



September 5, 2017

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The Honorable Edmund G. Brown
Governor, State of California
State Capitol, First Floor
Sacramento, CA 95814

Re: SB 231 (Hertzberg) – Local Government: Fee and Charges
Request for Signature

Dear Governor Brown:

On behalf of the California State Association of Counties (CSAC), **I respectfully request your signature of SB 231** by Senator Bob Hertzberg. SB 231 clarifies the constitutional and statutory authority of counties, cities, and local water agencies to finance stormwater projects by the same process used for similar water infrastructure fees and charges as enacted by California voters under Proposition 218.

Counties throughout California face cost pressures and funding challenges related to water, including maintenance of aging infrastructure and costs to comply with increasingly strict regulatory standards. Local governments need to fund stormwater and flood control projects to protect people and property from flooding, remove pollutants from stormwater, and increase groundwater recharge. However, financing these projects is costly and difficult under current law.

Due in part to court decisions that interpret the term “sewer” as ambiguous, water and sewer projects are subject to one set of transparency requirements requiring public notification and protests while stormwater projects are subject to different and more stringent set of requirements under Proposition 218. This inconsistency in the law has resulted in a lack of funding options needed to create systems that adequately capture and treat stormwater.

This bill would amend definition of “sewer” in the Proposition 218 Omnibus Implementation Act to include storm drainage. This change would allow local governments to finance stormwater projects using the existing transparency and accountability requirements that currently exist under Proposition 218 for nearly identical water infrastructure fees and charges.

Stormwater infrastructure projects that capture and treat stormwater are vital in helping California meet its ever increasing water needs. The clarification provided for in SB 231 is a small change that will yield big results for California’s counties, cities, and local water agencies as they work to meet the water needs of all future Californian’s.

Should you have any questions about our position, please do not hesitate to contact me at cmartinson@counties.org or 916-327-7500, ext. 504.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cara Martinson", is written over a light blue horizontal line.

Cara Martinson
Senior Legislative Representative

cc: Honorable Bob Hertzberg, California State Senate