute prima facie evidence of the giving of notice.

### **Section 5.06. Quorum Requirements.**

(a) A quorum of the Council Members for the purpose of conducting business at any Plenary Meeting shall be at least 30 Voting Members, provided at least 10 percent of the Group 1 Signatory Members and 10 percent of the Group 2 Signatory Members are present. In addition, when a Plenary is actually attended by less than one-third of the voting power of Council Members (but at which a quorum is present), the only matters upon which action can be validly taken are those matters the general nature of which was described in the notice of the Plenary meeting.

(b) The Council Members present at a duly held Plenary meeting at which a quorum is initially present may continue to transact business until adjournment, notwithstanding the withdrawal of enough Council Members to leave less than a quorum, if any action taken (other than adjournment) is approved by at least (i) a majority of the Council Members required to constitute a quorum; and (ii) if applicable, by such greater percentage or class vote as may be required by these Bylaws (see Section 6.02, below). For example, if a Plenary Meeting is called and is initially attended by 31 Voting Members and prior to adjournment two Voting Members leave the Plenary (thus leaving less than a quorum), a motion to approve the annual budget for the Council could nevertheless be entertained and valid action taken.

(c) When Council Member approval is sought by written ballot (rather than at a Plenary) the minimum quorum requirement is satisfied when written ballots are returned to the Council within the prescribed balloting period from both (i) 30 or more Voting Members of the Council, and (ii) at least ten percent (10%) of the Group 1 Signatory Members and ten percent (10%) of the Group 2 Signatory Members. In addition to satisfying the minimum quorum requirement for valid action, the vote by written ballot must also be approved by the requisite percentage of Group 1 and Group 2 Signatory Members (see Sections 4.01(b) and 6.02).

**Section 5.07. Adjourned Meeting.** Any Plenary meeting of the Council, annual or special, whether or not a quorum is present, may be adjourned to another time and/or place (but not for more than 45 days) by the vote of the majority of the Council Members represented at the Plenary, either in person or by proxy. Unless there is an absence of a quorum (in which case no

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other business may be transacted at that meeting except as provided in Section 5.06(b) above), the Voting Members attending the reconvened Plenary may take any action that might have been transacted at the original meeting. When a Plenary meeting of the Council's Members is adjourned to another time or place, notice need not be given of the new meeting if the time and place thereof are announced at the Plenary at which the adjournment is taken. Notwithstanding the foregoing, if after adjournment a new record date is fixed for notice or voting, a notice of the rescheduled meeting must be given to each Member who on the record date for notice of the meeting is entitled to vote thereat.

### **Section 5.08. Waiver of Notice or Consent by Absent Council Members.**

(a) Waiver and Consents, Generally. If decisions are made by the Council Members at a Plenary where a quorum is present, but for which proper notice was not given to all Council Members for whatever reason, the decisions made at that Plenary will be valid if, either before or after the meeting, each Member entitled to vote who was not present at the meeting consents to the meeting by signing a written (i) waiver of notice; (ii) a consent to holding the Plenary; or (iii) an approval of the minutes of the Plenary. The waiver of notice need not specify the purpose or general nature of business to be transacted at such meeting unless action is taken or proposed to be taken on matters specified in Section 5.05(b), above, in which case, the waiver of notice must state the general nature of the matter. All such waivers, consents or approvals shall be filed with the Council records or be made part of the minutes of the meeting.

(b) Effect of Attendance at Plenary. Attendance by a Council Member Representative at a Plenary meeting shall also constitute a waiver of notice of that Plenary with respect to that Member, except when a member Representative attends the Plenary for the sole purpose of objecting at the beginning of the Plenary to the transaction of any business due to the inadequacy or illegality of the notice.

## ARTICLE VI

### **Actions Requiring Council Member Approval**

**Section 6.01. Council Actions Requiring Member Approval.** In addition to those matters requiring approval of the Members under the California Nonprofit Public Benefit Corporation Law or other applicable laws, the following actions of the Council shall require approval of the Voting Members:

(a) Recommending to Signatory Organizations study methodologies for Best Management Practices ("BMPS"), including procedures for assessing cost effectiveness and reliability of urban water conservation measures.

(b) Development of guidelines, including discount rates, to be available to all signatories in computing BMP benefits and costs pursuant to Exhibit 3 of the MOU.

(c) Reviewing and modifying the economic principles set forth in Exhibit 3 of the MOU.

(d) Collecting and summarizing information on implementation of BMPs and Potential Best Management Practices ("PBMPs").

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*As Amended on September 16, 2009*

- (e) Adopting or modifying BMP and PBMP lists.
- (f) Adopting or modifying reliable water conservation savings data for BMPs.
- (g) Adopting or modifying the schedules of implementation for existing and new BMPs.
- (h) Adopting or modifying the schedules for research and demonstration projects for BMPs and PBMPs.
- (i) Coordinating and/or making recommendations regarding BMP study and demonstration projects.
- (j) Approving or disapproving Membership Committee recommendations for the addition of parties as Signatory Organizations to the MOU and assigning additional parties to one of the three Signatory groups as described in Section 1.3 of the MOU, or as designated by the Members of the Council (see Section 3.02, above).
- (k) Reviewing and modifying report formats for agency implementation programs.
- (l) Making annual reports to the State Water Resources Control Board and the Council Members on the above items based on the format described in Exhibit 5 of the MOU.
- (m) Undertaking such additional responsibilities as the Members of the Council may agree upon.

**Section 6.02. Required Member Vote to Approve Various Actions.** The following Member approval requirements apply to particular actions of the Council, as listed in subparagraphs (a) and (b), of this Section 6.02:

(a) Actions Requiring Two-Thirds Vote. Any decision by the Council to (i) undertake additional responsibilities not currently described in the MOU and its Exhibits; (ii) modify or amend the MOU itself; (iii) modify Exhibits 2 or 3 of the MOU; or (iv) develop guidelines, including discount rates, to be available to all Signatories in computing BMP benefits and costs pursuant to Exhibit 3 of the MOU shall require both of the following:

(1) Written notification by the Council to all Members, giving the text of the proposed action or modification, at least 60 days in advance of the date of a regular or special meeting called by the Council to vote on the matter; and

(2) Approval of the proposed action or modification by the affirmative vote of at least two-thirds of each of the Group 1 and Group 2 Signatory Organizations actually voting on the matter.

Although a meeting shall be called to coincide with the final date for return of ballots, approval of the Voting Members shall be solicited by use of a written ballot in accordance with Section 4.04, above.

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(b) **Actions Requiring Majority Member Approval.** The following actions shall require the affirmative vote of at least a simple majority of each of the Group 1 and Group 2 Signatory Organizations actually voting on the matter:

(i) Approving the annual budget for the Council following presentation of the budget by the Board of Directors;

(ii) Adopting or modifying Best Management Practices and Potential Best Management Practices;

(iii) Approval and adoption of Council Strategic Plans;

(iv) Accepting or denying recommendations of the Membership Committee for the addition of parties as Signatory Organizations to the MOU and thereby the admission of the proposed Signatory Organization to one of the three classes of Council Membership, following review of the prospective applicant and recommendation of approval or denial by the Council Membership Committee;

(v) Adoption of Council policies, procedures and rules consistent with these Bylaws and the MOU; and

(vi) Approval of amendments to these Bylaws, other than any amendment to subparagraph (a), above.

**Section 6.03. Right of Members to Comment on Council Reports.** Any Member of the Council shall be entitled to review draft reports prepared by the Council (see Section 1.03, above) and to comment on all reports. Such comments shall be included in any final report at the request of the Member submitting the comments.

## ARTICLE VII

### Board of Directors of the Council

**Section 7.01. General Corporation Powers.** Subject to the requirement of Council Member approval of certain actions pursuant to these Bylaws or by State law, the business and affairs of the Council shall be vested in and exercised by the Council's Board of Directors which is referred to herein as the "Board of Directors". The Board of Directors may delegate the management of the activities of the Council to any person or persons, management company or committee, provided that notwithstanding any such delegation the activities and affairs of the Council shall continue to be managed and all corporate powers shall continue to be exercised under the ultimate direction of the Board of Directors. All elected members of the Board of Directors shall be Full Members of the Council in good standing as defined in Section 11.01 of these bylaws.

**Section 7.02. Composition, Selection and Term.**

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(a) Composition of the Board of Directors. The Board of Directors shall consist of the following persons: Group 1 Representatives shall select from among themselves up to eight MOU signatories whose Representatives shall serve as voting members of the Board of Directors. Group 2 Representatives shall select from among themselves up to eight MOU signatories whose Representatives shall serve as voting members of the Board of Directors. Advisory members of the Council representing Group 3 MOU signatories shall select, from among themselves, up to four MOU signatories, whose Representatives shall serve as non-voting members of the Board of Directors. In addition, all officers of the Council shall be members of the Board of Directors and have the same voting rights on the Board of Directors as their respective Groups. Finally, the following persons shall serve as non-voting ex-officio members of the Board of Directors: (i) the outgoing Chair shall be a Board of Directors member for the calendar year immediately following his or her term of office; and (ii) one designee from each of those State and Federal agencies selected by the Board of Directors as a result of the agencies' involvement in California water allotments, distribution, programs and/or policies shall serve as ex-officio members of the Board of Directors. Currently, the California Department of Water Resources and the U.S. Bureau of Reclamation have designees to the Board of Directors.

(b) Terms of Office. Board of Directors members shall hold office for a term of two years. The terms will be staggered with half of the positions of each group being elected each year. Unlimited consecutive terms may be served.

(c) Nominating and Election Process for Board of Directors Candidates. The Group 1 Signatory Members of the Council and the Group 2 Signatory Members of the Council shall nominate from among themselves candidates for election to the Board of Directors in person or in writing at the third Plenary of the year prior to the start of a new two-year term. Any nomination must be seconded by a Voting Member of the same Group, which second can be made in person or in writing, and accepted by the nominee in person or in writing to be included on the ballot. The ballots of Group 1 and 2 candidates for the Board of Directors shall be included in the Plenary Packet of the fourth and final Plenary of the year. All written nominations, seconds, and acceptances by candidates must be received by the Council prior to the start of the third Plenary.

The Voting Members of the Council shall vote on the ballot to elect Board of Directors members to represent their respective Groups at the final Plenary of each year. Cumulative voting (casting all four votes for one party) will not be permitted in any election of Board of Directors members. Absentee ballots are permitted so long as the absentee ballot is received by the Council prior to the start of the final Plenary at which the election is conducted. The successful candidates shall assume office starting January 1 of the following year. Votes may be made in person or in writing. Group 1 and 2 Council Members may vote for up to four candidates from their respective Groups. The top four candidates from Group 1 and the top four candidates from Group 2, as ranked by the number of votes received, shall be elected to the Board of Directors. If either Group 1 or Group 2 nominates less than four candidates, all candidates from that Group shall be elected to the Board of Directors.

### **Section 7.03. Resignation and Removal from Office; Filling of Vacancies**

(a) Resignation. Any member of the Board of Directors may resign at any time, effective upon giving written notice to the Executive Director or the Chair or Vice Chair, unless the resigning



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member's notice specifies a later time for the effectiveness of the resignation. If the resignation is to be effective at some future time, a successor may be elected or designated (as the case may be) to fill the vacancy when the resignation becomes effective.

(b) **Removal.** A sitting member of the Board of Directors may only be removed from office for cause. "Cause" shall be defined as failure of the Board of Directors member to attend at least two consecutive duly noticed meetings of the Board of Directors, and failure to adequately justify to the Committee the reason for the member's absence.

(c) **Filling of Vacancies on the Board of Directors.** If a vacancy occurs in any position on the Board of Directors other than Chair or Vice Chair by virtue of the death, resignation or removal of a Board of Directors member, the Signatory Organization whose Representative created the vacancy shall select a replacement Representative to serve on the Board of Directors for the unexpired term, subject to approval by the Board of Directors. If a vacancy occurs on the Board of Directors by virtue of a Signatory Organization's decision to withdraw from participation on the Board of Directors, the vacancy shall be filled from among Signatory Organizations that are of the same Group as the resigned Signatory Organization by a caucus of the withdrawing Signatory Organization's Council Member Group conducted either at the next Plenary or by telephone conference call, so long as all members of the Group are notified of the telephone conference and have an opportunity to participate. When a caucus is conducted by telephone conference, the actions taken shall be affirmed at the next Plenary. If a vacancy occurs for any reason in the position of Chair or Vice Chair, for reasons other than expiration of the holder's term of office, the vacancy shall be filled by nomination of the Signatory Group of which the resigned Chair/Vice Chair was a member. If a vacancy occurs in the ex-officio positions held by any State or Federal agency (see Section 7.02(a)), the vacancy shall be filled by the governmental agency with the power of designation.

**Section 7.04. Number and Place of Meetings.** The Chair of the Council, and any other persons designated by the Board of Directors, may call meetings of the Board of Directors. At the annual Plenary meeting, the Board of Directors shall adopt a schedule of regular meeting dates for the following year. Once approved, the scheduled dates may be modified, or meetings initially scheduled to be conducted in person may be changed to a meeting conducted by use of a conference telephone or other permitted electronic media by action of the Board of Directors. Except for meetings conducted in accordance with Section 7.05, below, regular and special meetings of the Board of Directors may be held at any place designated from time to time by resolution of the Board of Directors and stated in the notice of the meeting. In the absence of such designation, regular meetings shall be held at the principal office of the Council.

**Section 7.05. Meetings by Conference Telephone or Other Electronic Means.** Members of the Board of Directors may participate in a meeting through the use of conference telephone, electronic video screen communications, or other communications equipment. Participation in a meeting through use of a conference telephone pursuant to this subdivision constitutes presence in person at that meeting as long as all members participating in the meeting are able to hear one another. Participation in a meeting through use of electronic video screen communication or other communications equipment (other than conference telephone) constitutes presence in person at the meeting if all of the following conditions are satisfied:



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(a) Each member of the Board of Directors participating in the meeting can communicate with all of the other members concurrently;

(b) Each member of the Board of Directors is provided the means of participating in all matters before the Board of Directors including, without limitation, the capacity to propose, or to interpose an objection to a specific action to be taken by the Council; and

(c) The Council adopts and implements some means of verifying both of the following: (i) that a person participating in the meeting is a Board of Directors member or other person entitled to participate in the Board of Directors meeting; and (ii) that all actions of, or votes by, the Board of Directors are taken or cast only by the Board of Directors members and not by persons who are not Board of Directors members.

### **Section 7.06. Notice of Meetings.**

(a) Manner of Giving Notice. Notice of the time and place of the annual meeting and any special meetings of the Board of Directors shall be given to each Board of Directors member by one of the following methods: (i) by personal delivery of written notice; (ii) by first-class mail, postage prepaid; (iii) by telephone communication, either directly to the Board of Directors member or to a voice messaging system or other system or technology designed to record and communicate messages; or (iv) by facsimile, electronic mail or other electronic means; provided however that if notice is given by any means other than first-class mail or direct communication with a Board of Directors member, the notice shall also be confirmed in writing mailed or sent by facsimile or electronic transmission to the Board of Directors member's address, facsimile telephone number, or electronic mail address as shown on the records of the Council. Notice of a meeting need not be given to any Board of Directors member who signs a written waiver of notice or a written consent to holding the meeting or an approval of the minutes thereof, whether before or after the meeting, or to any Board of Directors member who attends the meeting without protesting, prior thereto or at commencement of the meeting, the lack of notice to such Board of Directors member. All such waivers, consents and approvals shall be filed with the Council records or made a part of the minutes.

(b) Time Requirements. Notices sent by first-class mail shall be deposited into a United States mailbox at least four days before the time set for the meeting. Notices given by other permitted means must be must be given at least 48 hours prior to the scheduled time of the meeting.

(c) Content of Notices. The notice shall state the date, time, place, and the general purpose of the meeting.

**Section 7.07. Quorum Requirements.** A quorum of the Board of Directors shall be at least fifty percent of each of Group 1 and Group 2 Board of Directors members.

**Section 7.08. Waiver of Notice.** The transaction of any meeting of the Board of Directors, however called and noticed or wherever held, shall be as valid as though taken at a meeting duly held after regular call and notice, if (a) a quorum is present; and (b) either before or after the meeting, each of the Board of Directors members not present, individually or collectively,

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signs a written waiver of notice, a consent to the holding of the meeting, or an approval of the minutes thereof. The waiver of notice or consent need not specify the purpose of the meeting. All waivers, consents, and approvals shall be filed with the Council records or made a part of the minutes of the meeting and shall have the same force and effect as a unanimous vote of the Board of Directors. The requirement of notice of a meeting shall also be deemed to have been waived by any Board of Directors member who attends the meeting without protesting before or at its commencement about the lack of notice.

**Section 7.09. Adjournment.** A majority of the Board of Directors members present, whether or not constituting a quorum, may adjourn any meeting to another time and place or may adjourn for purposes of reconvening in executive session to discuss and vote upon personnel matters, litigation in which the Council is or may become involved and orders of business of a similar nature. If the meeting is adjourned for more than 24 hours, notice of adjournment to any other time or place shall be given prior to the time of the adjourned meeting to the Board of Directors members who were not present at the time of the adjournment. Except as provided, above, notice of adjournment need not be given.

**Section 7.10. Action Without a Meeting.** Any action required or permitted to be taken by the Board of Directors may be taken without a meeting, if all members of the Board of Directors, individually or collectively, consent in writing to that action. Such action by written consent shall have the same force and effect as a unanimous vote of the Board of Directors. Such written consent or consents shall be filed with the minutes of the proceedings of the Board of Directors. For purposes of this Section, "all members of the Board of Directors" shall not include any "interested director" as defined in California Corporations Code section 5233. Section 5233 of the Code defines an interested director as a director who has a material financial interest in a transaction involving the corporation he or she is serving, unless the transaction is expressly excluded from the definition of a "self dealing transaction" by other provisions of the same Code Section. See also Article XII, below ("Conflicts of Interest").

**Section 7.11. No Compensation for Board of Directors Members.** Unless otherwise established by resolution of the Board of Directors, Members of the Board of Directors of the Council shall not be entitled to compensation for their services as such, although they may be reimbursed for such actual expenses as may be determined by resolution of the Board of Directors to be just and reasonable. Expenses shall be supported by an invoice or voucher acceptable to the Board of Directors.

**Section 7.12. Actions of the Board of Directors.** All Board of Directors actions require that a quorum be present, that a majority of the Board of Directors members voting from Group 1 vote in favor of the action, and that a majority of the Board of Directors Members voting from Group 2 vote in favor of the action. The Board of Directors may also act without meeting, provided that (a) the taking of the vote has previously been authorized by the Board of Directors; (b) the vote has received seven days' notice by first class mail or 48 hours notice delivered personally or by telephone or electronic media; and (c) the proposed action is approved by fifty percent or more of the Group 1 and fifty percent or more of the Group 2 members of the Board of Directors voting. The Board of Directors may take action without seeking Voting Member approval only where the Voting Members have delegated such authority to the Board of Directors and only to the extent that the action is consistent with the then current version of the MOU.

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*As Amended on September 16, 2009*

### ARTICLE VIII Duties and Powers of the Board of Directors and Limitations Thereon

**Section 8.01. Specific Powers.** Without prejudice to the general powers of the Board of Directors set forth in Section 7.01, above, the Board of Directors shall have the following responsibilities and powers:

(a) Exercise all powers vested in a board of directors of a nonprofit public benefit corporation under the laws of the State of California.

(b) Remove all officers of the Council, and other Council employees; prescribe any powers and duties for such persons that are consistent with law, the Articles of Incorporation and these Bylaws; and fix employee compensation. Any officer removed by action of the Board of Directors shall be filled by action of the Council Members at the next Plenary meeting in accordance with Section 9.03, below.

(c) Appoint such agents and employ such other employees, including attorneys and accountants, as it sees fit to assist in the operation of the Council, and to fix their duties and to establish their compensation.

(d) Contract for and pay premiums for insurance and bonds (including indemnity bonds) which may be required from time to time by the Council.

(e) Pay all taxes and charges incurred by or levied against the Council.

(f) Delegate its duties and powers hereunder to the Executive Director, to officers of the Council or to committees established by the Board of Directors, subject to the limitations expressed in Sections 7.01, above.

(g) Prepare or cause to be prepared budgets, and maintain a full set of books and records showing the financial condition of the affairs of the Council in a manner consistent with generally accepted accounting principles, and at no greater than annual intervals prepare a financial report, a copy of which shall be delivered to each Member of the Council as provided in Article XI, below.

(h) Appoint such committees as it deems necessary from time to time to implement the affairs of the Council in accordance with Article X, below.

(i) Open bank accounts and borrow money on behalf of the Council and designate the signatories to such bank accounts.

(j) Bring and defend actions on behalf of the Council so long as the action is pertinent to the operations of the Council.

### **Section 8.02. Limitations on Powers.**

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(a) Actions Requiring the Consent or Approval of the Voting Members. The Board of Directors shall have no authority to act with respect to any matter identified in Section 6.01, above ("Council Actions Requiring Member Approval"), unless the Members of the Council have taken action at a Plenary to specifically confer on the Board of Directors authority to act with respect to a particular matter, and then only to the extent that the action is consistent with the then current version of the MOU. The responsibilities and powers described in Section 8.01, above, have been approved by the Council Members for exercise by the Board of Directors.

(b) Self-Dealing Transactions. Notwithstanding the powers conferred on the Board of Directors pursuant to Sections 7.01 and 8.01, above, the Council shall not engage in any transaction which meets the definition of a "self-dealing transaction" as defined in California Corporations Code section 5233 unless the transaction has been approved by one of the means specified in section 5233(d). Generally speaking, section 5233 of the Corporations Code defines a "self-dealing transaction" as any transaction to which the Council is a party and in which one or more of its directors (i.e., Board of Directors members) has a material financial interest. Certain transactions are excluded by that statute from being classified as self-dealing transactions.

(c) Transactions Between Corporations Having Common Directorships. Unless it is established that the contract or transaction is just and reasonable as to the Council at the time it is authorized, approved or ratified in accordance with the requirements imposed by California Corporations Code section 5233, the Council shall not enter into a contract or transaction with any other corporation, association or entity in which one or more of the Council's Board of Directors members are directors unless the material facts as to the transaction and the Board of Directors member's common directorship are fully known or disclosed to the Board of Directors. The Board of Directors must approve, authorize or ratify any such contract or transaction in good faith and by a vote sufficient without counting the vote of the Board of Directors member(s) having a common directorship in another corporation that is a party to the transaction.

(d) Loans to Members of the Board of Directors or Council Officers. The Council shall not make any loan of money or property to, or guarantee the obligation of, any Board of Directors member or officer, unless the transaction is first approved by the California Attorney General. This provision shall not apply to any reasonable advance on account of expenses anticipated to be incurred in the performance of the Board of Directors member's or officer's duties.

(e) Standards for Investment. Except as provided in California Corporations Code sections 5240(c) and 5241, in the investment, reinvestment, purchase, acquisition, exchange, sale and management of the Council's investments, the Board of Directors shall:

(i) Avoid speculation, looking instead to the permanent disposition of the funds, considering the probable income, as well as the probable safety of the Council's capital; and

(ii) Comply with additional standards, if any, imposed by the Articles of Incorporation, these Bylaws, any resolutions duly adopted by the Board of Directors, or the express terms of any instrument or agreement pursuant to which the invested assets were contributed to the Council.



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### ARTICLE IX Officers

**Section 9.01. Officers.** The officers of the Council shall be a Chair, a Vice Chair, a Secretary and a Treasurer. All elected Officers shall be Full Members of the Council in good standing as defined in Section 11.01 of these bylaws.

**Section 9.02. Qualifications.** The offices of Chair and Vice Chair may only be held by Board of Directors members representing Group 1 or Group 2 MOU signatories. No person may hold more than one office at the same time, except that one person may hold the offices of Secretary and Treasurer concurrently.

**Section 9.03. Selection and Term of Office.** The officers shall be selected at the annual (December) Plenary meeting of the Council and shall assume office starting January 1 of the following year for a term of one year. The offices of Chair and Vice Chair shall not be held by Representatives from the same Group. The office of Chair shall alternate between Group 1 and Group 2, with the Vice Chair assuming the office of Chair in the year immediately following completion of his or her term as Vice Chair. The Secretary and Treasurer shall be a Representative of a Group 3 Signatory Organization and shall thus be nominated by the Group 3 Members, subject to approval by the Board of Directors.

**Section 9.04. Election of Officers.** The Council Members shall nominate candidates for the offices of Chair, Vice Chair, Secretary and Treasurer in person or in writing at the third Plenary of each year not less than 60 days prior to the Plenary during which the nominations are slated for election. Written nominations must be received by the Council at its principal office prior to the start of the third Plenary, either by first class letter, facsimile, or electronic message. Any nomination must be seconded by a Voting Member Representative in person or in writing, and accepted by the nominee in person or in writing to be included on the ballot. For the offices of Chair and Vice Chair, Group 1 and 2 Council Members may only nominate candidates for the office their Group will hold in the coming term. The ballot for the offices of Chair, Vice Chair, Secretary and Treasurer shall be included in the Plenary Packet of the final Plenary of each year. The Voting Members of the Council shall vote on the ballot at the final Plenary of each year. Votes may be made in person or in writing. Any absentee ballots must be received prior to the start of the Plenary to be counted. For the offices of Chair and Vice Chair, Group 1 and 2 Members may only vote for candidates for the office their Group will hold in the coming term. For each office, the candidate receiving the most votes will be awarded the office.

**Section 9.05. Duties.** The officers perform those duties that are usual to their positions and that are assigned to them by the Board of Directors or by the Voting Members at a Plenary, including those duties that are set forth in the position descriptions for each officer as adopted by the Board of Directors from time to time. In addition, the Chair of the Council acts as Chair of the Board of Directors; the Vice Chair acts in place of the Chair when the Chair is not available; and the Treasurer is the chief financial officer of the Council.

**Section 9.06. Vacancies.** If a vacancy occurs among the officers of the Council, for any reason, the Board of Directors shall elect another Representative from the same Group for the

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unexpired portion of the term. Signatory Organizations whose Representative serves as an officer of the Council may not substitute another individual to serve in that office.

**Section 9.07. Removal of Officers.** Any officer may be removed, with cause, by the Board of Directors, at any regular or special meeting, so long as written notice of the proposed action is given to the subject officer and to all Signatory Organizations of the Group that appointed the officer to office at least 30 days prior to the Board of Directors meeting at which the action to remove will be entertained. The notice of the Board of Directors shall identify, with reasonable specificity, the grounds for removal which shall either be (a) failure of the officer to attend at least two consecutive duly noticed meetings without a justified excuse as approved by the Board of Directors; or (b) repeated and material failure to perform the responsibilities of his or her office.

**Section 9.08. Resignation of Officers.** Any officer may resign at any time by giving written notice to the Board or to the Chair or to the secretary. Any such resignation shall take effect at the date of the receipt of such notice or at any later time specified therein; and unless otherwise specified therein, the acceptance of such resignation shall not be necessary to make it effective.

### ARTICLE X

#### Standing and Other Committees of the Council

**Section 10.01. Standing Committees of the Council.** The Council has established the following Standing Committees:

(a) **The Membership Committee.** In accordance with Section 7.2 of the MOU, the Council shall have a Membership Committee comprised of three Representatives of the Group 1 Signatories and three Representatives of the Group 2 signatories. It shall be the duty of the Membership Committee to evaluate new signatory applicants as follows: (i) designate the category of membership, if any, for which an applicant is qualified; (ii) provisionally approve or disapprove an applicant for membership according to a process approved by the Plenary; and (iii) forward any such provisional membership approvals to the Plenary for ratification.

**Section 10.02. Other Committees.** The Board of Directors may, by resolution, establish other standing and ad hoc committees and such committees may include persons who are not members of the Board of Directors; however, all committee members must be Representatives of a Council Member or the Executive Director of the Council. The Board of Directors, as to matters within its jurisdiction, and the Members of the Council, as to matters within their jurisdiction, may delegate management of the Council's activities to any committee to the same extent that those powers could be delegated to agents, employees or independent contractors generally, and subject to the ultimate direction of the Board of Directors. In all other respects, committees shall be limited to making recommendations and reports to the Board of Directors or to the Members at a Plenary meeting of the Council (as to matters requiring Member action or approval) and to the Executive Director regarding matters that are within their respective missions as defined by the Board of Directors in the resolution establishing the advisory committee.

**Section 10.03. Limitations on Authority of Committees.** No committee appointed by the Board of Directors shall:



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- (a) Take any final action on any matter that, under the California Nonprofit Public Benefit Corporation Law, also requires approval of the members or approval of a majority of all members;
- (b) Fill vacancies on the Board of Directors or the Membership Committee;
- (c) Amend or repeal Bylaws or adopt new Bylaws; or
- (d) Amend or repeal any resolution of the Board of Directors or the Council.

**Section 10.04. Meetings and Actions of Committees.** Meetings and actions of committees of the Council may be conducted informally, provided that all members of a committee must receive at least 10 days' prior notice of committee meetings, with notice given by one of the means sanctioned for the issuance of notice of Board of Directors meetings pursuant to Section 7.06, above. The Board of Directors may adopt additional rules for the governance of any committee it establishes, provided such rules are consistent with these Bylaws or, in the absence of rules adopted by the Board of Directors, any committee may adopt such rules for the committee's governance.

**Section 10.05. Audit Committee.** The Council shall have an audit committee consisting of at least three members of the Board of Directors, and may include nonvoting advisors. No employee of the Council may serve on the audit committee. Board of Directors members who receive, directly or indirectly, any consulting, advisory, or other compensatory fees from the Council may not serve on the audit committee. The audit committee shall perform the duties and adhere to the guidelines set forth in the Council's audit committee charter as amended from time to time by the Board of Directors. Such duties include, but are not limited to:

- (a) Assisting the Board of Directors in choosing an independent auditor and recommending termination of the auditor, if necessary;
- (b) Negotiating the auditor's compensation;
- (c) Conferring with the auditor regarding the Council's financial affairs; and
- (d) Reviewing and accepting or rejecting the audit

Members of the audit committee shall not receive compensation for their service on the audit committee in excess of that provided to the directors, if any, for their service on the Board of Directors. If the Council has a finance committee, a majority of the members of the audit committee may not concurrently serve as members of the finance committee, and the chair of the audit committee may not serve on the finance committee.

**Section 10.06. Compensation Committee.** The Council shall have a compensation committee consisting of at least three Board of Directors members and no one who is not a Board of Directors member. No employee of the Council may serve on the compensation committee. Pursuant to California Government Code section 12586(g) and the applicable provisions of federal law, the compensation committee shall review the compensation of the executive director, president or chief executive officer and the chief financial officer annually and whenever a modification in

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compensation is proposed. The review shall include an evaluation of the performance of the executive director, president, and/or chief executive officer and the chief financial officer and an analysis of appropriate compensation comparability data. Based on the compensation committee's review, it shall recommend just and reasonable compensation amounts. At the request of the Chair or a majority of the Steering Council, the compensation committee shall review any issue involving staff compensation and benefits, including but limited to health and retirement plans.

### ARTICLE XI Finances of the Council

**Section 11.01. Assessments by the Council.** The Board of Directors shall recommend annual assessment amounts for Full Council Membership. The annual assessments shall be based upon an annual budget duly approved by the Plenary as required in Section 6.02 of these Bylaws and the Council's adopted Policies. The paying of annual assessments to the Council is voluntary for all Signatory Members, but is required for the benefits of Full Membership, which include access to Council technical assistance, publications, training, and written materials. For Group 2 members, payment shall mean payment in cash and/or in kind services, as defined in the Council's policies. Officers and members of the Council Board of Directors shall be Full Members in good standing.

**Section 11.02. Checks.** All checks or demands for money and notes of the Council shall be signed by the Executive Director and one or more officers of the Council; except that the Executive Director of the Council shall have authority to be the sole signatory on Council checks not to exceed such amount as may be designated from time to time by the Board of Directors.

**Section 11.03. Operating Account.** There shall be established and maintained a cash deposit account to be known as the "Operating Account" into which shall be deposited the operating portion of all Assessments as fixed and determined for all Members. Disbursements from such account shall be for the general need of the operation including, but not limited to, wages, repairs, betterments, maintenance, and other operating expenses of the Properties.

**Section 11.04. Other Accounts.** The Council shall maintain any other accounts it shall deem necessary to carry out its purposes.

**Section 11.05. Financial Statements.** The Board of Directors, through the audit committee, shall cause an audit of the financial affairs of the Council to be made at least every 12 months. Such audit shall reflect the financial condition of the Council as of the date of the audit and shall summarize the financial transactions in which the Council was involved during the period between the last of such audits and the date of the current audit. A copy of the audit shall be available for examination by each of the Board of Directors members of the Council. A copy of any annual financial statement and any income statement of the Council for each quarterly period of each fiscal year, and any accompanying balance sheet of the Council as of the end of such period, that has been prepared by the Council shall be kept on file in the principal office of the Council for 12 months.

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The income statements, statements of changes in financial position, and balance sheet referred to in this Section shall be accompanied by the report, if any, of any independent accountants engaged by the Council or the certificate of an authorized officer of the Council that the financial statements were prepared without audit from the books and records of the Council.

### ARTICLE XII Conflicts of Interest / Obligation of Recusal

#### **Section 12.01. Conflicts of Interest.**

(a) No Representative of a Signatory Organization of the Council, shall make, participate in making, or in any way attempt to use his or her position as a Member Representative, Board of Directors member, or officer of the Council to influence any decision or action of the Council at a Plenary or any decision or action of the Board of Directors with respect to contracts to provide services to the Council if the Member Representative is personally aware that the Signatory Organization he or she represents on the Council, or any constituent organization that is a member or affiliate of the Signatory Organization, has a direct or indirect material financial interest in the subject matter of the decision or action to which the vote of the Council pertains. For purposes of this Article XII, a material financial interest is defined as an interest satisfying each of the following three elements:

(i) the interest relates to a grant received by the Member Representative's Signatory Organization (or any member or affiliated organization) or originates from an agreement between the Member Representative's Signatory Organization (or any member or affiliated organization) and any other person;

(ii) the interest is or will be worth \$2000.00 or more in value provided to, received by, or promised to the Representative's Signatory Organization (or any member or affiliated organization) within twelve (12) months of the date when the Council vote is conducted; and

(iii) the outcome of the vote is, or is likely to have, a positive impact on the aforementioned interest which will enhance its value by a factor of ten percent or more during the term of the agreement or grant.

(b) If a Member Representative knows that a material financial interest of his or her Signatory Organization (or any organization that is a member or affiliate of the signatory organization) may be positively influenced by a Council vote on any of the matters described in subparagraph (a) above, then prior to any vote by the Council on the matter the Representative shall be obligated to disclose to the Council the fact that his or her Signatory Organization (or one or more of its member or affiliated organizations) has/have a conflict with respect to the matter which involves a material financial interest. As a result of that disclosure, the Representative must be recused from voting on behalf of the interested Signatory Organization.

(c) Prior to entertaining any discussion and vote on any matter described in subparagraph (a) above, the presiding Chair shall read a statement reminding all attending Voting

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*As Amended on September 16, 2009*

Members of their obligations under this Article XII. That statement shall include a recital of the above definition of what constitutes a material financial interest.

**Section 12.02. Enforcement.** If any Member Representative or Signatory Organization is found by the Board of Directors to have willfully failed to disclose a conflict of interest, as defined in Section 12.01 above, said conduct shall be grounds for voiding the vote of the Signatory Organization. In addition, if it is determined that the Member Representative with the undisclosed conflict actively participated in any deliberations of the Board of Directors preceding the vote, it shall be presumed that the vote was adversely affected and thus rendered void and of no effect unless subsequently ratified by a proper vote which excludes the Member Representative with the conflict.

### ARTICLE XIII Miscellaneous

#### **Section 13.01. Inspection of Books and Records.**

(a) Inspection by Council Members. All accounting books and records, minutes of proceedings of the Council Members, the Board of Directors and committees appointed by the Board of Directors and membership lists and papers of the Council shall at all times, during reasonable business hours, be subject to the inspection of any Member or his or her duly appointed Representative at the offices of the Council for any purpose reasonably related to the Member's interest as such. Member's rights of inspection hereunder shall be exercisable on ten (10) days' written demand on the Corporation, which demand shall state the purpose for which the inspection rights are requested. Inspection rights shall be subject to the Corporation's right to offer a reasonable alternative to inspection within 10 days after receiving the Member's written demand (as more particularly set forth in section 6330 and following of the California Nonprofit Public Benefit Corporation Law).

(b) Inspection by Members of the Board of Directors. Every member of the Board of Directors shall have an absolute right at any reasonable time to inspect all books, records, documents and minutes of the Council and the physical properties owned by the Council. The right of inspection by a Board of Directors member includes the right to make extracts and copies of documents.

(c) Inspection by Members of the Public. Regular reports of Signatory Organizations concerning their water conservation activities and efforts shall be available for public inspection, as are any reports or filings of the Council with the State Water Resources Control Board.

(d) Rules Regarding Exercise of Inspection Rights. The Board of Directors may establish reasonable rules with respect to (i) notice of inspection, (ii) hours and days of the week when inspection may be made, and (iii) payment of the cost of reproducing copies of documents requested by the Member.

**Section 13.02. Executive Director.** The Council may, from time to time, employ the services of an Executive Director to manage the affairs of the Council. To the extent not inconsistent with the laws of the State of California, and upon such conditions as are otherwise deemed advisable by the Council, the Council, acting by and through its Board of Directors, may

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delegate to the Executive Director or to other employees or contractors any of its day-to-day management and maintenance duties and powers under these Bylaws, provided that the Executive Director shall at all times remain subject to the ultimate direction and control of the Board of Directors. Subject to those limitations, the Executive Director shall have sole responsibility for management, control and retention of other Council staff members.

**Section 13.03. Amendment or Repeal of Bylaws.** Except as otherwise expressly provided herein, these Bylaws may only be amended or repealed and new Bylaws adopted by the affirmative vote or written ballot of a majority of all the Voting Members of the Council (which majority must also include a majority of each Group of Voting Members). Notwithstanding the foregoing, any amendment of the Bylaws must be consistent with the then current version of the MOU and the percentage of the Voting Members necessary to amend a specific clause or provision of these Bylaws shall be not less than the percentage of affirmative votes, or votes by classes of Members, prescribed for action to be taken under that clause.

**Section 13.04. Notice Requirements.** Any notice or other document permitted or required to be delivered as provided herein shall be delivered as required under these bylaws and shall be sent to address(es) provided and updated from time to time by the Signatory Members to the Council.

**Section 13.05. Annual Statement of General Information.** As and when required by California Corporations Code section 6210, the Council shall file with the Secretary of State of the State of California, on the prescribed form, a statement setting forth the authorized number of directors (i.e., Board of Directors members), the names and complete business or residence addresses of all incumbent Board of Directors members, the names and complete business or residence addresses of the Chair, Vice Chair, Secretary and Treasurer, and the street address of its principal office in this state, together with a designation of the agent of the Council for the purpose of service of process.

**Section 13.06. Construction and Definitions.** Unless the context requires otherwise or a term is specifically defined herein, the general provisions, rules of construction, and definitions in the California Nonprofit Corporation Law shall govern the construction of these Bylaws. Without limiting the generality of the foregoing, the masculine gender includes the feminine and neuter, and singular number includes the plural and the plural number includes the singular.

**Section 13.07. Indemnification of Corporate Agents.**

(a) Any person who was or is a Board of Directors member, officer, employee or other agent of the Council (collectively "Agents") may be indemnified by the Council for any claims, demands, causes of action, expenses or liabilities arising out of, or pertaining to, the Agent's service to or on behalf of the Council to the full extent permitted by California Corporations Code section 5238.



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(b) The Council shall have power to purchase and maintain insurance on behalf of any agent of the Council against any liability asserted against or incurred by the agent in such capacity or arising out of the agent's status as such whether or not the Council would have the power to indemnify the agent against such liability under section 5238 of the Corporations Code; provided, however, that the Council shall have no power to purchase and maintain such insurance to indemnify any agent of the Council for a violation of California Corporations Code section 5233.

**Section 13.08. Nonpaid Members of the Board of Directors; Alleged Failure to Discharge Duties; No Monetary Liability.** Except as provided in California Corporations Code sections 5233 or 5237, there is no monetary liability on the part of, and no cause of action for damages shall arise against, any nonpaid member of the Board of Directors, including any nonpaid Board of Directors member who is also a nonpaid officer of the Council based upon any alleged failure to discharge the person's duties as a Board member or officer if the duties are performed in a manner that meets all of the following criteria:

- (a) The duties are performed in good faith;
- (b) The duties are performed in a manner such Board of Directors member believes to be in the best interests of the Council; and
- (c) The duties are performed with such care, including reasonable inquiry, as an ordinarily prudent person in a like position would use under similar circumstances.

**Section 13.09. Personal Liability for Negligence.**

(a) Except as provided in subparagraph (c) below, there shall be no personal liability to a third party on the part of a volunteer member of the Board of Directors or officer of the Council caused by the Board of Directors member's or officer's negligent act or omission in the performance of that person's duties as a Board of Directors member or officer, if all of the following conditions are met:

- (i) The act or omission was within the scope of the Board of Directors member's or officer's duties;
- (ii) The act or omission was performed in good faith;
- (iii) The act or omission was not reckless, wanton, intentional, or grossly negligent; and
- (iv) Damages caused by the act or omission are covered pursuant to a liability insurance policy issued to the Council, either in the form of a general liability policy or a Board of Directors member's and officer's liability policy, or personally to the Board of Directors member or officer. In the event that the damages are not covered by a liability insurance policy, the volunteer Board of Directors member or volunteer officer shall not be personally liable for the damages if the Board of Directors and the person had made all reasonable efforts in good faith to obtain available liability insurance.

(b) For purposes of this Section 10.10, "volunteer" means the rendering of services without compensation. "Compensation" means remuneration whether by the way of salary, fee, or



## EXHIBIT 5

*As Amended on September 16, 2009*

other consideration for services rendered. However, the payment of per diem, mileage, or other reimbursement expenses to a member of the Board of Directors or an officer does not affect that person's status as a volunteer within the meaning of this Section.

(c) This Section does not eliminate or limit the liability of a Board of Directors member or officer for (i) any liability with respect to self-dealing transactions as provided in California Corporations Code section 5233 or any liability with respect to certain prohibited distributions, loans or guarantees as provided in section 5237 of said law; or (ii) in any action or proceeding brought by the California Attorney General.

TO: LISA BOGNUDA <sup>LSB</sup>  
ACTING GENERAL MANAGER

FROM: PETER SEVCIK  
DISTRICT ENGINEER

DATE: DECEMBER 1, 2010



**DISCUSS CALIFORNIA URBAN WATER CONSERVATION COUNCIL  
BEST MANAGEMENT PRACTICES**

**ITEM**

Discuss California Urban Water Conservation Council Best Management Practices [RECEIVE REPORT AND PROVIDE POLICY DIRECTION TO STAFF].

**BACKGROUND**

As indicated by the Item 2 staff report, staff needs policy direction from the Committee regarding each BMP, the current level of implementation of each BMP, and the future level of implementation of each BMP that is appropriate for the District so that the AB 1420 self-certification documents and the annual CUWCC BMP reports can be completed.

Attached is a copy of Exhibit 1, BMP Definitions, Schedules, and Requirements, from the CUWCC MOU. Also attached are a copy of the AB 1420 self-certification form and a copy of the 2008 BMP Annual Report Form.

**RECOMMENDATION**

Staff recommends that the Committee receive the report, discuss each BMP and provide policy direction to staff.

**ATTACHMENT**

- CUWCC BMP Exhibit 1 from CUWCC MOU
- AB 1420 Self-Certification Form
- 2008 BMP Annual Report Form

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## **EXHIBIT 1. BMP DEFINITIONS, SCHEDULES AND REQUIREMENTS**

*As Amended December 10, 2008; As Formatted March 9, 2005; As Amended re: Base Year on September 21, 2000*

This Exhibit contains Best Management Practices (BMPs) that signatory water suppliers commit to implementing. Suppliers' water needs estimates will be adjusted to reflect estimates of reliable savings from these BMPs. For some BMPs, no estimate of savings is made.

It is recognized by all parties that a single implementation method for a BMP would not be appropriate for all water suppliers. In fact, it is likely that in the future, water suppliers will find new implementation methods even more effective than those described. Any implementation method used should be at least as effective as the methods described below.

The Council's 14 BMPs are now organized into five categories. Two categories, Utility Operations and Education, are "Foundational BMPs", because they are considered to be essential water conservation activities by any utility and are adopted for implementation by all signatories to the MOU as ongoing practices with no time limits. The remaining BMPs are "Programmatic BMPs" and are organized into Residential, Commercial, Industrial, and Institutional (CII), and Landscape categories. The minimal activities required of each signatory are encompassed within each list, except for activities from which a utility is exempt from completing under section 4.5 of the MOU and for which the utility has filed an exemption with the Council.

### **BMP Naming Changes**

<b>Old BMP Number &amp; Name</b>	<b>New BMP category</b>
1. Water Survey Programs for Single-Family Residential and Multi-Family Residential Customers	Programmatic: Residential
2. Residential Plumbing Retrofit	Programmatic: Residential
3. System Water Audits, Leak Detection and Repair	Foundational: Utility Operations – Water Loss Control
4. Metering with Commodity Rates for All New Connections and Retrofit of Existing Connections	Foundational: Utility Operations – Metering
5. Large Landscape Conservation Programs and Incentives	Programmatic: Landscape
6. High-Efficiency Clothes Washing Machine Financial Incentive Programs	Programmatic: Residential

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7. Public Information Programs	Foundational: Education – Public Information Programs
8. School Education Programs	Foundational: Education – School Education Programs
9. Conservation Programs for Commercial, Industrial, and Institutional (CII) Accounts	Programmatic: Commercial, Industrial, and Institutional
10. Wholesale Agency Assistance Programs	Foundational: Utility Operations – Operations
11. Retail Conservation Pricing	Foundational: Utility Operations – Pricing
12. Conservation Coordinator	Foundational: Utility Operations – Operations
13. Water Waste Prohibition	Foundational: Utility Operations – Operations
14. Residential ULFT Replacement Programs	Programmatic: Residential

Compliance with the BMP water savings goals can be accomplished in one of three ways including: accomplishing the specific measures as listed in Section A of each BMP; accomplishing a set of measures which achieves equal or greater water savings, referred to in this document as the Flex Track Menu; and accomplishing set water savings goals as measured in gallons per capita per day consumption.

A signatory may elect to adopt additional or alternative measures, in part or in any combination, as described in the Flex Track Menus, provided that the demonstrated water savings in the Flex Track Menu activities are equal to or greater than the water savings that would be achieved by the BMP measures.

“Demonstrated water savings” represent unit water savings for individual BMP or Flex Track Menu conservation technologies and activities as established by either: (a) a water utility; (b) independent research studies; or (c) CUWCC- adopted savings as reviewed by the Research and Evaluation Committee and approved by the Board of Directors.

Another alternative method to satisfying the BMP requirements is “GPCD (gallons per capita per day) Compliance”. Agencies which choose a GPCD Compliance approach will be counting overall water savings of the quantifiable measures from the BMP list or Flex Track Menu plus additional savings achieved through implementation of the Foundational BMPs. [The actual targets and methodology associated with the GPCD Compliance approach will be adopted by the Council Plenary in accord with the MOU; and is intended for adoption by the spring Plenary of 2009 but will be no later than the summer 2009

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*As Amended September 16, 2009*

Plenary.] Savings goals and methodology will be updated in the MOU Compliance Policies from time to time based upon data and studies.

The BMP definitions below are divided into the following sections:

### **Section A: Implementation**

"Implementation" means achieving and maintaining the staffing, funding and, in general, the priority levels necessary to achieve the level of water savings or activity called for in the implementation section of each definition, and to satisfy the commitment by the signatories to use good faith efforts to optimize savings from implementing BMPs as described in Section 4.4 of the MOU.

### **Section B: Implementation Schedule**

Signatory water suppliers will implement the Best Management Practices according to the schedules in each definition. These schedules state the latest dates by which implementation of BMPs must be underway. It is recognized that some signatories are already implementing some BMPs and that these schedules do not prohibit signatories from implementing BMPs sooner than required.

### **Section C: Coverage Requirements**

This section specifies the minimum level of coverage required by the BMPs.

### **Section D: Requirements for Documenting BMP Implementation**

Section D of each definition contains the minimum record keeping and reporting requirements for agencies to document BMP and Flex Track Menu implementation levels and efforts, and will be used to guide Council development of the BMP implementation report forms and database.

### **Section E: Water Savings Assumptions**

Section E of each definition contains the assumptions of reliable water savings to be used in accordance with Sections 5.1 and 5.2 of the MOU. These will be updated from time by the Research and Evaluation Committee and published in the MOU Compliance Policy and BMP Guidebook.

### **Section F: Flex Track Option**

This section is included in the Programmatic BMP definitions. The approach is defined in this Exhibit, and the Menu is contained in the MOU Compliance Policy and BMP Guidebook, where it can be updated from time to time with approval of the Research and Evaluation Committee.

In this Exhibit, a measure is intended to be an individual activity and a practice is a set of measures.



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## **FOUNDATIONAL BMPs**

### **1. UTILITY OPERATIONS PROGRAMS**

Water utilities throughout California are implementing water conservation programs and providing services to the customers they serve. There are four subcategories that comprise signatory utility operation program responsibilities.

#### **1.1 OPERATIONS PRACTICES**

This practice will outline several key actions that utilities shall take to better enable conservation program implementation, to supplement conservation incentives with regulations where appropriate, and to assist one another through the wholesaler-retailer relationship.

##### **A. Implementation**

Implementation shall consist of at least the following actions:

1) Conservation Coordinator (*formerly BMP 12*)

Designate a person as the agency's responsible conservation coordinator for program management, tracking, planning, and reporting on BMP implementation.

2) Water waste prevention (*formerly BMP 13*)

a) New development

Enact, enforce, or support legislation, regulations, ordinances, or terms of service that (1) prohibit water waste such as, but not limited to: single-pass cooling systems; conveyer and in-bay vehicle wash and commercial laundry systems which do not reuse water; non-recirculating decorative water fountains and (2) address irrigation, landscape, and industrial, commercial, and other design inefficiencies.

b) Existing users

Enact, enforce, or support legislation, regulations, ordinances, or terms of service that prohibit water waste such as, but not limited to: landscape and irrigation inefficiencies, commercial or industrial inefficiencies, and other misuses of water.

c) Water shortage measures

Enact, enforce, or support legislation, regulations, ordinances, or terms of service that facilitate implementation of water shortage response measures.

3) Wholesale agency assistance programs (*formerly BMP 10*)

This section addresses assistance relationships between regional wholesale agencies and intermediate wholesale agencies as well as between wholesale agencies and retail agencies.

a) Financial investments and building partnerships

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When mutually agreeable and beneficial to a wholesaler and its retail agencies, a wholesaler will provide financial assistance and help build partnerships to accomplish conservation. Wholesale water suppliers will consider avoided capital costs when making financial investments and build regional partnerships to advance water conservation efforts and effectiveness. Where applicable, intermediate wholesale water suppliers that receive conservation-related financial incentives from regional wholesalers will pass through eligible financial incentives to retail agencies operating programs at the retail level.

### b) Technical support

When requested, wholesale water agencies will provide conservation-related technical support and information to retail agencies they serve. Support and information will include, but will not be limited to: workshops and support advice addressing conservation program planning, design, implementation, and evaluation.

### c) Program management

When mutually advantageous, wholesale and retail water agencies will join together to plan, design, implement, manage, and evaluate regional conservation programs.

When mutually agreeable and beneficial, the wholesale agency or another lead regional agency will operate all or part of the conservation program; if the wholesale agency or other lead regional agency operates all or part of a program, then it may, by mutual consent with the retail agency, assume responsibility for CUWCC reporting for funded BMPs; under this arrangement, a wholesale agency or other lead regional agency may aggregate all or portions of the reporting and coverage requirements of all retail agencies joining into the mutual consent.

### d) Water shortage allocations

Wholesale agencies shall pursue water shortage allocation policies or plans which minimize disincentives to long-term water conservation, and encourage and reward investments in long-term conservation shown to advance regional water supply reliability and sufficiency.

### e) Non-signatory reporting

To the extent possible, wholesale water agencies will provide reports on BMP implementation within their service area by retail water agencies that are not signatories to the MOU.

### f) Encourage CUWCC membership

Wholesale agencies will encourage all of their retail agencies to become MOU signatories, provide information to assist the CUWCC in recruitment targeting, and may assist in paying CUWCC dues for their retail agencies.

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### **B. Implementation Schedule**

Implementation shall commence no later than July 1 of the first year following the latter of either: 1) the year the agency signed or became subject to the MOU, or 2) the year this Exhibit is amended.

### **C. Coverage Requirements**

Coverage shall consist of:

- 1) Conservation Coordinator  
Staff and maintain the position of trained conservation coordinator, or equivalent consulting support, and provide that function with the necessary resources to implement BMPs.
- 2) Water waste prevention  
Water Agency shall do one or more of the following:
  - a. Enact and enforce an ordinance or establish terms of service that prohibit water waste
  - b. Enact and enforce an ordinance or establish terms of service for water efficient design in new development
  - c. Support legislation or regulations that prohibit water waste
  - d. Enact an ordinance or establish terms of service to facilitate implementation of water shortage response measures
  - e. Support local ordinances that prohibit water waste
  - f. Support local ordinances that establish permits requirements for water efficient design in new development.
- 3) Wholesale agency programs
  - a) Financial investments and building partnerships  
When mutually agreeable and beneficial to a wholesaler and its retail agencies cost-effectiveness assessments, including avoided cost per acre-foot, will be completed for each BMP the wholesale agency is potentially obligated to support. The methodology used will conform to the Council standards and procedures, and the information reported will be sufficient to permit independent verification of the calculations and of any exemptions claimed on the cost-effectiveness grounds.
  - b) Technical support  
*When requested* provide technical support, incentives, staff or consultant support, and equivalent resources to retail members to assist, or to otherwise support, the implementation of BMPs.
  - c) Program management  
When mutually agreeable and beneficial to a wholesaler and its retail agencies offer program management and BMP reporting assistance to its retailers and the results of the offer will be documented. It is recognized that wholesale agencies have limited control over retail

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agencies that they serve and must act in cooperation with those retail agencies on implementation of BMPs. Thus, wholesale agencies cannot be held responsible for levels of implementation by individual retailers in their wholesale service areas.

d) Water shortage allocation

Water shortage allocations plans or policies will encourage and reward investments in long-term conservation.

e) Non-signatory reporting

Wholesale water agencies will report on non-signatory BMP implementation, when possible.

4) Encourage CUWCC membership

Wholesale agencies will encourage CUWCC membership and offer recruitment assistance.

### **D. Requirements for Documenting BMP Implementation**

1) Conservation coordinator

Provide the contact information for the conservation coordinator, or consultant assigned, and verification that the position is responsible for implementing the tasks identified in Section A.1).

2) Water waste prevention

Provide the following:

a) A description of, or electronic link to, any ordinances or terms of service adopted by water agency to meet the requirements of this BMP.

b) A description of, or electronic link to, any ordinances or requirements adopted by local jurisdictions or regulatory agencies with the water agency's service area.

c) A description of any water agency efforts to cooperate with other entities in the adoption or enforcement of local requirement consistent with this BMP.

d) A description of agency support positions with respect to adoption of legislation or regulations consistent with this BMP.

3) Wholesale agency assistance programs

a) Financial investments and building partnerships

List the total monetary amount of financial incentives and equivalent resources provided to retail members to assist with, or to otherwise support, implementation of BMPs, subtotaled by BMP. List regional partnerships developed to encourage resource conservation and maximize economies of scale benefits.

b) Technical support

Supply a summary of types of technical support provided to retail agencies.

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c) Program management

If the wholesale agency has assumed reporting responsibility, list the programs managed on behalf of its retail agencies.

d) Water shortage allocation

If a water shortage allocation plan or policy has been developed, provide the date of adoption and electronic link to the document or hardcopy.

e) Non-signatory reporting

Receipt of reports

4) Encourage CUWCC membership

List of efforts to recruit retailers and amount of dues paid on behalf of retail agencies.

### **E. Water Savings Assumptions**

Not quantified. However, water savings may be realized in the following ways:

1) Wholesalers may use the Council's Cost and Savings document to assess the total amount of water savings achieved by each wholesaler-supported BMP. Other statistically validated sources may be also used to demonstrate water savings.

2) Water savings from enforcement of legislation and regulations will be projections developed based on anticipated savings from device(s) applied to the population subject to the regulation(s).

3) Water savings from implementation of water waste prevention measures.



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## **1.2 Water Loss Control** (formerly BMP 3) as amended September 16, 2009

The goals of modern water loss control methods include both an increase in water use efficiency in the utility operations and proper economic valuation of water losses to support water loss control activities. In May 2009 the American Water Works Association (AWWA) published the 3<sup>rd</sup> Edition M36 Manual *Water Audits and Loss Control Programs*. BMP 1.2 will incorporate these new water loss management procedures and apply them in California. Agencies are expected to use the AWWA Free Water Audit Software ("AWWA Software") to complete their standard water audit and water balance.

### **A. Implementation**

Implementation shall consist of at least the following actions:

- 1) Standard Water Audit and Water Balance. All agencies shall quantify their current volume of apparent and real water loss. Agencies shall complete the standard water audit and balance using the AWWA Water Loss software to determine their current volume of apparent and real water loss and the cost impact of these losses on utility operations at no less than annual intervals.
- 2) Validation. Agencies may use up to four years to develop a validated data set for all entries of their water audit and balance. Data validation shall follow the methods suggested by the AWWA Software to improve the accuracy of the quantities for real and apparent losses.
- 3) Economic Values. For purposes of this BMP, the economic value of real loss recovery is based upon the agency's avoided cost of water as calculated by the Council's adopted Avoided Cost Model or other agency model consistent with the Council's Avoided Cost Model.
- 4) Component Analysis. A component analysis is required at least once every four years and is defined as a means to analyze apparent and real losses and their causes by quantity and type. The goal is to identify volumes of water loss, the cause of the water loss and the value of the water loss for each component. The component analysis model then provides information needed to support the economic analysis and selection of intervention tools. An example is the Breaks and Background Estimates Model (BABE) which segregates leakage into three components: background losses, reported leaks and unreported leaks.
- 5) Interventions. Agencies shall reduce real losses to the extent cost-effective. Agencies are encouraged to refer to the AWWA's 3<sup>rd</sup> Edition M36 Publication, *Water Audits and Loss Control Programs* (2009) for specific methods to reduce system losses.
- 6) Customer Leaks. Agencies shall advise customers whenever it appears possible that leaks exist on the customer's side of the meter.

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### **B. Implementation Schedule**

- 1) For agencies signing the MOU prior to December 31, 2008, implementation shall commence no later than July 1, 2009.
  - a) July 1, 2009 through June 30, 2010 will be the first year of implementation;
  - b) Agencies shall provide its first full BMP 1.2 report by December 1, 2010 for years 2008-2009 and 2009-2010;
- 2) Agencies signing the MOU after December 31, 2008, implementation shall commence no later than July 1 of the year following the year the agency signed the MOU.
  - a) Agencies shall provide a full BMP 1.2 report for the first reporting period after implementation and for each reporting year thereafter.
- 3) A benchmark for the performance indicator in terms of water loss standards will be determined after the first 4 years data collected based upon the data reported by agencies. The performance indicator and benchmark; will be voted upon by the Council by year 6 of this revision. Ongoing data collection and data reporting requirements will be established as part of this process.

### **C. Coverage Requirements**

- 1) Agencies to compile the standard water audit and balance annually using the AWWA Software. Beginning in the 2<sup>nd</sup> year of implementation agencies to test source, import, and production meters annually.
- 2) Agencies shall improve the data accuracy and data completeness of the standard water balance during the first four years of implementation. Agencies shall achieve a Water Audit Data Validity score of 66 or higher using the AWWA software no later than the end of the first four year period; and shall achieve data validity Level IV no later than the end of the 5th year of implementation. Estimations for data that are not directly measured should be improved using the methods outlined by the AWWA.
- 3) Agencies shall seek training in the AWWA water audit method and component analysis process (offered by CUWCC or AWWA) during the first four years of BMP implementation. They shall complete a component analysis of real losses by the end of the fourth year, and update this analysis no less frequently than every four years.
- 4) Beginning in the fifth year of implementation, through the tenth year of implementation, agencies shall demonstrate progress in water loss control performance as measured by the AWWA software real loss performance indicator "gallons per service connection per day;" "gallons per mile of mains per day;" or other appropriate indicator by one of the following:

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- a) Achieving a performance indicator score less than the agency's score the previous year;
  - b) Achieving a performance indicator score less than the average of the agency's scores for the previous three years; or
  - c) Achieving a performance indicator score in the top quintile (20%) of all signatory agencies reporting such performance indicator with a Data Validity Level IV; or ;
  - d) In year 6 and beyond reducing real losses to or below the benchmark value determined in the Council's process referenced in section B3.
- 5) Agencies shall repair all reported leaks and breaks to the extent cost effective. By the end of the second year, agencies shall establish and maintain a record-keeping system for the repair of reported leaks, including time of report, leak location, type of leaking pipe segment or fitting, and leak running time from report to repair. By the end of the fourth year, agencies shall include estimated leakage volume from report to repair, and cost of repair (including pavement restoration costs and paid-out damage claims, if any).
- 6) Agencies shall locate and repair unreported leaks to the extent cost effective.

### **D. Requirements for Documenting BMP Implementation**

- 1) Agency shall submit the completed AWWA Standard Water Audit and Water Balance worksheets in the BMP 1.2 report form every reporting period.
- 2) For each reporting period, agency shall keep and make available validation for any data reported.
- 3) Agency shall maintain in-house records of audit results, methodologies, and worksheets for each completed audit period.
- 4) Agency keeps records of each component analysis performed, and incorporates results into future annual standard water balances.
- 5) Agency, for the purpose of setting the Benchmark:
  - a) keeps records of intervention(s) performed, including standardized reports on leak repairs, the economic value assigned to apparent losses and to real losses, miles of system surveyed for leaks, pressure reduction undertaken for loss reduction, infrastructure rehabilitation and renewal, volumes of water saved, and costs of intervention(s); and
  - b) prepares a yearly summary of this information for submission to the Council, during years two through five of implementation, unless extended by the Council.

### **E. Water Savings Assumptions**

To Be Determined

## EXHIBIT 1

*As Amended September 16, 2009*

### **1.3 METERING WITH COMMODITY RATES FOR ALL NEW CONNECTIONS AND RETROFIT OF EXISTING CONNECTIONS**

*(formerly BMP 4) As Amended March 14, 2007*

#### **A. Implementation**

For consistency with California Water Code (Section 525b), this BMP refers to potable water systems. A water meter is defined as a device that measures the actual volume of water delivered to an account in conformance with the guidelines of the American Water Works Association. Implementation shall consist of at least the following actions:

- 1) Require meters for all new service connections.
- 2) Establish a program for retrofitting existing unmetered service connections.
- 3) Read meters and bill customers by volume of use.
  - a) Establish and maintain billing intervals that are no greater than bi-monthly (every two months) for all customers.
  - b) For each metered connection, perform at least five actual meter readings (including remotely sensed) per twelve month period.
- 4) Prepare a written plan, policy or program that includes:
  - a) A census of all meters, by size, type, year installed, customer class served and manufacturer's warranty accuracy when new;
  - b) A currently approved schedule of meter testing and repair, by size, type and customer class;
  - c) A currently approved schedule of meter replacement, by size, type, and customer class; and
- 5) Identifying intra- and inter-agency disincentives or barriers to retrofitting mixed use commercial accounts with dedicated landscape meters, and conducting a feasibility study(s) to assess the merits of a program to provide incentives to switch mixed use accounts to dedicated landscape meters.

## EXHIBIT 1

As Amended September 16, 2009

### **B. Implementation Schedule**

- 1) Agencies signing the MOU prior to December 31, 1997, shall:
  - a) Initiate volumetric billing for all metered customers no later than July 1, 2008; and
  - b) Complete meter installation for all connections no later than July 1, 2009.
- 2) Agencies signing the MOU after December 31, 1997, shall:
  - a) Initiate volumetric billing for all metered customers no later than July 1, 2008 or within one year of signing the MOU if later than July 1, 2008; and
  - b) Complete meter installation for all service connections no later than July 1, 2012 or within six years of signing MOU, but in no case later than one year prior to the requirements of state law.
- 3) For unmetered service areas newly acquired or newly operated by otherwise metered agencies, meter installation shall be completed in these service areas within six years of the acquisition or operational agreement.
- 4) A feasibility study examining incentive programs to move landscape water uses on mixed-use meters to dedicated landscape meters to be completed by the end of Year Four following the date implementation was to commence.
- 5) A written plan, policy or program to test, repair and replace meters [see Section A(4) above] shall be completed and submitted electronically by July 1, 2008 or within one year of signing the MOU if later than July 1, 2008, whichever is later.

### **C. Coverage Requirements**

100% of existing unmetered accounts to be metered and billed by volume of use within above specified time periods. Service lines dedicated to fire suppression systems are exempt from this requirement.

### **D. Requirements for Documenting BMP Implementation**

- 1) Confirmation that all new service connections are metered and are being billed by volume of use and provide:
  - a) Number of metered accounts;
  - b) Number of metered accounts read;
  - c) Number of metered accounts billed by volume of use;



## EXHIBIT 1

*As Amended September 16, 2009*

- d) Frequency of billing (i.e. six or twelve times per year) by type of metered customer (e.g. single family residential, multiple family residential, commercial, industrial, and landscape irrigation); and
  - e) Number of estimated bills per year by type of metered customer (e.g. single family residential, multiple family residential, commercial, industrial, and landscape irrigation) vs. actual meter readings.
- 2) Number of unmetered accounts in the service area. For the purposes of evaluation, this shall be defined as the baseline meter retrofit target, and shall be used to calculate the agency's minimum annual retrofit requirement.
  - 3) Number of unmetered service connections retrofitted during the reporting period.
  - 4) Estimated number of CII accounts with mixed-use meters.
  - 5) Number of CII accounts with mixed-use meters retrofitted with dedicated irrigation meters during reporting period.

### **E. Criteria to Determine BMP Implementation Status**

- 1) Agency with existing unmetered service connections has completed a meter retrofit plan by the end of Year Two following the date implementation was to commence.
- 2) Agency has completed a feasibility study examining incentive programs to move landscape water uses on mixed-use meters to dedicated landscape meters by the end of Year Two following the date implementation was to commence.
- 3) Agency with existing unmetered service connections is on track to meter these connections during the schedule shown in Section B. An agency will be considered on track if the percent of unmetered accounts retrofitted with meters equals or exceeds the following:

<b>Target Dates for "On Track" Compliance with BMP 4</b>	
<b>Percent of unmetered accounts retrofitted</b>	<b>Agency signed the MOU prior to December 31, 1997</b>
10 percent	December 31, 2000
24 percent	December 31, 2002
42 percent	December 31, 2004
64 percent	December 31, 2006
90 percent	December 31, 2008

## EXHIBIT 1

As Amended September 16, 2009

100 percent	July 1, 2009
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Target Dates for "On Track" Compliance with BMP 4	
Percent of unmetered accounts retrofitted	All agencies signing the MOU after 1997
20 percent	December 31, 2004
40 percent	December 31, 2006
60 percent	December 31, 2008
80 percent	December 31, 2010
100 percent	July 1, 2012

- 4) Agency bills metered customers at least as often as bimonthly within four years.
- 5) Agency reads meters and bills metered customers using volumetric rates.
- 6) Agency has completed a written plan, policy or program to test, repair and replace meters.

### F. Water Savings Assumptions

Assume meter retrofits and volumetric rates combined will result in a 20% reduction in demand for retrofitted accounts.

### G. Commitment to Further Review

Within three years from the date this BMP revision is adopted, the CUWCC will complete an evaluation of the potential water use efficiency impacts and cost-effectiveness of the following for consideration as future BMP revision(s):

- 1) Criteria for meter testing, repair, replacement and accuracy;
- 2) Transition to installing automated meter reading (AMR) technologies; and
- 3) Transition to monthly billing schedules for all accounts.

# EXHIBIT 1

As Amended September 16, 2009

## 1.4 Retail Conservation Pricing (formerly BMP 11) As Amended June 13, 2007

### Part I - Retail Water Service Rates

#### A. Implementation

BMP 11 promotes water conserving retail water rate structures. BMP 11 recognizes that each agency or water enterprise fund has a unique rate setting system and history. When creating a rate case, professional judgments are made to determine whether costs are accounted to a variable or fixed cost center by the staff of the agency. The final water rate case is an accumulation of all the decisions and judgments made by staff and supplemented by the financial projections leading an agency to establish its final water rate recommendation. BMP 11 is not intended to supplant this process, but rather to reinforce the need for Water Agencies to establish a strong nexus between volume-related system costs and volumetric commodity rates.

In *Bighorn-Desert View Water Agency v. Virjil* the California Supreme Court applied Proposition 218's\* provisions embodied in Articles XIII C and D of the California Constitution to ongoing water service. In addition, Article XIII D, Section 6 imposes procedural and substantive requirements on new or increased fees or charges for on-going water service. The Council considers the conservation principles of BMP 11 to be compatible with the cost of service requirements of Proposition 218. However, should a case arise in which a Water Agency's good faith efforts were unable to meet BMP 11's requirements due to legal constraints (e.g. Proposition 218), this would be grounds for exemption, as specified in MOU Section 4.5.

**Definition:** Conservation pricing provides economic incentives (a price signal) to customers to use water efficiently. Because conservation pricing requires a volumetric rate, metered water service is a necessary condition of conservation pricing. Unmetered water service is inconsistent with the definition of conservation pricing.

Conservation pricing requires volumetric rate(s). While this BMP defines a minimum percentage of water sales revenue from volumetric rates, the goal of this BMP is to recover the maximum amount of water sales revenue from volumetric rates that is consistent with utility costs (which may include utility long-run marginal costs), financial stability, revenue sufficiency, and customer equity. In addition to volumetric rate(s), conservation pricing may also include one or more of the following other charges:

- 1) Service connection charges designed to recover the separable costs of adding new customers to the water distribution system.

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\* Proposition 218 was approved by California voters in November 1996.

## EXHIBIT 1

As Amended September 16, 2009

- 2) Monthly or bimonthly meter/service charges to recover costs unrelated to the volume of water delivered or new service connections and to ensure system revenue sufficiency.
- 3) Special rates and charges for temporary service, fire protection service, and other irregular services provided by the utility.

The following volumetric rate designs are potentially consistent with the above definition:

- 1) **Uniform rate** in which the volumetric rate is constant regardless of the quantity consumed.
- 2) **Seasonal rates** in which the volumetric rate reflects seasonal variation in water delivery costs.
- 3) **Tiered rates** in which the volumetric rate increases as the quantity used increases.
- 4) **Allocation-based rates** in which the consumption tiers and respective volumetric rates are based on water use norms and water delivery costs established by the utility.

**Adequacy of Volumetric Rate(s):** A retail agency's volumetric rate(s) shall be deemed sufficiently consistent with the definition of conservation pricing when it satisfies at least one of the following two options.

**Option 1:** Let  $V$  stand for the total annual revenue from the volumetric rate(s) and  $M$  stand for total annual revenue from customer meter/service (fixed) charges, then:

$$\frac{V}{V + M} \geq 70\%$$

This calculation shall only include utility revenues from volumetric rates and monthly or bimonthly meter/service charges. It shall not include utility revenues from new service connection charges; revenue from special rates and charges for temporary service, fire protection, or other irregular services; revenue from grants or contributions from external sources in aid of construction or program implementation; or revenue from property or other utility taxes.

**Option 2:** Use the rate design model included with the Municipal Water and Wastewater Rate Manual published by the Canadian Water & Wastewater Association with the signatory's water system and cost information to calculate  $V'$ , the uniform volume rate based on the signatory's long-run incremental cost of service, and  $M'$ , the associated meter charge. [Let HCF be annual water delivery (in hundred cubic feet).] A signatory's volumetric rate(s) shall be deemed sufficiently consistent with the definition of conservation pricing if:

$$\frac{V}{V + M} \geq \frac{V'}{V' + M'}$$

## EXHIBIT 1

*As Amended September 16, 2009*

The rate design model can be downloaded at <http://www.cuwcc.org/resource-center/technical-resources/bmp-tools.aspx>.

This calculation shall only include utility revenues from volumetric rates and monthly or bimonthly meter/service charges. It shall not include utility revenues from new service connection charges; revenue from special rates and charges for temporary service, fire protection, or other irregular services; revenue from grants or contributions from external sources in aid of construction or program implementation; or revenue from property or other utility taxes.

### **Exemptions and At Least As Effective As**

The exemption provisions in MOU Section 4.5 apply to BMP 11 in the same way they apply to other BMPs. Water supplier signatories meeting at least one of the three exemption conditions in MOU Section 4.5 may submit an exemption to the Council per the requirements of the MOU.

Water supplier signatories may pursue an "At Least As Effective As" implementation of BMP 11 per the Preamble to Exhibit 1 of the MOU. Water supplier signatories adopting an "At Least As Effective As" implementation of BMP 11 may adopt rates that do not meet the requirements of either Option 1 or Option 2 described in Section A provided the resulting water savings are at least as effective as those options.

### **BMP Refinement**

Within five years of the adoption of this BMP revision, the Council shall reconvene the BMP 11 Revision PAC to 1) assess rate of compliance with the revised BMP, 2) identify barriers to implementation, 3) assess its compatibility with Proposition 218 requirements, 4) initiate a water savings assessment appropriate to the data and project resources available to the Council, and 5) develop further refinements as needed to improve the BMP's effectiveness.

## **B. Implementation Schedule**

### **Agencies with fully metered service areas**

- 1) Agencies signing the MOU prior to June 13, 2007, implementation shall commence no later than July 1, 2007.
- 2) Agencies signing the MOU after June 13, 2007, implementation shall commence no later than July 1 of the year following the year the Agency signed the MOU.

### **Agencies with partially metered service areas<sup>1</sup>**

<sup>1</sup> Agencies following this schedule must be on the Council's list of Agencies with partially metered service areas.



## EXHIBIT 1

*As Amended September 16, 2009*

- 1) Agencies signing the MOU prior to December 31, 1997, implementation shall commence no later than July 1, 2010. [One year after Agency is to complete meter installation per BMP 4.]
- 2) Agencies signing the MOU after December 31, 1997, implementation shall commence no later than July 1, 2013, or within seven years of signing the MOU, but in no case later than the metering deadline specified by state law. [One year after Agency is to complete meter installation per BMP 4.]

### **C. Coverage Requirements**

Agency shall maintain a rate structure that satisfies at least one of the options specified in Section A. Conformance to Option 1 or Option 2 will first be assessed using the revenue from the most recent year. If the most recent year does not satisfy the option, the average revenue from the three (3) most recent years will be used.

### **D. Requirements for Documenting BMP Implementation**

- 1) Report the rate structure in effect for each customer class for the reporting period.
- 2) Report the annual revenue derived from volume charges for each retail customer class, as defined in Section A.<sup>2</sup>
- 3) Report the annual revenue derived from monthly or bimonthly meter/service charges for each retail customer class, as defined in Section A.
- 4) If agency does not comply with Option 1 in Section A, report v' and m' as determined by the Canadian Water & Wastewater Association rate design model described in Section A.
- 5) If agency does not comply with Option 1 in Section A, submit to the Council the completed Canadian Water & Wastewater Association rate design model described in Section A.

### **E. Criteria to Determine BMP Implementation Status**

An agency shall be in compliance with BMP 11 provided the following is true for the Agency's total revenue from all retail customer classes within four years after [date of revision]:

For Option 1:  $V \geq 70\% \times 1.00$

For Option 2:  $V \geq V' \times 1.00$

<sup>2</sup> Note: Compliance with BMP 11 will be determined based on the Agency's total revenue from all retail customer classes.

## EXHIBIT 1

*As Amended September 16, 2009*

The following schedule is intended to guide agencies in implementing this revision in phases:

YEARS AFTER START YEAR	FOR OPTION 1	FOR OPTION 2
1	$V \geq 70\% \times 0.70$	$V \geq V' \times 0.70$
2	$V \geq 70\% \times 0.80$	$V \geq V' \times 0.80$
3	$V \geq 70\% \times 0.90$	$V \geq V' \times 0.90$
4	$V \geq 70\% \times 1.00$	$V \geq V' \times 1.00$

An agency shall not be required to increase the volumetric component of the rate structure by more than 10% in any single year until the full implementation is achieved.

**F. Water Savings Assumptions**

Not quantified.

**Part II – Retail Wastewater Rates**

**A. Implementation**

This section applies to Water Agencies that provide retail sewer service. Water Agencies that do not provide retail sewer service shall make good faith efforts to work with sewer agencies so that those sewer agencies adopt conservation pricing for sewer service.

Conservation pricing of sewer service provides incentives to reduce average or peak use, or both. Such pricing includes: rates designed to recover the cost of providing service, and billing for sewer service based on metered water use. Conservation pricing of sewer service is also characterized by one or more of the following components: rates in which the unit rate is the same across all units of service (uniform rates); rates in which the unit rate increases as the quantity of units purchased increases (increasing block rates); rates in which the unit rate is based upon the long-run marginal cost or the cost of adding the next unit of capacity to the sewer system. Rates that charge customers a fixed amount per billing cycle for sewer service regardless of the units of service consumed do not satisfy the definition of conservation pricing of sewer service. Rates in which the typical bill is determined by high fixed charges and low commodity charges also do not satisfy the definition of conservation pricing of sewer service.

## EXHIBIT 1

*As Amended September 16, 2009*

### **B. Implementation Schedule**

- 1) Agencies signing the MOU prior to December 31, 1997, implementation shall commence no later than July 1, 1998.
- 2) Agencies signing the MOU or becoming subject to the MOU after December 31, 1997, implementation shall commence no later than July 1 of the first year following the year the agency signed or became subject to the MOU.

### **C. Coverage Requirements**

Agency shall maintain rate structure for sewer service consistent with definition of conservation pricing for sewer service in Part II, Section in A.

### **D. Requirements for Documenting BMP Implementation**

- 1) Report annual revenue requirement for sewer service by customer class for the reporting period.
- 2) Report annual revenue for sewer service from commodity charges by customer class for the reporting period.
- 3) Report rate structure by customer class for sewer service.

### **E. Criteria to Determine BMP Implementation Status**

Agency rate design for sewer service shall be consistent with definition of conservation pricing for sewer service in Section A.

### **F. Water Savings Assumptions**

Not quantified.

# EXHIBIT 1

As Amended September 16, 2009

## 2. EDUCATION PROGRAMS

California water agencies have played a major role in stressing the need for their customers to conserve water through both public information and school education programs. The specifics of how these programs are to be implemented are detailed below.

### 2.1 PUBLIC INFORMATION PROGRAMS (formerly BMP 7)

This section addresses opportunities to use public information programs as an effective tool to inform customers about the need for water conservation and ways they can conserve, and to influence customer behavior to conserve.

#### **A. Implementation**

Implement a public information program to promote water conservation and water conservation-related benefits. Implementation shall consist of at least the following actions:

- 1) The program should include, when possible, but is not limited to, providing speakers to employees, community groups and the media; using paid and public service advertising; using bill inserts; providing information on customers' bills showing use for the last billing period compared to the same period the year before; providing public information to promote water conservation measures; and coordinating with other government agencies, industry groups, public interest groups, and the media.
- 2) The program should include, when possible, social marketing elements which are designed to change attitudes to influence behavior. This includes seeking input from the public to shape the water conservation message; training stakeholders outside the utility staff in water conservation priorities and techniques; and developing partnerships with stakeholders who carry the conservation message to their target markets.
- 3) When mutually agreeable and beneficial, the wholesale agency or another lead regional agency may operate all or part of the public information program. If the wholesale agency operates the entire program, then it may, by mutual consent with the retail agency, assume responsibility for CUWCC reporting for this BMP. Under this arrangement, a wholesale agency may aggregate all or portions of the reporting and coverage requirements of the retail agencies joining into the mutual consent.

#### **B. Implementation Schedule**

Implementation shall commence no later than July 1 of the first year following the latter of either: 1) the year the agency signed or became subject to the MOU, or 2) the year this Exhibit is amended.



## EXHIBIT 1

As Amended September 16, 2009

### **C. Coverage Requirements**

Agencies shall maintain an active public information program to promote and educate customers about water conservation.

At minimum a public information program shall consist of the following components:

- 1) Contacts with the public (minimum = 4 times per year, i.e., at least quarterly).
- 2) Water supplier contacts with media (minimum = 4 times per year, i.e., at least quarterly).
- 3) An actively maintained website that is updated regularly (minimum = 4 times per year, i.e., at least quarterly).
- 4) Description of materials used to meet minimum requirement.
- 5) Annual budget for public outreach program.
- 6) Description of all other outreach programs (List follows in Section D).

### **D. Requirements for Documenting BMP Implementation**

Agencies may report on all of the following activities, although agencies are only expected to meet the minimum requirements in section C. Coverage Requirements.

#### **Public Information Programs List**

- 1) Newsletter articles on conservation
- 2) Flyers and/or brochures (total copies), bill stuffers, messages printed on bill, information packets
- 3) Landscape water conservation media campaigns
- 4) General water conservation information
- 5) Website
- 6) Email messages
- 7) Website - provide link to or list of qualified landscape professionals (WaterSense, California Landscape Contractors Association, Irrigation Association, etc.) and other helpful sites
- 8) Direct mail - seasonal postcards noting irrigation requirement changes
- 9) Direct mail or other notification to customer if water use is significantly higher than neighbors with similarly-sized lots
- 10) Customer notification when neighbor reports runoff or runoff is noticed by employees or meter reads show rise in use of 20% or more from same time previous year
- 11) Dedicated phone line or "on hold" messages with recorded conservation information
- 12) Booths at local fairs/events
- 13) Monthly water use reports provided with comparison of water use to water budget
- 14) Presentations
- 15) Point of purchase pieces, including internet point of purchase by type: high efficiency clothes washers, weather based irrigation controller, high



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As Amended September 16, 2009

- efficiency toilets, plant palette information, other.
- 16) Media outreach: news releases, editorial board visits, written editorials, newspaper contacts, television contacts, radio contacts, articles or stories resulting from outreach. Provide names of local media markets: newspaper, TV stations, radio stations reached via media outreach program during the reporting period
  - 17) Adult Education/Training Programs: Topic(s) \_\_\_\_\_: number of presentations, number of attendees
  - 18) Water Conservation Gardens: involvement in a garden that promotes and educates the public about water-efficient landscaping and conservation techniques. May include "Corporate" or "business" sponsorship or membership.
  - 19) Sponsor or co-sponsor landscape workshops/training for homeowners and/or homeowners associations: number of presentations; number in attendance
  - 20) Landscape watering calculator and watering index to assist with weekly irrigation scheduling
  - 21) Additional program(s) supported by agency but not mentioned above
  - 22) Total reporting period budget expenditure for public outreach/training/adult education programs (include all agency costs)

### Social Marketing Programs List

#### Developing the Conservation Message:

- 1) Does your agency have a water conservation "brand," "theme" or mascot: If so briefly describe: \_\_\_\_\_
- 2) Have you sponsored or participated in market research to refine your message? If so topic: \_\_\_\_\_ Message of above brand? Mission Statement?
- 3) Do you have a community conservation committee?  
If yes, its focus is on:
  - a. Conservation in general;
  - b. Landscape;
  - c. Education;
  - d. Commercial/industrial/institutional;
  - e. Other: \_\_\_\_\_
- 4) Training for stakeholders who help support programs or educate others about conservation:
  - a. Professional landscapers: number of sessions/classes; number of attendees: on irrigation equipment; other
  - b. Plumbers: number of sessions/classes; number of attendees
  - c. Homeowners: number of sessions/classes; number of attendees: on irrigation equipment; other
- 5) Additional program(s) supported by agency but not mentioned above.
- 6) Total reporting period budget expenditure for social marketing programs (include all agency costs)

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*As Amended September 16, 2009*

## Partnering programs:

- 1) Master Gardeners; Type of program: \_\_\_\_\_
- 2) CLCA; Type of program: \_\_\_\_\_
- 3) Cooperative Extension; Type of program: \_\_\_\_\_
- 4) Retail and wholesale outlets  
Name(s): \_\_\_\_\_  
Type of program: \_\_\_\_\_
- 5) Local Colleges; Type of program: \_\_\_\_\_
- 6) Green Building Programs; Type of program: \_\_\_\_\_
- 7) Other \_\_\_\_\_
- 8) Newsletter articles published in other entities' newsletters:
  - a. HOAs: number per year to number of customers
  - b. City materials: number per year to number of customers
  - c. Non-profits: number per year to number of customers
  - d. Other: number per year to number of customers
- 9) Other utilities, including electric utilities
- 10) Water conservation gardens at utility or other high traffic areas or new homes
- 11) Water wise landscape contest or awards program

## **E. Water Savings Assumptions**

Not quantified.

# EXHIBIT 1

As Amended September 16, 2009

## **2.2 SCHOOL EDUCATION PROGRAMS (formerly BMP 8)**

School education programs have been implemented to reach the youngest water users at an early age and enforce the need to engage in water conservation as a life-long behavior. This section provides specifics on how school education programs are to be implemented.

### **A. Implementation**

Implementation shall consist of at least the following actions:

- 1) Implement a school education program to promote water conservation and water conservation-related benefits.
- 2) Programs shall include working with school districts and private schools in the water suppliers' service area to provide instructional assistance, educational materials, and classroom presentations that identify urban, agricultural, and environmental issues and conditions in the local watershed. Educational materials shall meet the state education framework requirements and grade-appropriate materials shall be distributed.
- 3) When mutually agreeable and beneficial, the wholesale agency or another lead regional agency will operate all or part of the education program; if the wholesale agency operates all or part of the retail agency's school education program, then it may, by mutual consent with the retail agency, assume responsibility for CUWCC reporting of this BMP; under this arrangement, a wholesale agency may aggregate all or portions of the reporting and coverage requirements of the retail agencies joining into the mutual consent

### **B. Implementation Schedule**

Implementation shall commence no later than July 1 of the first year following the latter of either: 1) the year the agency signed or became subject to the MOU, or 2) the year this Exhibit is amended.

### **C. Coverage Requirements**

Agencies shall maintain an active school education program to educate students in the agency's service area about water conservation and efficient water use. An agency may participate in a mutual arrangement as described in Section A.

At minimum a school information program shall consist of the following:

- 1) Curriculum materials developed and/or provided by agency (including confirmation that materials meet state education framework requirements and are grade-level appropriate).
- 2) Materials distributed to K-6 students. When possible, school education programs will reach grades 7-12 as well.



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- 3) Description of materials used to meet minimum requirement.
- 4) Annual budget for school education program.
- 5) Description of all other water supplier education programs (Lists follow in Section D).

### **D. Requirements for Documenting BMP Implementation**

Agencies may report on all of the following activities, although they are only expected to meet the minimum requirements in section C. Coverage Requirements.

#### **School Education Programs List**

- 1) Classroom presentations: number of presentations, number of attendees, topics covered: conservation, recycled water, water sources, pollution prevention, etc.
- 2) Large group assemblies: number of presentations, number of attendees
- 3) Children's water festivals or other events: number of presentations, number of attendees
- 4) Cooperative efforts with existing science/water education programs (various workshops, science fair awards or judging) and follow-up: number of presentations, number of attendees.
- 5) Other methods of disseminating information (i.e. themed age-appropriate classroom loaner kits) Description \_\_\_\_\_; number distributed
- 6) Staffing children's booths at events & festivals: number of booths, number of attendees
- 7) Water conservation contests such as poster and photo Description \_\_\_\_\_; number of participants.
- 8) Offer monetary awards/funding or scholarships to students: number offered; total funding
- 9) Teacher training workshops: number of presentations, number of attendees
- 10) Fund and/or staff student field trips to treatment facilities, recycling facilities, water conservation gardens, etc.: number of tours or field trips, number of participants.
- 11) College internships in water conservation offered: number of internships; total funding
- 12) Career fairs/workshops: number of presentations, number of attendees
- 13) Additional program(s) supported by agency but not mentioned above. Description: \_\_\_\_\_; number of events (if applicable); number of participants.
- 14) Total reporting period budget expenditures for school education programs (include all agency costs)

### **E. Water Savings Assumptions**

Not quantified.

# EXHIBIT 1

As Amended September 16, 2009

## **PROGRAMMATIC BMPs**

Signatories have the option of implementing each BMP as described below, or implementing measures identified in the Flex Track Menu alternative included in each Programmatic BMP.

### **3. RESIDENTIAL**

Residential water users throughout California depend on a reliable and safe supply of water for their homes. This BMP will define the best and most proven water conservation methods and measures those residents, working in conjunction with water agencies, can implement. By implementing these methods and measures homeowners, multi-family property owners, and tenants will increase water use efficiency and reliability. Credit for prior activities, as reported through the BMP database, will be given for documented water savings achieved through 2008.

#### **A. Implementation**

Retail water agencies shall implement a water use efficiency program that consists of either the coverage goals listed below or achieving the water savings goals by implementing measures on the Flex Track Menu in Section F below.

1) Residential assistance program (*formerly BMPs 1 & 2*)

Provide site-specific leak detection assistance that may include, but is not limited to, the following: a water conservation survey, water efficiency suggestions, and/or inspection. Provide showerheads and faucet-aerators that meet the current water efficiency standard as stipulated in the WaterSense Specifications (WSS) as needed.

2) Landscape water survey (*formerly BMP 1*)

Perform site-specific landscape water surveys that shall include, but are not limited to, the following: check irrigation system and timers for maintenance and repairs needed; estimate or measure landscaped area; develop customer irrigation schedule based on precipitation rate, local climate, irrigation system performance, and landscape conditions; review the scheduling with customer; provide information packet to customer; and provide customer with evaluation results and water savings recommendations.

3) High-efficiency clothes washers (HECWs) (*formerly BMP 6*)

Provide incentives or institute ordinances requiring the purchase of high-efficiency clothes washing machines (HECWs) that meet an average water factor value of 5.0. If the WaterSense Specification is less than 5.0, then the average water factor value will decrease to that amount.

4) WaterSense Specification (WSS) toilets (*formerly BMP 14*)

Provide incentives or ordinances requiring the replacement of existing toilets using 3.5 or more gpf (gallons per flush) with a toilet meeting WSS.



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### 5) WaterSense Specifications for residential development

Provide incentives such as, but not limited to, rebates, recognition programs, or reduced connection fees, or ordinances requiring residential construction meeting WSS for single-family and multi-family housing until a local, state or federal regulation is passed requiring water efficient fixtures.

## **B. Implementation Schedule**

Implementation shall commence no later than July 1 of the first year following the latter of either: 1) the year the agency signed or became subject to the MOU, or 2) the year this exhibit is amended.

## **C. Coverage Requirements**

Coverage shall consist of:

### 1) Residential Assistance

Provide leak detection assistance to an average of 1.5 percent per year of current single-family accounts and 1.5 percent per year of current multi-family units during the first ten years after signing the MOU. After completing the ten-year 15 percent target, agencies will maintain a program at the level of high-bill complaints or not less than 0.75 percent per year of current single-family accounts and 0.75 percent per year of current multi-family units. Showerhead distribution will be considered complete when 75 percent market saturation is achieved.

### 2) Landscape water survey

Provide landscape water surveys to an average of 1.5 percent per year of current single-family accounts during the first ten years after signing the MOU. After completing the ten-year 15 percent target, agencies will maintain a program at the level of high-bill complaints or no less than 0.75 percent per year of current single-family accounts.

### 3) High efficiency clothes washers

Provide financial incentives for the purchase of HECWs that meet an average water factor value of 5.0. If the WaterSense Specification is less than 5.0, then the water factor value will decrease to that amount. Incentives shall be provided to 0.9 percent of current single-family accounts during the first reporting period following BMP implementation, rising to 1.0 percent per year of current single-family accounts for the remainder of ten year period following signing of the MOU. An alternative method is to demonstrate 1.4 percent per year of the market penetration during the first ten years after signing the MOU.

### 4) WaterSense Specification (WSS) toilets

A financial incentive shall continue to be offered for toilets meeting the current WSS and updated standard whenever a more efficient toilet is identified by WSS. Compliance will entail demonstrating a number of toilet replacements of 3.5 gpf or greater toilets at or above the level achieved through a retrofit on resale

## EXHIBIT 1

*As Amended September 16, 2009*

ordinance until 2014, or a market saturation of 75% is demonstrated, whichever is sooner.

5) WSS for new residential development

An incentive shall continue to be offered until a water agency, or local, state or federal regulation is in effect meeting at a minimum, WSS for water efficient single-family homes. Multi-family housing shall also meet the WSS in all applicable criteria regardless of the total number of stories in the building.

**D. Requirements for Documenting BMP Implementation**

1) Residential assistance

Provide reports, disaggregated by single-family and multi-family units, identifying: the number of residential assistance/leak detection survey visits completed; number of WSS showerheads distributed; and number of WSS faucet aerators distributed during the reporting period.

2) Landscape water survey

Provide the number of single-family and multi-family account landscape water surveys completed during the reporting period.

3) High efficiency clothes washers

The number of installations credited to the agency's replacement program for HECWs with an average water factor value of 5.0. If the WaterSense Specification is less than 5.0, then the water factor value will decrease to that amount.

4) WaterSense Specification (WSS) toilets

A description of the program along with the number of WSS toilet installations credited to the agency's replacement program disaggregated by single-family or multi-family units.

5) WSS for new residential development

Provide a copy of the new development ordinance currently adopted by the reporting unit or provide the following incentive program details: number of new single-family and multi-family units built in service area during the reporting period; description of incentives offered; list of incentive amounts; number of WSS fixtures installed; and number of participating single-family home and multi-family units.

**E. Water Savings Assumptions**

Water savings assumptions will be based on the type and number of actions implemented.

**F. Flex Track Menu**

In addition to the measures above, the Flex Track Menu may be implemented in part or any combination to meet the savings goal for this BMP. Agencies

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*As Amended September 16, 2009*

choosing the Flex Track Menu are responsible for achieving water savings greater than or equal to that which they would have achieved using only the BMP list items. Water savings estimates for the Flex Track Menu will be maintained and regularly updated in the MOU Compliance Policies and BMP Guidebook.

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As Amended June 10, 2010

### 4. COMMERCIAL, INDUSTRIAL, AND INSTITUTIONAL (formerly BMP 9)

Commercial, industrial, and institutional (CII) water demands make up a large percentage of total demand for California. CII water use varies dramatically between business sectors as well as within a given water agency's territory. The goal of this BMP is to implement comprehensive yet flexible best management practices, allowing each water agency to tailor the implementation of each practice to fit local needs and opportunities. The end result is a practice that is successful and will produce the greatest amount of cost-effective water savings.

#### A. Implementation

Implement measures to achieve the water savings goal for CII accounts of 10% of the baseline water use over a 10-year period. Baseline water use is defined as the water consumed by CII accounts in the agency's service area in 2008. Credit for prior activities, as reported through the BMP database, will be given for up to 50% of the goal; in this case, coverage will consist of reducing annual water use by CII accounts by an amount equal to the adjusted percentage goal within 10 years. Implementation shall consist of item 1) or 2) or both in order to reach the agency's water savings goals.

1) Implement measures on the CII list with well-documented savings that have been demonstrated for the purpose of documentation and reporting. The full list and their associated savings are included in the "Demonstrated Savings Measure List" in Section E below.

2) Implement unique conservation measures to achieve the agency's water savings goals. Sample measures include, but are not limited to: industrial process water use reduction, industrial laundry retrofits, car wash recycling systems, water-efficient commercial dishwashers, and wet cleaning. Water use reduction shall be calculated on a case-by-case basis. Agencies will be required to document how savings were realized and the method and calculations for estimating savings. See the CII Flex Track Menu list in the attachment to Exhibit 1, as updated in the MOU Compliance Policy and BMP Guidebook.

#### B. Implementation Schedule

Implementation shall commence not later than July 1 of the first year following the latter of either: 1) the year the agency signed or became subject to the MOU, or 2) the year this Exhibit is amended.



## EXHIBIT 1

As Amended June 10, 2010

### **C. Coverage Requirements**

Coverage shall consist of meeting the annual water savings goal in Section A. Although it is not one of the criteria in meeting implementation, agencies will be considered on track if estimated savings as a percent of baseline water use equals or exceeds the following:

0.5% by the end of first reporting period (year two), 2.4% by the end of year four, 4.3% by the end of year six, 6.4% by the end of year eight, and 9% by the end of year ten. Percentages will be adjusted proportionally for up to 50% past credit referred to in the Implementation section.

### **D. Requirements for Documenting BMP Implementation**

Each reporting period agencies are required to report the estimated reduction in annual water use for all CII accounts.

#### 1) CII Demonstrated Savings Measure List

For measures on the CII Demonstrated Savings Measure list with demonstrated savings, agencies shall report the measure type and quantity installed, as well as savings attributed to water shortage measures, intervention and actions.

#### 2) Flex Track Menu

For measures on the Flex Track Menu, agencies shall use one of three methods of measurement listed below to track savings. Agencies shall report the type of measure implemented, the industry in which the measure was implemented, and estimated savings as well as the measure life. Agencies shall keep detailed usage data on file and report the annual and lifetime savings.

##### a) Point of Retrofit Metering

Usage data collected from meters installed at the point of retrofit.

##### b) Customer Bill Analysis

Pre- and post-program usage from utility bills from the appropriate meters related to the measures implemented. For mixed-use meters, a minimum of 12 months pre-retrofit and 12 months post-retrofit usage data shall be used to calculate savings. The data shall be normalized for weather. For dedicated meters, a minimum of 6 months pre-retrofit and 6 months post-retrofit data shall be used to calculate savings.

##### c) Agency-Provided Calculation

If an agency is unable to provide point of retrofit metering or customer bill analysis, the agency must document how savings were realized and the method and calculations for estimated savings. The calculation and assumptions are subject to approval by the Council on a case-by-case basis.



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*As Amended June 10, 2010*

### **E. Water Savings Assumptions**

The Demonstrated Savings Measure List is found in the MOU Compliance Policy. For assistance in calculating savings from unique measures used in the Flex Track Menu approach, see the BMP Guidebook.

### **F. Flex Track Menu**

In addition to the measures above, the Flex Track Menu options may be implemented in part or any combination for CII customers to meet the water savings goal of this BMP. Agencies may choose to implement any alternative with measurable water savings. Agencies choosing the Flex Track Menu option are responsible for achieving water savings greater than or equal to that which they would have achieved using only the BMP list items. Water savings estimates for the Flex Track Menu items will be maintained and regularly updated in the MOU Compliance Policies and BMP Guidebook.

Custom measures shall be calculated on a case-by-case basis. Agencies will be required to provide documentation on how savings were realized and the method and calculations for estimating savings.

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As Amended on December 10, 2008

### 5. LANDSCAPE (formerly BMP 5)

Irrigation accounts for a large portion of urban water use in California. Irrigation water use varies dramatically depending on water pricing and availability, plant choice, geographic locations, seasonal conditions, and the level of commitment to sound water efficiency practices. The goal of this BMP is that irrigators, with assistance from signatories, will achieve a higher level of water use efficiency consistent with the actual irrigation needs of the plant materials. Reaching this goal would reduce overall demands for water, reduce demands during the peak summer months, and still result in a healthy and vibrant landscape for California.

#### A. Implementation

Agencies shall provide non-residential customers with support and incentives to improve their landscape water use efficiency. Credit for prior activities, as reported through the BMP database, will be given for documented water savings achieved through 2008. This support shall include, but not be limited to, the following:

##### 1) Accounts with Dedicated Irrigation Meters

a) Identify accounts with dedicated irrigation meters and assign ETo-based water use budgets equal to no more than an average of 70% of ETo (reference evapotranspiration) of annual average local ETo per square foot of landscape area in accordance with the schedule below.

Recreational areas (portions of parks, playgrounds, sports fields, golf courses, or school yards in public and private projects where turf provides a playing surface or serves other high-use recreational purposes) and areas permanently and solely dedicated to edible plants, such as orchards and vegetable gardens, may require water in addition to the water use budget. (These areas will be referred to as "recreational" below.) The water agency must provide a statement designating those portions of the landscape to be used for such purposes and specifying any additional water needed above the water use budget, which may not exceed 100% of ETo on an annual basis.

If the California Model Water Efficient Landscape Ordinance is revised to reduce the water allowance, this BMP will be revised automatically to reflect that change.

b) Provide notices each billing cycle to accounts with water use budgets showing the relationship between the budget and actual consumption.

c) Offer site-specific technical assistance to reduce water use to those accounts that are 20% over budget in accordance with the schedule given in Section B; agencies may choose not to notify customers whose use is less than their water use budget.

##### 2) Commercial/Industrial/Institutional (CII) Accounts without Meters or with Mixed-Use Meters

a) Develop and implement a strategy targeting and marketing large landscape water use surveys to commercial/industrial/institutional (CII) accounts with mixed-use meters.

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*As Amended on December 10, 2008*

b) In un-metered service areas, actively market landscape surveys to existing accounts with large landscapes, or accounts with landscapes which have been determined by the purveyor not to be water efficient.

3) Offer financial incentives to support 1) and 2) above.

### **B. Implementation Schedule**

1) Implementation shall commence not later than July 1 of the first year following the latter of either: 1) the year the agency signed or became subject to the MOU, or 2) the year this Exhibit is amended.

2) Per year at least 9% of accounts with dedicated meters and 1.5% of all mixed-use or non-metered accounts will receive the assistance detailed in Section A. 1) and 2) above. At least 90% of all dedicated meters and 15% of all mixed-use and non-metered accounts will receive the assistance over a ten year period.

### **C. Coverage Requirements**

Coverage shall consist of:

1) ETo-based water use budgets developed for 90% of CII accounts with dedicated irrigation meters at an average rate of 9% per year over 10 years.

2) Offer site-specific technical assistance annually to all accounts that are 20% over budget within six years of the date implementation was to commence.

3) Complete irrigation water use surveys for not less than 15% of CII accounts with mixed-use meters and un-metered accounts within 10 years of the date implementation is to commence. (Note: CII surveys that include both indoor and outdoor components can be credited against coverage requirements for both the Landscape and CII BMPs.)

An agency will be considered on track if the percent of CII accounts with mixed-use meters receiving a landscape water use survey equals or exceeds the following: 1.5% by the end of the first reporting period (year two) following the date implementation is to commence; 3.6% by the end of year four; 6.3% by the end of year six; 9.6% by the end of year eight; and 13.5% by the end of year ten.

Agency may credit 100% of the number of landscape water use surveys for CII accounts with mixed-use meters completed prior to July 1, 2007 that have received a follow-up inspection against the coverage requirement; agency may credit 50% of surveys that have not received follow-up inspections. Agency may credit 100% of the number of landscape water use surveys completed for CII accounts with mixed-use meters after July 1, 2007 against the coverage requirement.

4) Agency will implement and maintain a customer incentive program(s) for irrigation equipment retrofits.

## EXHIBIT 1

*As Amended on December 10, 2008*

### **D. Requirements for Documenting BMP Implementation**

#### 1) Dedicated Landscape Irrigation Accounts

Agencies shall preserve water use records and budgets for customers with dedicated landscape irrigation accounts for at least four years. This information may be used by the Council to verify the agency's reporting on this BMP.

- a) Number of dedicated irrigation meter accounts.
- b) Number of dedicated irrigation meter accounts with water budgets.
- c) Aggregate water use for dedicated non-recreational landscape accounts with budgets.
- d) Aggregate acreage assigned water budgets and average ET for dedicated non-recreational landscape accounts with budgets.
- e) Number of Accounts 20% over-budget.
- f) Number of accounts 20% over-budget offered technical assistance.
- g) Number of accounts 20% over-budget accepting technical assistance
- h) Aggregate acreage of recreational areas assigned water budgets and average ET for dedicated recreational landscape accounts with budgets.

#### 2) CII Accounts without Meters or with Mixed-Use Meters

- a) Number of mixed use and un-metered accounts.
- b) Number, type, and dollar value of incentives, rebates, and no- or low-interest loans offered to, and received by, customers.
- c) Number of surveys offered.
- d) Number of surveys accepted.
- e) Estimated annual water savings by customers receiving surveys and implementing recommendations.

### **E. Water Savings Assumptions**

Assume landscape BMP will result in a 15%-20% reduction in demand for landscape irrigation by affected accounts, as defined in Section C: Coverage Requirements.



## EXHIBIT 1

As Amended on December 10, 2008

### F. Flex Track Menu

In addition to the measures above, the Flex Track Menu options may be implemented in part or any combination to meet the savings goal for this BMP. Agencies choosing the Flex Track Menu option are responsible for achieving water savings greater than or equal to that which they would have achieved using only the BMP list items. Water savings estimates for the Flex Track Menu items will be maintained and regularly updated in the MOU Compliance Policies and BMP Guidebook.

### GPCD Compliance Option

Gallons per capita daily (GPCD) is the third compliance approach for the MOU. The combined water savings from implementation of the Foundational and Programmatic BMPs should produce greater water savings than the Programmatic BMPs themselves. Since most Foundational BMPs are not quantified, the GPCD approach evaluates compliance by evaluating the overall reduction in per capita water demand over time. One measure of efficiency, GPCD, indicates the increase in efficiency in water demand over time, by dividing demand by population, which gives average water consumption value per person served. The GPCD Approach includes the following sections: Potable Water GPCD Equation; Baseline GPCD; GPCD Target; Biennial GPCD Targets; Compliance; Appeals and GPCD Calculation Refinement.

#### **Potable Water GPCD Equation**

Potable Water GPCD =  $(PWI - PWS) / Pop / 365$ ; where

1. PWI = Potable Water Into the retail water agency's service area distribution system.
2. PWS = Potable Water taken out of the retail water agency's service area distribution system and:
  - placed into storage and/or
  - delivered to an agricultural customer through a dedicated agricultural meter, at discretion of the retail water agency.
3. Pop = residential population of the retail water agency's service area.

#### **Baseline GPCD**

The Baseline GPCD shall equal the average annual Potable Water GPCD for the years 1997 through 2006. Signatory Water Suppliers who signed the MOU prior to 1997 and can demonstrate significant investment in water conservation may propose a different Baseline period as outlined in the MOU Compliance Policy.

#### **GPCD Target**

For purposes of compliance, the 2018 GPCD Target for all signatories as of July 1, 2009 shall equal Baseline GPCD multiplied by 0.82 (an 18% reduction).

#### **Biennial GPCD Targets**

Using the Compliance Table below, for each "Year" in the table, a retail water agency's Biennial GPCD Target shall equal its Baseline GPCD multiplied by that year's Target (% Baseline). A retail water agency may choose a starting point as either its Baseline GPCD or its 2006 Potable Water GPCD.



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As Amended on December 10, 2008

### Compliance

For retail water agencies choosing the GPCD Option for compliance with the Programmatic BMPs, the retail water agency shall submit the following calculations along with supporting data as part of their first normal biennial report for that period:

- (1) Potable Water GPCD for each year in the baseline period;
- (2) 2018 GPCD Target and five Biennial GPCD Targets; and

A retail water agency shall be considered to be in compliance with the BMPs in any reporting period when it submits the following:

- (1) Complete "Water Supply & Reuse" and "Accounts & Water Use"
- (2) Supporting data necessary to calculate that reporting period's Potable Water GPCD; and
- (3) Calculations showing the reporting period's Potable Water GPCD is less than or equal to that period's Biennial GPCD Target, or Highest Acceptable Bound when the period's Potable Water GPCD has been weather-adjusted.

Compliance will be evaluated in relation to the Compliance Table below and relative progress toward the goal will be acknowledged in Council Compliance Reports. For signatory agencies signing the MOU after July 1, 2009, the compliance table will be read as five increments with reporting goals relative to their 1st through 5th Compliance reports.

### Compliance Table

Year	Compliance Report	Target (% Baseline)	Highest Acceptable Bound (%Baseline)
2010	1	96.4	100
2012	2	92.8	96.4
2014	3	89.2	92.8
2016	4	85.6	89.2
2018	5	82	82

## EXHIBIT 1

*As Amended on December 10, 2008*

### **Appeals**

An appeals/ adjustment process will be available, as outlined in the MOU Compliance Policy, for substantiated exceptional impacts to GPCD such as exceptional use of potable water for wildfire suppression and significant changes to a signatory's economic or customer demographics.

Signatories that signed the MOU prior to 1997 (the beginning of the Baseline Period), and that can substantiate significant investments in conservation leading to declines in water consumption as measured by GPCD, may file an appeal to adjust the baseline period to reflect per capita water demands in the period prior to their signing the MOU.

### **GPCD Calculation Refinement**

CUWCC GPCD subcommittee shall provide, no later than December 31, 2009, acceptable methods retail water agencies may use when weather-normalizing data for compliance with this BMP. Additional methods or revisions to these methods may be approved by the Steering Committee from time-to-time.

**AB 1420 Self- Certification Statement Table 1**

Note: Table 1 documents Status of Past and Current BMP implementation.

Self-Certification Statement: The Urban Water Supplier and its authorized representative certifies, under penalty of perjury, that all information and claims, stated in this table, regarding compliance and implementation of the BMPs, including alternative conservation approaches, are true and accurate. This signed AB 1420 Self-Certification Statement Table 1, and Table 2 are the basis for granting funds by the Funding Agency. Falsification and/or inaccuracies in AB 1420 Self Certification Statement Table 1, and Table 2 and in any supporting documents substantiating such claims may, at the discretion of the funding agency, result in loss of all State funds to the applicant. Additionally, the Funding Agency, in its sole discretion, may halt disbursement of grant or loan funds, not pay pending invoices, and/or pursue any other applicable legal remedy and refer the matter to the Attorney General's Office.

Name of Signatory \_\_\_\_\_ Title of Signatory \_\_\_\_\_ Signature of signatory \_\_\_\_\_ Date \_\_\_\_\_

**Application Date:**

Proposal Identification Number:  CUWCC Member? Yes/No

Has Urban Water Supplier submitted a 2005 Urban Water Management Plan? Yes/No  Is the UWM Plan Deemed Complete by DWR? Yes/No

Applicant Name:

**Project Title:**

Applicant's Contact Information: Name:  Phone:  E-mail:

**Participants:**

Retailer (List Below)					Wholesaler (List Below)				

C1 C2 C3 C4 C5 \*C6 C7 \*\*C8 \*\*C9 \*\*C10 C11 C12 C13 C14 C15 C16 C17 C18

BMPs required for Wholesale Supplier	BMPs required for Retail Supplier	BMPs	BMP Implemented by Retailers and/or Wholesalers / BMP			Compliance Options/Alternative Conservation Approaches (1)			BMP Is Exempt (2)			BMP Implementation Requirements Met					
			Retailer Yes/No	Wholesaler Yes/No	Regional Yes/No	BMP Checklist	Flex Track	Gallons Per Capita Per Day GPCD	Not Cost Effective	Lack of Funding	Lack of Legal Authority	CUWCC MOU Requirement Met: Retailer Yes/No	CUWCC MOU Requirement Met: Wholesaler Yes/No	Date of BMP Report Submitted to CUWCC for (2007-2008) (MOU Signatories)	Date BMP Implementation Data Submitted to DWR in CUWCC Format (Non MOU Signatories) (3)	All Supporting Documents have been Submitted Yes/No	
	✓	BMP 1 Water Survey for Single/Multi-Family Residential Customers															
	✓	BMP 2 Residential Plumbing Retrofit															
✓	✓	BMP 3 System Water Audits, Leak Detection															
✓	✓	BMP 3 Leak Repairs															
	✓	BMP 4 Metering with Commodity Rates for All New connections															
	✓	BMP 4 Retrofit of Existing Connections															

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BMPs required for Wholesaler Supplier	BMPs required for Retail Supplier	BMPs	BMP Implemented by Retailers and/or Wholesalers / BMP			Compliance Options/Alternative Conservation Approaches (1)			BMP Is Exempt (2)			BMP Implementation Requirements Met					
			Retailer Yes/No	Wholesaler Yes/No	Regional Yes/No	BMP Checklist	Flex Track	Gallons Per Capita Per Day GPCD	Not Cost Effective	Lack of Funding	Lack of Legal Authority	CUWCC MOU Requirement Met: Retailer Yes/No	CUWCC MOU Requirement Met: Wholesaler Yes/No	Date of BMP Report Submitted to CUWCC for (2007-2008) (MOU Signatories)	Date BMP Implementation Data Submitted to DWR in CUWCC Format (Non MOU Signatories) (3)	All Supporting Documents have been Submitted Yes/No	
	✓	BMP 5 Large Landscape Conservation Programs and Incentives															
	✓	BMP 6 High-Efficiency Washing Machine Rebate Programs															
✓	✓	BMP 7 Public Information															
✓	✓	BMP 8 School Education															
	✓	BMP 9 Conservation programs for Commercial, Industrial, and Institutional (CII) Accounts															
✓		BMP 10 Wholesale Agency Assistance Programs															
	✓	BMP 11 Conservation Pricing															
✓	✓	BMP 12 Conservation Coordinator															
	✓	BMP 13 Water Waste Prohibitions															
	✓	BMP 14 Residential ULFT Replacement Programs															

\*C6: Wholesaler may also be a retailer (supplying water to end water users)

\*\*C8, \*\*C9, \*\*, and C10: Agencies choosing an alternative conservation approach are responsible for achieving water savings equal or greater than that which they would have achieved using only BMP list.

(1) For details, please see: <http://www.cuwcc.org/mou/exhibit-1-bmp-definitions-schedules-requirements.aspx>.

(2) BMP is exempt based on cost-effectiveness, lack of funding, and lack of legal authority criteria as detailed in the CUWCC MOU

(3) Non MOU signatories must submit to DWR reports and supporting documents in the same format as CUWCC.

**AB 1420 Self-Certification Statement Table 2**

**Provide Schedule, Budget, and Finance Plan to Demonstrate Commitment to Implement All BMP's to Become in Compliance with BMP Implementation - Commencing Within 1st Year of Agreement for Which Applicant Receives Funds.**

Self-Certification Statement: The Urban Water Supplier and its authorized representative certifies, under penalty of perjury, that all information and claims, stated in this table, regarding compliance and implementation of the BMPs, including alternative conservation approaches, are true and accurate. This signed AB 1420 Self-Certification Statement Table 1 and Table 2 are the basis for granting funds by the Funding Agency. Falsification and/or inaccuracies in AB 1420 Self Certification Statement Table 1 and Table 2, and in any supporting documents substantiating such claims may, at the discretion of the funding agency, result in loss of all State funds to the applicant. Additionally, the Funding Agency, in its sole discretion, may halt disbursement of grant or loan funds, not pay pending invoices, and/or pursue any other applicable legal remedy and refer the matter to the Attorney General's Office.

Name of Signatory \_\_\_\_\_ Title of Signatory \_\_\_\_\_ Signature of signatory \_\_\_\_\_ Date \_\_\_\_\_

**Application Date:**

Proposal Identification Number:  C UWCC Member? Yes/No

Applicant Name:  Is the UWM Plan Deemed Complete by DWR? Yes/No

Project Title:

Applicant's Contact Information: Name

Participants:			
Retailer (List Below)			

C1	C2	C3	C4	C5	*C6	C7	C8	**C9	**C10	**C11	C12	C13	C14	C15	C16	C17	C18	C19
CUWCC 2010 Flex Track BMPs	BMPs required for Wholesale Supplier	BMPs required for Retail Supplier	BMPs	BMP Implemented by Retailers and/or Wholesalers			Compliance Options / Alternative Conservation Approaches (1)			BMP is Exempt (2)		Implementation Scheduled to Commence within 1st Year of Agreement						
				Retailer Yes/No	Wholesaler Yes/No	Regional Yes/No	Alternative Conservation Approaches Yes/No	BMP Checklist	Flex Track	Gallons Per Capita Per Day GPCD	Not Cost Effective	Lack of Funding	Lack of Legal Authority	Start Date (MM/YR)	Completion Level (%)	BMP Completion Date (MM/YR)	Budget (Dollars)	Funding Source & Finance Plan to Implement BMPs
<b>1. Utility Operations Programs</b>																		
1.11	✓	✓	BMP 12 Conservation Coordinator															
1.12		✓	BMP 13 Water Waste Prohibitions															
1.13	✓	✓	BMP 10 Wholesale Agency Assistance Programs															
1.20	✓	✓	BMP 3 System Water Audits, Leak Detection/Repair															
1.30		✓	BMP 4 Metering with Commodity Rates for All New/Retrofit of Existing connections															
1.40		✓	BMP 11 Conservation Pricing															
<b>2. Educational Programs</b>																		
2.10	✓	✓	BMP 7 Public Information															
2.20	✓	✓	BMP 8 School Education															
<b>3. Residential</b>																		
3.11		✓	BMP 1 Indoor Water Survey for Single/Multi-Family Residential Customers															
3.12			BMP 1 Outdoor Water Survey for Single/Multi-Family Residential Customers															
3.20		✓	BMP 2 Residential Plumbing Retrofit															

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CUWCC 2010 Flex Track BMPs	BMPs required for Wholesale Supplier	BMPs required for Retail Supplier	BMPs	BMP Implemented by Retailers and/or Wholesalers			Compliance Options / Alternative Conservation Approaches (1)			BMP is Exempt (2)	Implementation Scheduled to Commence within 1st Year of Agreement								
				Retailer Yes/No	Wholesaler Yes/No	Regional Yes/No	Alternative Conservation Approaches Yes/No	BMP Checklist	Flex Track		Gallons Per Capita Per Day GPCD	Not Cost Effective	Lack of Funding	Lack of Legal Authority	Start Date (MM/YR)	Completion Level (%)	BMP Completion Date (MM/YR)	Budget (Dollars)	Funding Source & Finance Plan to Implement BMPs
3.30		✓	BMP 6 High-Efficiency Washing Machine Rebate Programs																
3.40		✓	BMP 14 Residential ULFT Replacement Programs																
<b>4. Commercial, Industrial, Institutional</b>																			
4.00		✓	BMP 9 Conservation programs for Commercial, Industrial, and Institutional (CI) Accounts																
<b>5. Landscape</b>																			
5.00		✓	BMP 5 Large Landscape Conservation Programs and Incentives																

\*C6: Wholesaler may also be a retailer (supplying water to end water users)

\*\*C9, \*\* C10, and \*\*C11: Agencies choosing an alternative conservation approach are responsible for achieving water savings equal or greater than that which they would have achieved using only BMP list.

(1) For details, please see <http://www.cuwcc.org/mou/exhibit-1-bmp-definitions-schedules-requirements.aspx>.

(2) BMP is exempt based on cost-effectiveness, lack of funding, or lack of legal authority, as detailed in the CUWCC MOU.

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# Best Management Practices Report Filing

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## Base Year Data

Reporting Unit:

Form Status:

**INSTRUCTIONS:** This form **MUST BE** completed and submitted to the CUWCC prior to filing any BMP reports. The data provided on this form is used in determining coverage requirements for specific BMPs as indicated. If some of the data requested is not available, make reasonable estimates. You can update and edit values, if more precise information becomes available in the future.

**For Customer Classification Definitions (i.e. Single Family, Multi-Family) click [HERE](#).**

1. Your **BASE YEAR** is 1997.  
NOTE: Many calculations in determining credit history and coverage requirements are contingent on your BASE YEAR, which is calculated based on the following criteria. If a Signatory signed the MOU in 1997 or earlier, then the Base Year is 1997. If a Signatory signed the MOU after 1997, then the Base Year is the year the MOU was signed. The same holds true for USBR Contractors, except the date their Base Year is calculated from is the date that their Plan was noticed in the Federal Register.

### BMP 1

2. Number of single-family customers in 1997

3. Number of multi-family units in 1997

### BMPs 2 and 14

4. Number of single-family housing units constructed prior to 1992

5. Number of multi-family units prior to 1992

### BMP 4

6. Number of unmetered accounts in 1997

### BMPs 5 and 9

7. Number of commercial accounts in 1997

8. Number of industrial accounts in 1997

9. Number of institutional accounts in 1997

10. Number of mixed used meters in 1997

11. Total water use (AF) by commercial, industrial and institutional accounts in 1997

### BMP 14

12. Average number of toilets per single-family household

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	13. Average number of toilets per multi-family household	
	14. Five-year average resale rate of single-family households	
	15. Five-year average resale rate of multi-family households	
	16. Average persons per single-family household	
	17. Average persons per multi-family household	



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## Water Supply & Reuse

Reporting Unit: \_\_\_\_\_ Year: \_\_\_\_\_

### Water Supply Source Information

You must click "Update" or "Delete" for **each** supply source you identify. Selecting Update is the same as the "Save Session" button on other forms.  
[Acre Feet Conversion Calculator](#)

Supply Source Name	Quantity (AF) Supplied	Supply Type	Update/Delete a Supply Source
Demo Wholesa	1000	Imported	<input type="button" value="Update"/>

**Total AF: 1000**

**ADD Water Supply Sources:**

Supply Source Name	Quantity (AF) Supplied	Supply Type	ADD a Supply Source
		Choose One	<input type="button" value="Add"/>



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## Accounts & Water Use

Reporting Unit Name:	Form Status:	Year:
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For Customer Classification Definitions (i.e. Single Family, Multi-Family) click [HERE](#).

What is the reporting year?	<input type="text"/>	Month Ending	<input type="text"/>
-----------------------------	----------------------	--------------	----------------------

### A. Service Area Population Information:

1. Total service area population	<input type="text"/>
----------------------------------	----------------------

### B. Number of Accounts and Water Deliveries (AF)

	Type	Metered		Unmetered	
		No. of Accounts	Water Deliveries (AF)	No. of Accounts	Water Deliveries (AF)
<input type="checkbox"/>	1. Single-Family				
<input type="checkbox"/>	2. Multi-Family				
<input type="checkbox"/>	3. Commercial				
<input type="checkbox"/>	4. Industrial				
<input type="checkbox"/>	5. Institutional				
<input type="checkbox"/>	6. Dedicated Irrigation				
<input type="checkbox"/>	7. Recycled Water				
<input type="checkbox"/>	8. Other				
<input type="checkbox"/>	9. Unaccounted	NA		NA	
	<b>Total</b>				
	AF Conversion Calculator:		<b>Metered</b>		<b>Unmetered</b>

### C. Comments

<input type="text"/>
----------------------

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## BMP 01: Water Survey Programs for Single-Family and Multi-Family Residential Customers

Reporting Unit:	BMP Form Status:	Year:
-----------------	------------------	-------

**For Customer Classification Definitions (i.e. Single Family, Multi-Family) click [HERE](#).**

### A. Implementation

<input type="checkbox"/>	1. Based on your signed MOU date, 05/05/1991, your Agency STRATEGY DUE DATE is no later than:	05/04/1993
<input type="checkbox"/>	2. Has your agency developed and implemented a targeting/marketing strategy for SINGLE-FAMILY residential water use surveys?	Yes <input type="radio"/> No <input type="radio"/>
	a. If YES, when was it implemented? (Enter 4-digit year mm/dd/yyyy)	
<input type="checkbox"/>	3. Has your agency developed and implemented a targeting/marketing strategy for MULTI-FAMILY residential water use surveys?	Yes <input type="radio"/> No <input type="radio"/>
	a. If YES, when was it implemented? (Enter 4-digit year mm/dd/yyyy)	

### B. Water Survey Data

Survey Counts	Single Family Accounts	Multi-Family Units
1. Number of surveys offered:		
2. Number of surveys completed:		
<b>Indoor Survey:</b>	<b>SF Accounts</b>	<b>MF Units</b>
<input type="checkbox"/> 3. Check for leaks, including toilets, faucets and meter checks	Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>
<input type="checkbox"/> 4. Check showerhead flow rates, aerator flow rates, and offer to replace or recommend replacement, if necessary	Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>
<input type="checkbox"/> 5. Check toilet flow rates and offer to install or recommend installation of displacement device or direct customer to ULFT replacement program, as necessary; replace leaking toilet flapper, as necessary	Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>
<b>Outdoor Survey:</b>	<b>SF Accounts</b>	<b>MF Units</b>
<input type="checkbox"/> 6. Check irrigation system and timers	Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>
<input type="checkbox"/> 7. Review or develop customer irrigation schedule	Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>

❖	8. Measure landscaped area (Recommended but not required for surveys)	Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>
❖	9. Measure total irrigable area (Recommended but not required for surveys)	Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>
❖	10. Which measurement method is typically used (Recommended but not required for surveys)	Image-Based <input type="radio"/> Measuring Tape <input type="radio"/> Odometer Wheel <input type="radio"/> Pacing <input type="radio"/> Other <input type="radio"/> None <input type="radio"/>	
❖	11. Were customers provided with information packets that included evaluation results and water savings recommendations?	Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>
❖	12. Have the number of surveys offered and completed, survey results, and survey costs been tracked?	Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>
❖	a. If yes, in what form are surveys tracked?	Database <input type="radio"/> Spreadsheet <input type="radio"/> Manual Activity <input type="radio"/> None <input type="radio"/>	
b. Describe how your agency tracks this information.			
<b>C. "At Least As Effective As"</b>			
❖	1. Is your AGENCY implementing an "at least as effective as" variant of this BMP?	Yes <input type="radio"/> No <input type="radio"/>	
a. If YES, please explain in detail how your implementation of this BMP differs from Exhibit 1 and why you consider it to be "at least as effective as."			
<b>D. Comments</b>			

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## BMP 02: Residential Plumbing Retrofit

Reporting Unit:	BMP Form Status:	Year:
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### A. Implementation

<input type="checkbox"/>	1. Is there an enforceable ordinance in effect in your service area requiring replacement of high-flow showerheads and other water use fixtures with their low-flow counterparts?	Yes <input type="radio"/> No <input type="radio"/>
<input type="checkbox"/>	a. If YES, list local jurisdictions in your service area and code or ordinance in each:	
<input type="checkbox"/>	2. Has your agency satisfied the 75% saturation requirement for single-family housing units?	Yes <input type="radio"/> No <input type="radio"/>
<input type="checkbox"/>	3. Estimated percent of single-family households with low-flow showerheads:	%
<input type="checkbox"/>	4. Has your agency satisfied the 75% saturation requirement for multi-family housing units?	Yes <input type="radio"/> No <input type="radio"/>
<input type="checkbox"/>	5. Estimated percent of multi-family households with low-flow showerheads:	%
	6.a. If YES to 2 OR 4 above, did your survey methodology fully comply with the requirements of BMP 2?	Yes <input type="radio"/> No <input type="radio"/>
	6.b. If YES to 2 OR 4 above, please describe how saturation was determined, including the dates and results of any survey research.	

### B. Low-Flow Device Distribution Information

<input type="checkbox"/>	1. Has your agency developed a targeting/ marketing strategy for distributing low-flow devices?	Yes <input type="radio"/> No <input type="radio"/>
	a. If YES, when did your agency begin implementing this strategy? (Use four-digit year, mm/dd/yyyy)	
	b. Common targeting/ marketing methods.	Direct Mail to Owners <input type="checkbox"/> Direct Mail to Residents <input type="checkbox"/> Telemarketing <input type="checkbox"/> Bill Stuffer <input type="checkbox"/> Bill Messages <input type="checkbox"/> Door-to-Door <input type="checkbox"/> PSAs <input type="checkbox"/> Other <input type="checkbox"/>

c. Describe your targeting/ marketing strategy.		
<input type="checkbox"/>	<b>Low-Flow Devices Distributed/ Installed</b>	<b>SF Accounts</b> <b>MF Units</b>
	2. Number of low-flow showerheads distributed:	
	3. Number of toilet-displacement devices distributed:	
	4. Number of toilet flappers distributed:	
	5. Number of faucet aerators distributed:	
<input type="checkbox"/>	6. Does your agency track the distribution and cost of low-flow devices?	Yes <input type="radio"/> No <input type="radio"/>
	a. If YES, in what format are low-flow devices tracked?	Database <input type="radio"/> Spreadsheet <input type="radio"/> Manual Activity <input type="radio"/> None <input checked="" type="radio"/>
	b. If yes, describe your tracking and distribution system :	
<b>C. "At Least As Effective As"</b>		
<input type="checkbox"/>	1. Is your AGENCY implementing an "at least as effective as" variant of this BMP?	Yes <input type="radio"/> No <input type="radio"/>
	a. If YES, please explain in detail how your implementation of this BMP differs from Exhibit 1 and why you consider it to be "at least as effective as."	
<b>D. Comments</b>		

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<b>BMP 03: System Water Audits, Leak Detection and Repair</b>		
Reporting Unit:	BMP Form Status:	Year:
<b>A. Implementation</b>		
<input type="checkbox"/> 1. Does your agency own or operate a water distribution system?	Yes <input type="radio"/> No <input checked="" type="radio"/>	
- IF YOU ANSWERED NO TO #1, YOU ARE DONE WITH THE FORM. - IF YOU ANSWERED YES TO #1, PLEASE ANSWER THE FOLLOWING QUESTIONS.		
<input type="checkbox"/> 2. Has your agency completed a pre-screening system audit for this reporting year?	Yes <input type="radio"/> No <input type="radio"/>	
<input type="checkbox"/> 3. If YES, enter the values (AF/Year) used to calculate verifiable use as a percent of total production: <a href="#">Unit Conversion Calculator</a>		
a. Determine metered sales (AF)	<input type="text"/>	
b. Determine other system verifiable uses (AF)	<input type="text"/>	
c. Determine total supply into the system (AF)	<input type="text"/>	
d. Using the numbers above, if (Metered Sales + Other Verifiable Uses) / Total Supply is < 0.9 then a full-scale system audit is required. (This number will automatically calculate when you Save the Session)	0.00	
<input type="checkbox"/> 4. Does your agency keep necessary data on file to verify the values entered in question 3?	Yes <input type="radio"/> No <input type="radio"/>	
<input type="checkbox"/> 5. Did your agency complete a full-scale system water audit during this report year?	Yes <input type="radio"/> No <input type="radio"/>	
<input type="checkbox"/> 6. Does your agency maintain in-house records of audit results or the completed AWWA M36 audit worksheets for the completed audit which could be forwarded to CUWCC?	Yes <input type="radio"/> No <input type="radio"/>	
<input type="checkbox"/> 7. Does your agency operate a system leak detection program?	Yes <input type="radio"/> No <input type="radio"/>	
a. If yes, describe the leak detection program:	<input style="width: 100%; height: 40px;" type="text"/>	
<b>B. Survey Data</b>		
<input type="checkbox"/> 1. Total number of miles of distribution system line:	<input type="text"/>	
<input type="checkbox"/> 2. Number of miles of distribution system line surveyed:	<input type="text"/>	
<b>C. "At Least As Effective As"</b>		
<input type="checkbox"/> 1. Is your agency implementing an "at least as effective as" variant of this BMP?	Yes <input type="radio"/> No <input type="radio"/>	



The following information is being requested for research purposes in the CUWCC's redesign of the BMP03 requirements. Although, filling in this information is purely voluntary, assembling this data will greatly aid the CUWCC's understanding of member water agency distribution systems. This information will not be used to calculate your compliance with the present BMP03.

**E. Volumes**

			2004 Data Reported	
			Estimated	Verified
<input type="checkbox"/>	1. Volume of raw water supplied to the system	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	2. Volume treated water supplied into the system	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	3. Volume of water exported from the system	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	4. Volume of billed authorized metered consumption	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	5. Volume of billed authorized un-metered consumption	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	6. Volume of unbilled authorized metered consumption	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	7. Volume of unbilled authorized unmetered consumption	<input type="text"/>	<input type="text"/>	<input type="text"/>

**F. Infrastructure and Hydraulics**

<input type="checkbox"/>	1. Are system input (source or master meter) volumes metered at the entry to the:	Distribution System <input checked="" type="radio"/> Treatment Facility <input type="radio"/> Both <input type="radio"/>		<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	2. How frequently are system input volumes tested and calibrated:	# <input type="text"/> months		<input type="text"/>	<input type="text"/>
			<b>Estimated</b>	<b>Verified</b>	<b>Estimated</b> <b>Verified</b>
<input type="checkbox"/>	3. Length of mains	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	4. What % distribution of mains are rigid pipes (metal, ac, concrete)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	5. Number of service connections	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<input type="checkbox"/>	6. What % of service connections are rigid pipes (metal)	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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	7. Are residential properties fully metered?		Yes <input type="radio"/>		
			No <input checked="" type="radio"/>		
	8. Are non-residential properties fully metered?		Yes <input checked="" type="radio"/>		
			No <input type="radio"/>		
		<b>Estimated</b>	<b>Verified</b>	<b>Estimated</b>	<b>Verified</b>
<input checked="" type="checkbox"/>	9. Provide an estimate of customer meter under-registration:	<input type="text"/>	<input type="text"/>		
<input checked="" type="checkbox"/>	10. Average length of customer service line from the main to the point of the meter:	<input type="text"/>	<input type="text"/>		
<input checked="" type="checkbox"/>	11. Average system pressure:		<input type="text"/>		
<input checked="" type="checkbox"/>	12. Range of system pressures:		From <input type="text"/> to <input type="text"/>		
<input checked="" type="checkbox"/>	13. What percentage of the system is fed from gravity feed:		<input type="text"/>		
<input checked="" type="checkbox"/>	14. What percentage of the system is fed by pumping and re-pumping:		<input type="text"/>		
<b>G. Maintenance Questions</b>					
	1. Who is responsible for providing, testing, repairing and replacing customer meters?:		Utility <input checked="" type="radio"/>		
			Customer <input type="radio"/>		
	2. Does your agency test, repair and replace your meters on a regular timed schedule?		Yes <input checked="" type="radio"/>		
			No <input type="radio"/>		
	a. If yes, does your agency test by meter size or customer category?		Meter Size <input type="radio"/>		
			Customer Category <input checked="" type="radio"/>		
	b. If yes to meter size, please provide the frequency of testing by meter size:				
	Less than or equal to 1"		# <input type="text"/> years		
	1.5" to 2"		# <input type="text"/> years		
	3" and Larger		# <input type="text"/> months		
	c. If yes to customer category, provide the frequency of testing by customer category:				
	SF residential		# <input type="text"/> years		
	MF residential		# <input type="text"/> years		

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	Commercial	# <input type="text"/> months	
	Industrial & Institutional	# <input type="text"/> months	
	3. Who is responsible for repairs to the customer lateral or customer service line?:	Utility <input checked="" type="radio"/> Customer <input type="radio"/>	
	4. Who is responsible for service line repairs downstream of the customer meter?:	Utility <input checked="" type="radio"/> Customer <input type="radio"/>	
	5. Does your agency proactively search for leaks using leak survey techniques or does your utility reactively repair leaks which are called in, or both?	Leak Survey Techniques <input checked="" type="radio"/> Leak Repairs <input type="radio"/> Both <input type="radio"/>	
	6. What is the utility budget breakdown for:		
	Leak Detection	\$ <input type="text"/>	
	Leak Repair	\$ <input type="text"/>	
	Auditing and Water Loss Evaluation	\$ <input type="text"/>	
	Meter Testing	\$ <input type="text"/>	

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## BMP 04: Metering with Commodity Rates for all New Connections and Retrofit of Existing

Reporting Unit:	BMP Form Status:	Year:
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### A. Implementation

◆	1. Does your agency have any unmetered service connections?	Yes <input type="radio"/>	No <input type="radio"/>
	a. If YES, has your agency completed a meter retrofit plan?	Yes <input type="radio"/>	No <input type="radio"/>
	b. If YES, number of previously unmetered accounts fitted with meters during report year:		
◆	2. Are all new service connections being metered?	Yes <input type="radio"/>	No <input type="radio"/>
◆	3. Are all new service connections being billed volumetrically with meters?	Yes <input type="radio"/>	No <input type="radio"/>
◆	4. Has your agency completed and submitted electronically to the Council a written plan, policy or program to test, repair and replace meters?	Yes <input type="radio"/>	No <input type="radio"/>

	Account Type	Number of Metered Accounts	Number of Metered Accounts Read	Number of Metered Accounts Billed by Volume	Billing Frequency Per Year	Number of Volume Estimates
◆	5. Please fill out the following matrix:					
	a. Single Family					
	b. Multi-Family					
	c. Commercial					
	d. Industrial					
	e. Institutional					
	f. Landscape Irrigation					

### B. Feasibility Study

◆	1. Has your agency conducted a feasibility study to assess the merits of a program to provide incentives to switch mixed-use accounts to dedicated landscape meters?	Yes <input type="radio"/>	No <input type="radio"/>
	a. If YES, when was the feasibility study conducted? (mm/dd/yyyy)		
	b. Describe the feasibility study:		
◆	2. Number of CII accounts with mixed-use meters:		

◆	3. Number of CII accounts with mixed-use meters retrofitted with dedicated irrigation meters during reporting period.	
<b>C. "At Least As Effective As"</b>		
◆	1. Is your agency implementing an "at least as effective as" variant of this BMP?	Yes <input type="radio"/> No <input type="radio"/>
	a. If YES, please explain in detail how your implementation of this BMP differs from Exhibit 1 and why you consider it to be "at least as effective as." <div data-bbox="532 432 1130 541" style="border: 1px solid black; height: 50px;"></div>	
<b>D. Comments</b>		
	<div data-bbox="532 600 1130 716" style="border: 1px solid black; height: 50px;"></div>	

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## BMP 05: Large Landscape Conservation Programs and Incentives

Reporting Unit:	BMP Form Status:	Year:
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### A. Water Use Budgets

	1. Number of Dedicated Irrigation Meter Accounts:	
◆	2. Number of Dedicated Irrigation Meter Accounts with Water Budgets:	
◆	3. Budgeted Use for Irrigation Meter Accounts with Water Budgets (AF) during reporting period:	
◆	4. Actual Use for Irrigation Meter Accounts with Water Budgets (AF) during reporting period:	
	5. Does your agency provide water use notices to accounts with budgets each billing cycle?	Yes <input type="radio"/> No <input type="radio"/>

### B. Landscape Surveys

◆	1. Has your agency developed a marketing / targeting strategy for landscape surveys?	Yes <input type="radio"/> No <input type="radio"/>
	a. If YES, when did your agency begin implementing this strategy? (Year must be four digit mm/dd/yyyy)	
	b. Description of marketing / targeting strategy:	
	2. Number of Surveys Offered during reporting period:	
	3. Number of Surveys Completed during reporting period:	
◆	4. Indicate which of the following Landscape Elements are part of your survey:	
	a. Irrigation System Check	Yes <input type="radio"/> No <input type="radio"/>
	b. Distribution Uniformity Analysis	Yes <input type="radio"/> No <input type="radio"/>
	c. Review / Develop Irrigation Schedules	Yes <input type="radio"/> No <input type="radio"/>
	d. Measure Landscape Area	Yes <input type="radio"/> No <input type="radio"/>
	e. Measure Total Irrigable Area	Yes <input type="radio"/> No <input type="radio"/>
	f. Provide Customer Report / Information	Yes <input type="radio"/> No <input type="radio"/>

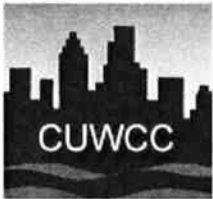
<input checked="" type="checkbox"/>	5. Do you track survey offers and results?	Yes <input type="radio"/>	No <input type="radio"/>
	6. Does your agency provide follow-up surveys for previously completed surveys?	Yes <input checked="" type="radio"/>	No <input type="radio"/>
<input checked="" type="checkbox"/>	a. If YES, describe below:		
<b>C. Other BMP 5 Actions</b>			
<input checked="" type="checkbox"/>	1. An agency can provide mixed-use accounts with ETo-based landscape budgets in lieu of a large landscape survey program. Does your agency provide mixed-use accounts with landscape budgets?	Yes <input type="radio"/>	No <input type="radio"/>
	2. Number of CII mixed-use accounts with landscape budgets.		
	Number of CII accounts with mixed-use meters retrofitted with dedicated irrigation meters during reporting period. (From BMP 4 report)		
	Total number of change-outs from mixed-use to dedicated irrigation meters since Base Year.		
	3. Do you offer landscape irrigation training?	Yes <input type="radio"/>	No <input type="radio"/>
<input checked="" type="checkbox"/>	4. Does your agency offer financial incentives to improve landscape water use efficiency? If YES, provide the following information for the reporting period:	Yes <input type="radio"/>	No <input type="radio"/>
	<b>Type of Financial Incentive:</b>	<b>Budget (Dollars/Year)</b>	<b>Number Awarded to Customers</b>
	a. Rebates		
	b. Loans		
	c. Grants		
	5. Do you provide landscape water use efficiency information to new customers and customers changing services?	Yes <input type="radio"/>	No <input type="radio"/>
	a. If YES, describe below:		
	6. Do you have irrigated landscaping at your facilities?	Yes <input type="radio"/>	No <input type="radio"/>
	a. If yes, is it water-efficient?	Yes <input type="radio"/>	No <input type="radio"/>

	b. If yes, does it have dedicated irrigation metering?	Yes <input type="radio"/> No <input type="radio"/>
?	7. Do you provide customer notices at the start of the irrigation season?	Yes <input type="radio"/> No <input type="radio"/>
?	8. Do you provide customer notices at the end of the irrigation season?	Yes <input type="radio"/> No <input type="radio"/>
<b>D. "At Least As Effective As"</b>		
?	1. Is your AGENCY implementing an "at least as effective as" variant of this BMP?	Yes <input type="radio"/> No <input type="radio"/>
	a. If YES, please explain in detail how your implementation of this BMP differs from Exhibit 1 and why you consider it to be "at least as effective as."	
<b>E. Comments</b>		

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## BMP 06: High-Efficiency Washing Machine Rebate Programs

Reporting Unit:	BMP Form Status:	Year:
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### A. Coverage Goal

	Single Family	Multi-Family
1. Number of <b>residential</b> dwelling units in the agency service area.	70	15
2. Coverage Goal = Total Dwelling Units x 0.048	= 4.08 Points	

### B. Implementation

1. Does your agency offer rebates for <b>residential</b> high-efficiency washers?	Yes <input type="radio"/>	No <input type="radio"/>
---	---------------------------	--------------------------

HEW Water Factor	Number of Financial Incentives Issued	Total Value of Water Agency Financial Incentives	POINTS AWARDED
2. Greater than 8.5 but not exceeding 9.5 (1 point each)			
3. Greater than 6.0 but not exceeding 8.5 (2 points each)			
4. Less than or equal to 6.0 (3 points each)			

### C. Past Credit Points

HEW incentives issued before July 1, 2004 = 0 Total Points

#### Method One: Points based on HEW Water Factor

HEW Water Factor	Number of Financial Incentives Issued	Total Value of Water Agency Financial Incentives	POINTS AWARDED
1. Greater than 8.5 but not exceeding 9.5 (1 point each)			
2. Greater than 6.0 but not exceeding 8.5 (2 points each)			
3. Less than or equal to 6.0 (3 points each)			

#### Method Two: Agency earns 1 point for each HEW

	Number of Financial Incentives Issued	Total Value of Water Agency Financial Incentives	POINTS AWARDED
4. Total HEWs installed			

<b>D. Rebate Program Expenditures</b>	
<input type="checkbox"/> 1. Average or Estimated Administration and Overhead	
<b>E. "At Least As Effective As"</b>	
<input type="checkbox"/> 1. Is your agency implementing an "at least as effective as" variant of this BMP?	Yes <input type="radio"/> No <input type="radio"/>
	a. If YES, please explain in detail how your implementation of this BMP differs from Exhibit 1 and why you consider it to be "at least as effective as."
<b>F. Comments</b>	

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### BMP 07: Public Information Programs

Reporting Unit:	BMP Form Status:	Year:
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#### A. Implementation

<input type="checkbox"/> 1. How is your public information program implemented?		
	a. Wholesaler implements program (none or minimal retailer participation) 1. Which wholesaler(s)?	<input type="radio"/>
	b. Wholesaler and retailer both participate in program 1. Which wholesaler(s)?	<input type="radio"/>
	c. Retailer runs program without wholesaler sponsorship	<input type="radio"/>
	d. No public information program being implemented	<input type="radio"/>
<input type="checkbox"/> - IF YOU CHECKED "1.a.", YOU ARE FINISHED WITH THIS FORM. Your wholesaler will report on all program activities. - If you checked "1.b." or "1.c.", please answer the following questions for only YOUR agency's program (do not include wholesaler activities):		
<input type="checkbox"/> 2. Describe the program and how it's organized.		
<input type="checkbox"/> 3. Indicate which and how many of the following activities are included in your public information program:		
Public Information Program Activity in Retail Service Area	Yes/No	Number of Events
a. Paid Advertising	Yes <input type="radio"/> No <input type="radio"/>	
b. Public Service Announcement	Yes <input type="radio"/> No <input type="radio"/>	
c. Bill Inserts / Newsletters / Brochures	Yes <input type="radio"/> No <input type="radio"/>	

	d. Bill showing water usage in comparison to previous year's usage	Yes <input type="radio"/> No <input type="radio"/>	
	e. Demonstration Gardens	Yes <input type="radio"/> No <input type="radio"/>	
	f. Special Events, Media Events	Yes <input type="radio"/> No <input type="radio"/>	
	g. Speaker's Bureau	Yes <input type="radio"/> No <input type="radio"/>	
	h. Program to coordinate with other government agencies, industry and public interest groups and media	Yes <input type="radio"/> No <input type="radio"/>	

**B. Conservation Information Program Expenditures**

<input checked="" type="checkbox"/>	1. Annual Expenditures (Excluding Staffing)	
-------------------------------------	---	--

**C. "At Least As Effective As"**

<input checked="" type="checkbox"/>	1. Is your AGENCY implementing an "at least as effective as" variant of this BMP?	Yes <input type="radio"/> No <input checked="" type="radio"/>
-------------------------------------	---	--

	a. If YES, please explain in detail how your implementation of this BMP differs from Exhibit 1 and why you consider it to be "at least as effective as."
--	--

**D. Comments**

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### BMP 08: School Education Programs

Reporting Unit:	BMP Form Status:	Year:
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#### A. Implementation

<input type="checkbox"/>	1. How is your school education program implemented?				
	a. Wholesaler implements program (none or minimal retailer participation) 1. Which wholesaler(s)?	<input type="radio"/>			
	b. Wholesaler and retailer both participate in program 1. Which wholesaler(s)?	<input type="radio"/>			
	c. Retailer runs program without wholesaler sponsorship	<input type="radio"/>			
	d. No school education program being implemented	<input type="radio"/>			
<input type="checkbox"/>	<b>- IF YOU CHECKED "1.a.", YOU ARE FINISHED WITH THIS FORM. Your wholesaler will report on all program activities. - If you checked "1.b." or "1.c.", please answer the following questions for only YOUR agency's program (do not include wholesaler activities):</b>				
	2. Please provide information on your school programs (by grade level):				
	<b>Grade</b>	<b>Are grade-appropriate materials distributed?</b>	<b>No. of class presentations</b>	<b>No. of students reached</b>	<b>No. of teachers' workshops</b>
	Grades K-3rd	Yes <input type="radio"/> No <input type="radio"/>			
	Grades 4th-6th	Yes <input type="radio"/> No <input type="radio"/>			
	Grades 7th-8th	Yes <input type="radio"/> No <input type="radio"/>			
	High School	Yes <input type="radio"/> No <input type="radio"/>			
	3. Did your Agency's materials meet state education framework requirements?			Yes <input type="radio"/> No <input type="radio"/>	
	4. When did your Agency begin implementing this program? (Year must be four digit mm/dd/yyyy)				

<b>B. School Education Program Expenditures</b>	
<input type="checkbox"/>	1. Annual Expenditures (Excluding Staffing)
<b>C. "At Least As Effective As"</b>	
<input type="checkbox"/>	1. Is your AGENCY implementing an "at least as effective as" variant of this BMP?
	Yes <input type="radio"/> No <input type="radio"/>
	a. If YES, please explain in detail how your implementation of this BMP differs from Exhibit 1 and why you consider it to be "at least as effective as."
<b>D. Comments</b>	

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<b>BMP 09: Conservation Programs for CII Accounts</b>		
Reporting Unit:	BMP Form Status:	Year:

**A. Implementation**

◆	1. Has your agency identified and ranked COMMERCIAL customers according to use?	Yes <input type="radio"/> No <input type="radio"/>
◆	2. Has your agency identified and ranked INDUSTRIAL customers according to use?	Yes <input type="radio"/> No <input type="radio"/>
◆	3. Has your agency identified and ranked INSTITUTIONAL customers according to use?	Yes <input type="radio"/> No <input type="radio"/>

**Implement ONE or BOTH of the following TWO options:**

- Option A: CII Water Use Survey and Customer Incentives Program
- Option B: CII Conservation Program Targets

NOTE: If you choose to implement NEITHER of options A or B, please skip to section D and enter an explanation.

◆ **Option A: CII Water Use Survey and Customer Incentives Program**

◆	4. Is your agency operating a CII water use survey and customer incentives program for the purpose of complying with BMP 9 under this option? If so, please describe activity during reporting period:	Yes <input type="radio"/> No <input type="radio"/>
---	--	---

	CII Surveys	Commercial Accounts	Industrial Accounts	Institutional Accounts
a. Number of New Surveys Offered				
b. Number of New Surveys Completed				
c. Number of Site Follow-ups of Previous Surveys (within 1 yr)				
d. Number of Phone Follow-ups of Previous Surveys (within 1 yr)				
◆	<b>CII Survey Components</b>	<b>Commercial Accounts</b>	<b>Industrial Accounts</b>	<b>Institutional Accounts</b>
e. Site Visit		Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>



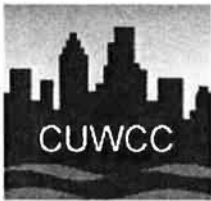
	f. Evaluation of all water-using apparatus and processes	Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>
	g. Customer report identifying recommended efficiency measures, paybacks and agency incentives	Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>
◆	<b>Agency CII Customer Incentives</b>	<b>Budget (\$/Year)</b>	<b># Awarded to Customers</b>	<b>Total \$ Amount Awarded</b>
	h. Rebates			
	i. Loans			
	j. Grants			
	k. Others			
<b>Option B: CII Conservation Program Targets</b>				
◆	5. Does your agency track CII program interventions and water savings for the purpose of complying with BMP 9 under this option?	Yes <input type="radio"/> No <input type="radio"/>		
◆	6. Does your agency document and maintain records on how savings were realized and the method of calculation for estimated savings?	Yes <input type="radio"/> No <input type="radio"/>		
◆	7. <b>System Calculated</b> annual savings (AF/yr):			
	<b>CII Programs</b>	<b>Device Installations</b>		
	a. Ultra Low Flush Toilets			
	b. Dual Flush Toilets			
	c. High Efficiency Toilets (1.2 gpf or less)			
	d. High-Efficiency Urinals			
	e. Non-Water Urinals			
	f. Commercial Clothes Washers (coin-op only; not industrial)			
	g. Cooling Tower Controllers			
	h. Food Steamers			
	i. Ice Machines			

	j. Pre-Rinse Spray Valves	
	k. Steam Sterilizer Retrofits	
	l. X-ray Film Processors	
◆	<b>8. Estimated annual savings (AF/yr) in addition to CII programs listed above:</b>	
	a. Site-verified actions taken by agency:	
	b. Non-site-verified actions taken by agency:	
<b>B. Conservation Program Expenditures for CII Accounts</b>		
		<b>This Year</b>
		<b>Next Year</b>
	1. Budgeted Expenditures	
	2. Actual Expenditures	
<b>C. "At Least As Effective As"</b>		
◆	1. Is your agency implementing an "at least as effective as" variant of this BMP?	Yes <input type="radio"/> No <input type="radio"/>
	a. If YES, please explain in detail how your implementation of this BMP differs from Exhibit 1 and why you consider it to be "at least as effective as."	
<b>D. Comments</b>		

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## BMP 10: Wholesale Agency Assistance Programs

Reporting Unit:	BMP Form Status:	Year:
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### A. Implementation

#### 1. Financial Support by BMP

BMP	Financial Incentives Offered?	Budgeted Amount	Amount Awarded	BMP	Financial Incentives Offered?	Budgeted Amount	Amount Awarded
1	Yes <input type="radio"/> No <input type="radio"/>			8	Yes <input type="radio"/> No <input type="radio"/>		
2	Yes <input type="radio"/> No <input type="radio"/>			9	Yes <input type="radio"/> No <input type="radio"/>		
3	Yes <input type="radio"/> No <input type="radio"/>			10	Yes <input type="radio"/> No <input type="radio"/>		
4	Yes <input type="radio"/> No <input type="radio"/>			11	Yes <input type="radio"/> No <input type="radio"/>		
5	Yes <input type="radio"/> No <input type="radio"/>			12	Yes <input type="radio"/> No <input type="radio"/>		
6	Yes <input type="radio"/> No <input type="radio"/>			13	Yes <input type="radio"/> No <input type="radio"/>		
7	Yes <input type="radio"/> No <input type="radio"/>			14	Yes <input type="radio"/> No <input type="radio"/>		

#### 2. Technical Support

a. Has your agency conducted or funded workshops addressing CUWCC procedures for calculating program savings, costs and cost-effectiveness?	Yes <input type="radio"/> No <input type="radio"/>
b. Has your agency conducted or funded workshops addressing retail agencies' BMP implementation reporting requirements?	Yes <input type="radio"/> No <input type="radio"/>
c. Has your agency conducted or funded workshops addressing:	
1) ULFT replacement	Yes <input type="radio"/> No <input type="radio"/>
2) Residential retrofits	Yes <input type="radio"/> No <input type="radio"/>
3) Commercial, industrial, and institutional surveys	Yes <input type="radio"/> No <input type="radio"/>

	4) Residential and large turf irrigation	Yes <input type="radio"/>
		No <input type="radio"/>
	5) Conservation-related rates and pricing	Yes <input type="radio"/>
		No <input type="radio"/>

**3. Staff Resources by BMP**

BMP	Qualified Staff Available for BMP?	No. FTE Staff Assigned to BMP	BMP	Qualified Staff Available for BMP?	No. FTE Staff Assigned to BMP
1	Yes <input type="radio"/> No <input type="radio"/>		8	Yes <input type="radio"/> No <input type="radio"/>	
2	Yes <input type="radio"/> No <input type="radio"/>		9	Yes <input type="radio"/> No <input type="radio"/>	
3	Yes <input type="radio"/> No <input type="radio"/>		10	Yes <input type="radio"/> No <input type="radio"/>	
4	Yes <input type="radio"/> No <input type="radio"/>		11	Yes <input type="radio"/> No <input type="radio"/>	
5	Yes <input type="radio"/> No <input type="radio"/>		12	Yes <input type="radio"/> No <input type="radio"/>	
6	Yes <input type="radio"/> No <input type="radio"/>		13	Yes <input type="radio"/> No <input type="radio"/>	
7	Yes <input type="radio"/> No <input type="radio"/>		14	Yes <input type="radio"/> No <input type="radio"/>	

**4. Regional Programs by BMP**

BMP	Implementation/Management Program?	BMP	Implementation/Management Program?
1	Yes <input type="radio"/> No <input type="radio"/>	8	Yes <input type="radio"/> No <input type="radio"/>
2	Yes <input type="radio"/> No <input type="radio"/>	9	Yes <input type="radio"/> No <input type="radio"/>
3	Yes <input type="radio"/> No <input type="radio"/>	10	Yes <input type="radio"/> No <input type="radio"/>
4	Yes <input type="radio"/> No <input type="radio"/>	11	Yes <input type="radio"/> No <input type="radio"/>
5	Yes <input type="radio"/> No <input type="radio"/>	12	Yes <input type="radio"/> No <input type="radio"/>

	<b>6</b> Yes <input type="radio"/> No <input type="radio"/>	<b>13</b> Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>
	<b>7</b> Yes <input type="radio"/> No <input type="radio"/>	<b>14</b> Yes <input type="radio"/> No <input type="radio"/>	
<b>B. "At Least As Effective As"</b>			
◆	1. Is your AGENCY implementing an "at least as effective as" variant of this BMP?		Yes <input type="radio"/> No <input type="radio"/>
	a. If YES, please explain in detail how your implementation of this BMP differs from Exhibit 1 and why you consider it to be "at least as effective as."		
<b>C. Comments</b>			

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### BMP 11: Conservation Pricing

Reporting Unit:	BMP Form Status:	Year:
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#### A. Implementation

##### ◆ Water Service Rate Structure Data by Customer Class

Select the **Rate Structure** assigned to the majority of your customers within a specific customer class.

**Volumetric Revenue** is defined as the revenue derived from the charges based on amount of water used. Water agencies typically refer to these as "commodity charges." Do NOT include: flat fees, monthly service charges, meter charges, minimum usage charges, and other revenue that is not dependant on the amount of water the customer consumes. An example of a "minimum usage" charge might be: customers are charged at least 6 units per month even if they use only 2 units.

##### ◆ 1. Single Family Residential

a. Rate Structure	Choose One <input type="text"/>
b. Total Revenue from Volumetric Rates	\$ <input type="text"/>
c. Total Revenue from Customer Meter/Service (Fixed) Charges	\$ <input type="text"/>

##### ◆ 2. Multi-Family Residential

a. Rate Structure	Choose One <input type="text"/>
b. Total Revenue from Volumetric Rates	\$ <input type="text"/>
c. Total Revenue from Customer Meter/Service (Fixed) Charges	\$ <input type="text"/>

##### ◆ 3. Commercial

a. Rate Structure	Choose One <input type="text"/>
b. Total Revenue from Volumetric Rates	\$ <input type="text"/>
c. Total Revenue from Customer Meter/Service (Fixed) Charges	\$ <input type="text"/>

##### ◆ 4. Industrial

a. Rate Structure	Choose One <input type="text"/>
b. Total Revenue from Volumetric Rates	\$ <input type="text"/>
c. Total Revenue from Customer Meter/Service (Fixed) Charges	\$ <input type="text"/>

##### ◆ 5. Institutional / Government

a. Rate Structure	Choose One <input type="text"/>
-------------------	---------------------------------

	b. Total Revenue from Volumetric Rates	\$ <input type="text"/>
	c. Total Revenue from Customer Meter/Service (Fixed) Charges	\$ <input type="text"/>
<b>6. Dedicated Irrigation (potable)</b>		
	a. Rate Structure	<input type="text" value="Choose One"/>
	b. Total Revenue from Volumetric Rates	\$ <input type="text"/>
	c. Total Revenue from Customer Meter/Service (Fixed) Charges	\$ <input type="text"/>
<b>7. Recycled-Reclaimed</b>		
	a. Rate Structure	<input type="text" value="Choose One"/>
	b. Total Revenue from Volumetric Rates	\$ <input type="text"/>
	c. Total Revenue from Customer Meter/Service (Fixed) Charges	\$ <input type="text"/>
<b>8. Raw</b>		
	a. Rate Structure	<input type="text" value="Choose One"/>
	b. Total Revenue from Volumetric Rates	\$ <input type="text"/>
	c. Total Revenue from Customer Meter/Service (Fixed) Charges	\$ <input type="text"/>
<b>9. Other</b>		
	a. Rate Structure	<input type="text" value="Choose One"/>
	b. Total Revenue from Volumetric Rates	\$ <input type="text"/>
	c. Total Revenue from Customer Meter/Service (Fixed) Charges	\$ <input type="text"/>
<b>B. Implementation Options</b>		
<b>Select Either Option 1 or Option 2:</b>		
	<b>1. Option 1: Use Annual Revenue As Reported</b> $V/(V+M) \geq 70\%$ V = Total annual revenue from volumetric rates M = Total annual revenue from customer meter/service (fixed) charges	<input type="radio"/>
	<b>2. Option 2: Use Canadian Water &amp; Wastewater Association Rate Design Model</b> $V/(V+M) \geq V'/(V'+M')$ V = Total annual revenue from volumetric rates M = Total annual revenue from customer meter/service (fixed) charges V' = The uniform volume rate based on the signatory's long-run incremental cost of service M' = The associated meter charge	<input type="radio"/>
	a. If you selected Option 2, has your agency submitted to the Council a completed Canadian Water & Wastewater Association rate design model?	Yes <input type="radio"/> No <input type="radio"/>

	b. Value for <b>V'</b> (uniform volume rate based on agency's long-run incremental cost of service) as determined by the Canadian Water & Wastewater Association rate design model:	<input type="text"/>
	c. Value for <b>M'</b> (meter charge associated with V' uniform volume rate) as determined by the Canadian Water & Wastewater Association rate design model:	<input type="text"/>
<b>C. Retail Wastewater (Sewer) Rate Structure Data by Customer Class</b>		
<input type="checkbox"/>	1. Does your agency provide sewer service? (If YES, answer questions 2 - 7 below, else continue to section D.)	Yes <input type="radio"/> No <input type="radio"/>
<b>2. Single Family Residential</b>		
	a. Sewer Rate Structure	<input type="text" value="Choose One"/>
	b. Annual Revenue Requirement	\$ <input type="text"/>
	c. Total Revenue from Customer Commodity Charges	\$ <input type="text"/>
<b>3. Multi-Family Residential</b>		
	a. Sewer Rate Structure	<input type="text" value="Choose One"/>
	b. Annual Revenue Requirement	\$ <input type="text"/>
	c. Total Revenue from Customer Commodity Charges	\$ <input type="text"/>
<b>4. Commercial</b>		
	a. Sewer Rate Structure	<input type="text" value="Choose One"/>
	b. Annual Revenue Requirement	\$ <input type="text"/>
	c. Total Revenue from Customer Commodity Charges	\$ <input type="text"/>
<b>5. Industrial</b>		
	a. Sewer Rate Structure	<input type="text" value="Choose One"/>
	b. Annual Revenue Requirement	\$ <input type="text"/>
	c. Total Revenue from Customer Commodity Charges	\$ <input type="text"/>
<b>6. Institutional / Government</b>		
	a. Sewer Rate Structure	<input type="text" value="Choose One"/>
	b. Annual Revenue Requirement	\$ <input type="text"/>

c. Total Revenue from Customer Commodity Charges		\$ <input type="text"/>
<b>7. Recycled-reclaimed water</b>		
a. Sewer Rate Structure	<input type="text" value="Choose One"/>	
b. Annual Revenue Requirement	\$ <input type="text"/>	
c. Total Revenue from Customer Commodity Charges	\$ <input type="text"/>	
<b>D. "At Least As Effective As"</b>		
<input type="checkbox"/>	1. Is your agency implementing an "at least as effective as" variant of this BMP?	Yes <input type="radio"/> No <input type="radio"/>
	a. If YES, please explain in detail how your implementation of this BMP differs from Exhibit 1 and why you consider it to be "at least as effective as."	
	<input type="text"/>	
<b>E. Comments</b>		
	<input type="text"/>	

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## BMP 12: Conservation Coordinator

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### ◆ A. Implementation

1. Does your Agency have a conservation coordinator?		Yes <input type="radio"/>
		No <input type="radio"/>
2. Is a coordinator position supplied by another agency with which you cooperate in a regional conservation program ?		Yes <input type="radio"/>
		No <input type="radio"/>
a. Partner agency's name:		
3. If your agency supplies the conservation coordinator:		
a. What percent of this position is dedicated to conservation?		%
b. Coordinator's Name		
c. Coordinator's Title		
d. Coordinator's Experience in Number of Years		
e. Date Coordinator's position was created (mm/dd/yyyy)		
4. Number of conservation staff (FTEs), including Conservation Coordinator.		

### B. Conservation Program Expenditures

◆ 1. Staffing Expenditures (In-house Only)	
◆ 2. BMP Program Implementation Expenditures (Total of BMPs)	

### C. "At Least As Effective As"

◆ 1. Is your agency implementing an "at least as effective as" variant of this BMP?	Yes <input type="radio"/>
	No <input type="radio"/>
a. If YES, please explain in detail how your implementation of this BMP differs from Exhibit 1 and why you consider it to be "at least as effective as."	

### D. Comments

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## BMP 13: Water Waste Prohibition

Reporting Unit:	BMP Form Status:	Year:
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### ⚙️ A. Requirements for Documenting BMP Implementation

1. Is a water waste prohibition ordinance in effect in your service area?	Yes <input type="radio"/> No <input type="radio"/>
---	---

a. If YES, describe the ordinance:

2. Is a copy of the most current ordinance(s) on file with CUWCC?	Yes <input type="radio"/> No <input type="radio"/>
---	---

a. List local jurisdictions in your service area in the first text box and water waste ordinance citations in each jurisdiction in the second text box:

### ⚙️ B. Implementation

1. Indicate which of the water uses listed below are prohibited by your agency or service area.	
---	--

a. Gutter flooding	Yes <input type="radio"/> No <input type="radio"/>
--------------------	---

b. Single-pass cooling systems for new connections	Yes <input type="radio"/> No <input type="radio"/>
--	---

c. Non-recirculating systems in all new conveyor or car wash systems	Yes <input type="radio"/> No <input type="radio"/>
--	---

d. Non-recirculating systems in all new commercial laundry systems	Yes <input type="radio"/> No <input type="radio"/>
--	---

e. Non-recirculating systems in all new decorative fountains	Yes <input type="radio"/> No <input type="radio"/>
--	---

f. Other, please name	Yes <input type="radio"/> No <input type="radio"/>
-----------------------	---

2. Describe measures that prohibit water uses listed above:	
---	--

<b>Water Softeners:</b>		
3. Indicate which of the following measures your agency has supported in developing state law:		
a. Allow the sale of more efficient, demand-initiated regenerating DIR models.		Yes <input type="radio"/> No <input type="radio"/>
b. Develop minimum appliance efficiency standards that:		
i.) Increase the regeneration efficiency standard to at least 3,350 grains of hardness removed per pound of common salt used.		Yes <input type="radio"/> No <input type="radio"/>
ii.) Implement an identified maximum number of gallons discharged per gallon of soft water produced.		Yes <input type="radio"/> No <input type="radio"/>
c. Allow local agencies, including municipalities and special districts, to set more stringent standards and/or to ban on-site regeneration of water softeners if it is demonstrated and found by the agency governing board that there is an adverse effect on the reclaimed water or groundwater supply.		Yes <input type="radio"/> No <input type="radio"/>
4. Does your agency include water softener checks in home water audit programs?		Yes <input type="radio"/> No <input type="radio"/>
5. Does your agency include information about DIR and exchange-type water softeners in educational efforts to encourage replacement of less efficient timer models?		Yes <input type="radio"/> No <input type="radio"/>
<b>C. "At Least As Effective As"</b>		
1. Is your AGENCY implementing an "at least as effective as" variant of this BMP?		Yes <input type="radio"/> No <input type="radio"/>
a. If YES, please explain in detail how your implementation of this BMP differs from Exhibit 1 and why you consider it to be "at least as effective as."		
<b>D. Comments</b>		

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## BMP 14: Residential ULFT Replacement Programs

Reporting Unit:	BMP Form Status:	Year:
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### ⊞ A. Implementation

#### Number of 1.6 gpf Toilets Replaced by Agency Program During Report Year

	Single-Family Accounts	Multi-Family Units
⊞ 1. Does your Agency have program(s) for replacing high-water-using toilets with ultra-low flush toilets (1.6 gpf)?	Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>
Replacement Method	SF Accounts	MF Units
⊞ 2. Rebate		
⊞ 3. Direct Install		
⊞ 4. CBO Distribution		
⊞ 5. Other		
<b>Total</b>		

#### Number of Non-Efficient Toilets Replaced With 1.28 gpf High-Efficiency Toilets (HETs) During Report Year

⊞ 6. Does your Agency have program(s) for replacing high-water-using toilets with high-efficiency toilets (1.2 gpf)?	Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>
Replacement Method	SF Accounts	MF Units
⊞ 7. Rebate		
⊞ 8. Direct Install		
⊞ 9. CBO Distribution		
⊞ 10. Other		
<b>Total</b>		

#### Number of Non-Efficient Toilets Replaced With 1.2 gpf HETs (Dual-Flush) During Report Year

⊞ 11. Does your Agency have program(s) for replacing high-water-using toilets with dual-flush toilets?	Yes <input type="radio"/> No <input type="radio"/>	Yes <input type="radio"/> No <input type="radio"/>
Replacement Method	SF Accounts	MF Units
⊞ 12. Rebate		

	13. Direct Install		
◆	14. CBO Distribution		
◆	15. Other		
	<b>Total</b>		
◆	16. Describe your agency's ULFT, HET, and/or Dual-Flush Toilet programs for single-family residences.		
◆	17. Describe your agency's ULFT, HET, and/or Dual-Flush Toilet programs for multi-family residences.		
◆	18. Is a toilet retrofit on resale ordinance in effect for your service area?	Yes <input type="radio"/>	No <input type="radio"/>
◆	19. List local jurisdictions in your service area in the left box and ordinance citations in each jurisdiction in the right box:		
<b>B. Residential ULFT Program Expenditures</b>			
◆	1. Estimated cost per ULFT replacement:		
<b>C. "At Least As Effective As"</b>			
◆	1. Is your AGENCY implementing an "at least as effective as" variant of this BMP?	Yes <input type="radio"/>	No <input type="radio"/>
	a. If YES, please explain in detail how your implementation of this BMP differs from Exhibit 1 and why you consider it to be "at least as effective as."		
<b>D. Comments</b>			

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