



Santa Clara Valley Water District

File No.: 18-1032

Agenda Date: 12/11/2018

Item No.: *4.3.

BOARD AGENDA MEMORANDUM

SUBJECT:

Santa Clara Valley Water District Youth Commission's Recommendations and Associated Staff Analyses from the Commission's September 12, 2018, and November 28, 2018, Meetings.

RECOMMENDATION:

That the Board consider and provide direction on the following recommendations by the Santa Clara Valley Water District Youth Commission:

- A. That the Board consider being a Synopsys Fair's Special Award Sponsor;
- B. That the Board consider the Low Flow Fixtures Proposal to further encourage compliance with SB 407 (Padilla, 2009);
- C. That the Board consider the Youth Commission becoming partners in the Adopt-A-Bench Art Project Pilot Program; and
- D. That the Board consider adding components to the Synopsys Fair Special Award Sponsorship:
 1. Tour of District Facilities for winner;
 2. Public Recognition at a Board of Directors meeting; and
 3. Contribute an Additional \$550 for an additional category at the Synopsys Fair.

SUMMARY:

The Santa Clara Valley Water District Youth Commission met on September 12, 2018, and November 28, 2018, and made the following recommendation for Board consideration:

September 12, 2018, Meeting:

At the Santa Clara Valley Water District Youth Commission Meeting on September 12, 2018, the Commission voted unanimously to ask the Board to consider:

1. Being a Synopsys Fair Special Award Sponsor, and
2. The Low Flow Fixtures Proposal.

Staff Analysis #1:

Staff recommends that the Board support the Youth Commission's request to sponsor a special award at the 2019 Synopsis Championship Science Fair. Staff concurs with the Youth Commission in its determination that a special award sponsorship would encourage the youth in middle and high school to value the need for a focus on issues relating to water, be it collection, storage, treatment,

recycling, distribution etc.

The District has a mechanism in its Community Partnering Sponsorship program to support the sponsorship up to as much as \$5,000. Staff has initiated the process of sponsorship and has sent to the fair organizers the Sponsorship Application Form.

Staff hours spent on implementing this recommendation will be minimal and can be accommodated within the day to day duties of staff involved. The Community Partnering Sponsorship program also has the resources to accommodate the request.

Staff Analysis #2:

Staff concurs with what the Youth Commission is attempting to accomplish with their suggestion of a legislative proposal, but recommends an alternative approach as detailed below.

The Youth Commission requests the Board's consideration of a legislative proposal to further encourage compliance with SB 407 (Padilla, 2009), an existing state law regarding low flow water fixtures. The State of California regulates what water fixtures can be sold by retailers, regulates what water fixtures can be installed in new construction and improvements to real property, and has mandated that noncompliant (non-water-efficient) plumbing fixtures be replaced in single-family residential real property by January 1, 2017, and in multifamily residential real property and commercial real property by January 1, 2019. The Youth Commission proposes two changes in state law, as follows:

1. Fine plumbing contractors when they are found to have installed noncompliant water fixtures in new construction or improvements of real property. As state legislation, this proposal would require building a statewide coalition of water agencies, environment advocates, and others in order to counter substantial and well-funded opposition from the construction industry, and possibly some labor organizations. It also would require the support of the Governor in enacting and enforcing these fines.
2. Prohibit "brick and mortar" and online retailers from selling noncompliant water fixtures. California Energy Commission regulations (CA Code of Regulations Title 20, Sections 1601 through 1608) already prohibit selling or offering to sell noncompliant water fixtures by any retailer, including an online retailer. The Energy Commission maintains a staff for enforcement of these regulations and has a public complaint hotline for reporting violations. Prohibition of the sale of noncompliant fixtures is already the law, and no further statutory changes are needed.

Staff concurs with the Youth Commission's assessment that compliance with SB 407 would be improved by a better enforcement mechanism. However, an earlier version of the state bill introduced in 2009 that would have prohibited the transfer of real property unless noncompliant water fixtures were replaced, was unable to overcome opposition from real estate interests and others. The result was the current law which requires a seller of real property to disclose to buyers whether or not the seller has replaced noncompliant water fixtures as required by law. However, the Legislature understood that some jurisdictions in the state may have local support for stronger enforcement measures, and included Section 1101.8 of the California Civil Code, which expressly allows cities and counties to "Enact local ordinances... that promote compliance

with this article” or “...that will result in a greater amount of water savings than those provided for in this article.”

Staff recommends that the Board instead consider a policy principle that states "Support enactment of county or city ordinances that would promote compliance with SB 407."

November 28, 2018, Meeting:

At the Santa Clara Valley Water District Youth Commission Meeting on November 28, 2018, the Commission voted unanimously to ask the Board to consider:

1. The Youth Commission becoming partners in the Adopt-A-Bench Art Project Pilot Program, and
2. Adding components to Synopsys Fair Special Award Sponsorship: a. Tour of District Facilities for the winner, b. Public Recognition at a Board of Directors meeting, and c. Contribute an additional \$550 for a second category at the Synopsys Fair.

Staff Analysis #1:

Staff concurs with the Youth Commission’s approval to move forward with the participation in the Adopt-A-Bench Pilot Arts Project. The District owns over 200 interpretive benches throughout the county. The benches were installed over 20 years ago; many of the benches’ conditions have deteriorated through the years. The pilot project will engage the Youth Commission to adopt the first seven benches (one per board district) and revitalize them by working with an art advisor to help design the artwork and implement the design on the benches. Staff have narrowed down the benches to 21 and will work with the Youth Commission select the top bench in their respective district.

Proposed Timeline:

- December through February 2019 - Select benches; ensure proper protocol with each jurisdiction’s art commission (if one exist); work with art advisor to develop a design concept for the bench.
- March 2019 - Present design concept to Board of Directors for approval.
- April through May 2019 - Paint benches.
- June 2019 - Unveiling events with each Board Member and Youth Commission.

Staff Analysis #2:

Staff concurs with the Youth Commission’s action to incorporate additional components to the Synopsys Fair Special Award Sponsorship: a. Tour of District Facilities for the winners; b. Public Recognition at a District Board meeting; and c. Additionally, staff, in working with the Santa Clara Valley Science and Engineering Fair Association (the local sponsor of the Synopsis Fair) and their request for ‘special award’ sponsorship under the District’s Community Partner Sponsorship Program accepted their suggestion that an additional \$550 be added to the original \$550 asked for by the Youth Commission to acknowledge that there are two categories in the competition in which students could submit water-related projects, and that adding additional funds would allow winners to be acknowledged in both areas.

FINANCIAL IMPACT:

The Office of the Clerk of the Board has budgeted funds to support the business meetings of the Board's Advisory Committees for Fiscal Year 2018-2019.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have a potential for resulting in direct or reasonably foreseeable indirect physical change in the environment

ATTACHMENTS:

None.

UNCLASSIFIED MANAGER:

Rick L. Callender, 408-630-2017