

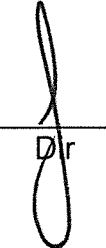
SUBJECT: GOVERNOR'S EXECUTIVE ORDER FOR CALIFORNIA DISASTER ASSISTANCE ACT FUNDING, AND THE PROVISION OF WATER TO EAST PORTERVILLE RESIDENTS

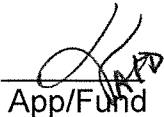
SOURCE: Administration

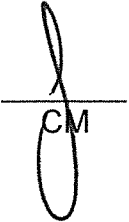
COMMENT: As was reported at the last City Council meeting, Governor Brown issued Executive Order B-26-14, within which the Governor authorized funding through the California Disaster Assistance Act for the purpose of providing temporary water supplies to households without water for drinking and/or sanitation purposes, as well as directed State agencies to coordinate with counties and local agencies in providing long-term solutions for affected residents.

On Wednesday, October 15, 2014, City Council and staff representatives were invited to participate in a coordination meeting with State and County representatives in regards to the long-term water needs in the East Porterville area. State agencies represented in the meeting included the Governor's Offices of Emergency Services and Planning and Research, Department of Water Resources, and Department of Housing and Community Development. During the course of the meeting, the participants discussed the feasibility of the City allowing a manageable number of residents to connect to the City's municipal water system, with the remainder to have a 1,500-gallon tank placed at their residence that is proposed to be filled every other week (likely by Self-Help Enterprises). The Governor's Office of Emergency Services representatives indicated that they could fund the necessary water main infrastructure to connect County residents to the City's water system, and the Department of Housing and Community Development indicated they could fund the individual connection fees (approximately \$5,000 per connection). In addition, the Office of Emergency Services indicated that they could fund at least one (1) and potentially two (2) new wells for both connecting residents to the City's water system, as well as to provide a water source for the filling of the 1,500-gallon tanks.

It was reported in the meeting by the County that there are at least four hundred East Porterville residences whose wells are dry, of which the City indicated that it would begin planning toward the initial


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connection of at least one hundred residences, focusing on the areas that meet the LAFCO definition of an "Island", which are most probable for future annexation into the city. These areas are generally in the western most part of East Porterville, and also contain some of the largest clusters of residences currently without water.

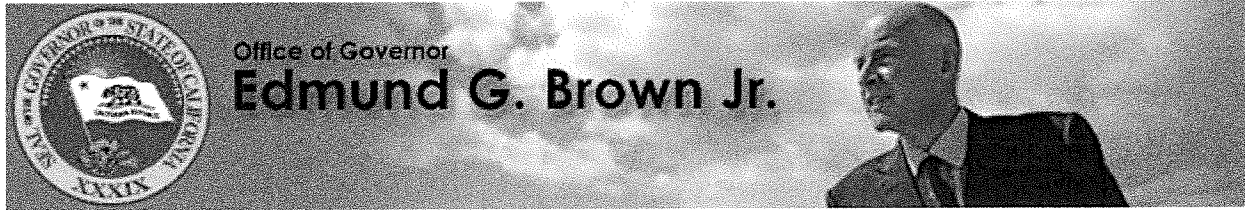
In addition, recognizing that the City Council's funding authorization for providing water delivery service in coordination with the Porterville Area Coordinating Council would soon be expended (end of the month), County representatives have requested that the City consider continuing this service by Mutual Aid Agreement with the County as the long-term solutions are developed and put into effect. Under the Executive Order's funding authorization and by Mutual Aid Agreement, the City would be eligible for reimbursement of up to seventy-five percent (75%) for appropriate expenses in providing assistance and support for drought-related activities.

To date, the PACC has currently placed sixty (60) 300-gallon water tanks at East Porterville residences, which is planned to increase to one hundred (100) by the end of this month. Currently, City staff and a water truck deliver water to each residence with a tank once per week, which requires two full days to fill the tanks, and will require at least an additional day of delivery as the additional tanks are placed.

RECOMMENDATION: That the City Council consider the planning effort toward the provision of water service connections to East Porterville county residents in reference to the Governor's Executive Order, as well as the continuation of water delivery service by Mutual Aid Agreement with the County, and provide direction and authorization to staff as deemed appropriate.

ATTACHMENT: Governor Executive Order B-26-14

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FOR IMMEDIATE RELEASE:

Friday, September 19, 2014

Contact: Governor's Press Office

(916) 445-4571

Governor Brown Streamlines Relief Efforts for Families with Drinking Water Shortages Due to Drought

SACRAMENTO – Just days after signing historic legislation requiring sustainable groundwater management for the first time in California, Governor Edmund G. Brown Jr. issued an executive order streamlining efforts to provide water to families in dire need as the extreme drought continues to grip the state.

The order makes funding available through the California Disaster Assistance Act to provide water for drinking and sanitation to households currently without running water. The executive order also extends the state's prohibition on price gouging during emergencies to the current stage of the drought, recognizing the on-going nature of the drought emergency. Additionally, it directs the State Water Resources Control Board, the Department of Water Resources and the Governor's Offices of Emergency Services and Planning and Research to work together to identify acute drinking water shortages in domestic supplies and to work with counties and local agencies to implement solutions for those water shortages.

Today's announcement follows the Governor's signing of legislation requiring local, sustainable groundwater management earlier this week. Last December, the Governor formed a Drought Task Force to closely manage precious water supplies, to expand water conservation wherever possible and to quickly respond to emerging drought impacts throughout the state. In January, the administration finalized a comprehensive Water Action Plan that charts the way for California to become more resilient in the face of droughts and floods. During that same month, the Governor declared a drought state of emergency and in February, signed legislation to provide \$687.4 million to support drought relief, including money for housing and food for workers directly impacted by the drought, bond funds for projects to help local communities more efficiently capture and manage water and funding for securing emergency drinking water supplies for drought-impacted communities. In April 2014, the Governor called on the state to redouble their efforts at combating drought. Last month the Governor signed legislation to put a water bond before voters after winning bipartisan approval in the Legislature.

Governor Brown has called on all Californians to reduce their water use by 20 percent and prevent water waste. Visit SaveOurWater.com to find out how everyone can do their part and Drought.CA.Gov to learn more about how California is dealing with the effects of the drought.

The text of the executive order is below:

Executive Department
State of California

EXECUTIVE ORDER B-26-14

WHEREAS on January 17, 2014, I proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions; and

WHEREAS on April 25, 2014, I proclaimed a Continued State of Emergency to exist throughout the State of California due to the ongoing drought; and

WHEREAS drought conditions have persisted for the last three years and the duration of this drought is unknown; and

WHEREAS many residents across the state who rely on domestic wells or very small water systems now live in homes that can no longer provide water for drinking or sanitation purposes due to declining groundwater supplies resulting from the drought; and

WHEREAS the shortage of water for drinking and sanitation purposes that many residents now face constitutes a threat to human health and safety; and

WHEREAS additional expedited actions are needed to reduce the harmful impacts from these water shortages and other impacts of the drought; and

WHEREAS the magnitude of the severe drought conditions continues to present threats beyond the control of the services, personnel, equipment, and facilities of any single local government and require the combined forces of a mutual aid region or regions to combat; and

WHEREAS under the provisions of section 8571 of the California Government Code, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay the mitigation of the effects of the drought.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, in accordance with the authority vested in me by the Constitution and statutes of the State of California, in particular Government Code sections 8567 and 8571 of the California Government Code, do hereby issue this Executive Order, effective immediately.

IT IS HEREBY ORDERED THAT:

1. The Office of Emergency Services shall provide local government assistance as it deems appropriate for the purposes of providing temporary water supplies to households without water for drinking and/or sanitation purposes under the authority of the California Disaster Assistance Act, California Government Code section 8680 et seq. and California Code of Regulations, Title 19, section 2900 et seq.

2. The provisions of the Government Code and Public Contract Code applicable to state contracts and procurement, including but not limited to, advertising and competitive bidding requirements, are hereby waived for the sole purpose of allowing state agencies and departments to purchase water for the protection of health, safety, and the environment.

3. The provisions of California Penal Code section 396 prohibiting price gouging in times of emergency are hereby reinstated as of the date of this Order. The 30-day time period limitation under subsection (b) is hereby waived. For the purposes of calculating the price differential, the price of goods or services shall be compared to the price in effect as of the date of this Order.

4. The State Water Resources Control Board, the Department of Water Resources, the Office of Emergency Services, and the Office of Planning and Research will assist local agencies with the identification of acute drinking water shortages in domestic water supplies, and will work with local agencies in implementing solutions to those water shortages. For any actions the listed state agencies take pursuant to this directive, for any actions taken by a local agency where the Office of Planning and Research concurs that local action is required, and for any necessary permits to carry out those actions, Division 13 (commencing with section 21000) of the Public Resources Code and regulations adopted pursuant to that Division are hereby suspended. This suspension will expire on December 31, 2014, except that actions started prior to that date shall not be subject to Division 13 for the time required to complete them.

This Executive Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given to this Order.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of September 2014.



Edmund G. Brown Jr.
EDMUND G. BROWN JR.
Governor of California

ATTEST:

Debra Bowen
DEBRA BOWEN
Secretary of State

