

SB 1088

Office of Emergency Services:

State Matching Funds:

Water System Infrastructure

Improvements




Bill Summary

- Improve water system infrastructure for community fire prevention and fire suppression activities.
- State matching funds for communities located within the Wildland Urban Interface, specifically in designated high fire hazard severity zones or very high fire hazard severity zones.
- Clarifies that hydrants and firefighting water are part of property-related water service costs as per Government Code Section 53750.5.



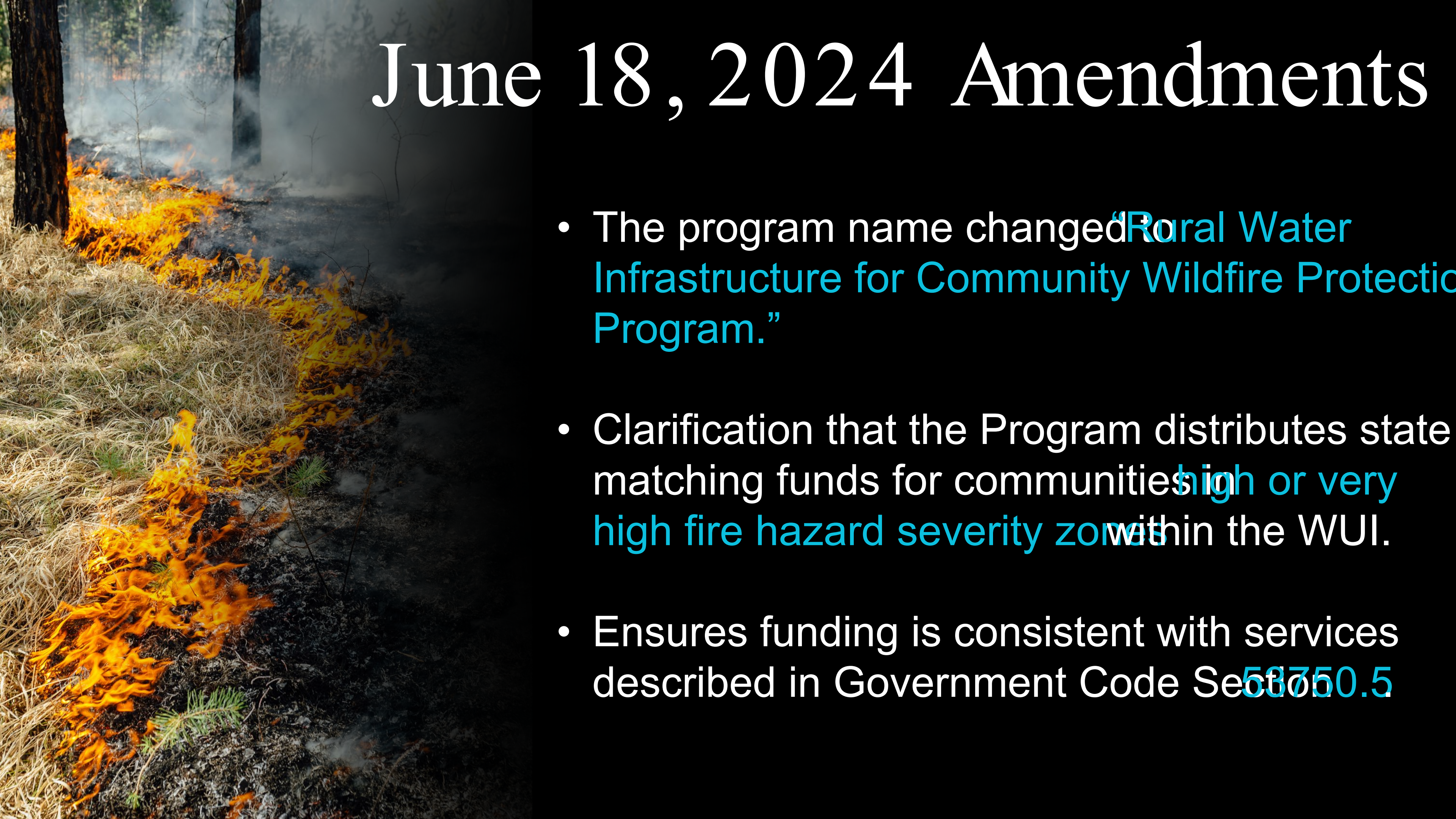
Bill Summary

- Sponsored by the Tahoe Water for Fire Suppression Partnership, which includes Lake Tahoe Basin, Tahoe City Public Utility District, and South Tahoe Public Utility District.
- Reintroduction of SB 470 (Alvarado) from 2023 but vetoed due to lack of funding.
- SB 1088 is Contingent upon funding appropriated by the Legislature to CalOES pursuant to a bond approved by voters in November.



Specific Improvements

- Upgrading and upsizing waterlines.
- Installing additional fire hydrants connected to water systems.
- Enhancing water system delivery and distribution capacity to ensure adequate water flow for fire prevention and suppression.



June 18, 2024 Amendments

- The program name changed **“Rural Water Infrastructure for Community Wildfire Protection Program.”**
- Clarification that the Program distributes state matching funds for communities **high or very high fire hazard severity zones** within the WUI.
- Ensures funding is consistent with services described in Government Code Section **58750.5**

June 18, 2024 Amendments

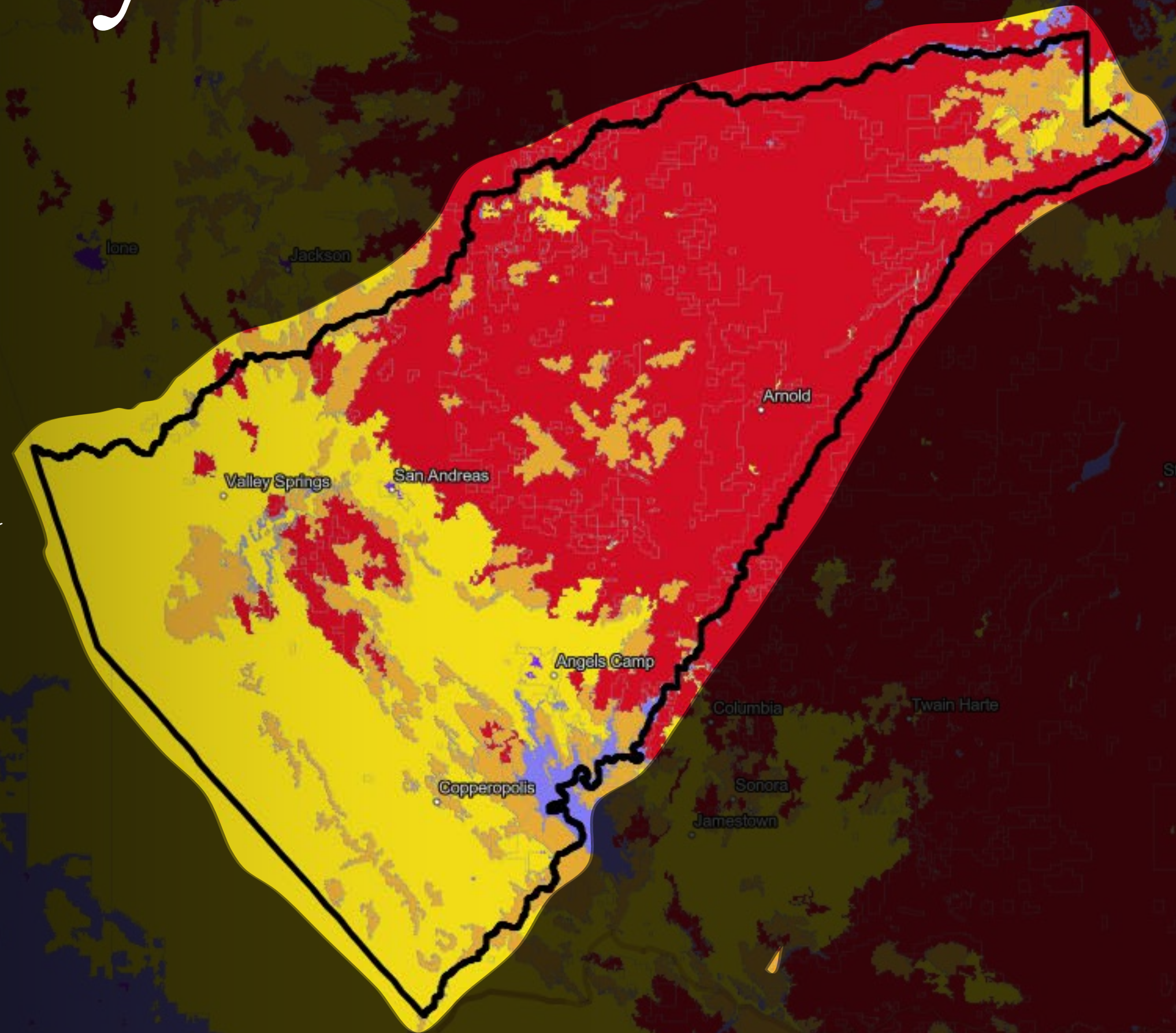
- **Creating interconnections** between water systems for improved water delivery and distribution capacity.
- Enhancing water system delivery **and distribution capacity** to ensure adequate water flow for **community** fire prevention and fire suppression activities.

The office shall develop criteria and a scoring methodology to prioritize the distribution of state matching funds provided under the program to rural communities based upon criteria that include, but are not limited to, both of the following:

- Community water systems that maintain **15,000 water service connections** or fewer.
- Water infrastructure for fire suppression improvements and projects that are identified in, and consistent with one or more of, the following plans:
 - A community wildfire protection plan, a California Fire Safe Council action plan, a National Fire Protection Association's Firewise USA Community Wildfire Risk Assessment, a Local Hazard Mitigation Plan, or other local plan that addresses the hazards and risks from wildfire.
 - A community water system master plan, hydraulic modeling, or professional engineering reports showing the need for and impact of proposed improvements.

Calaveras County Fire Severity Zones

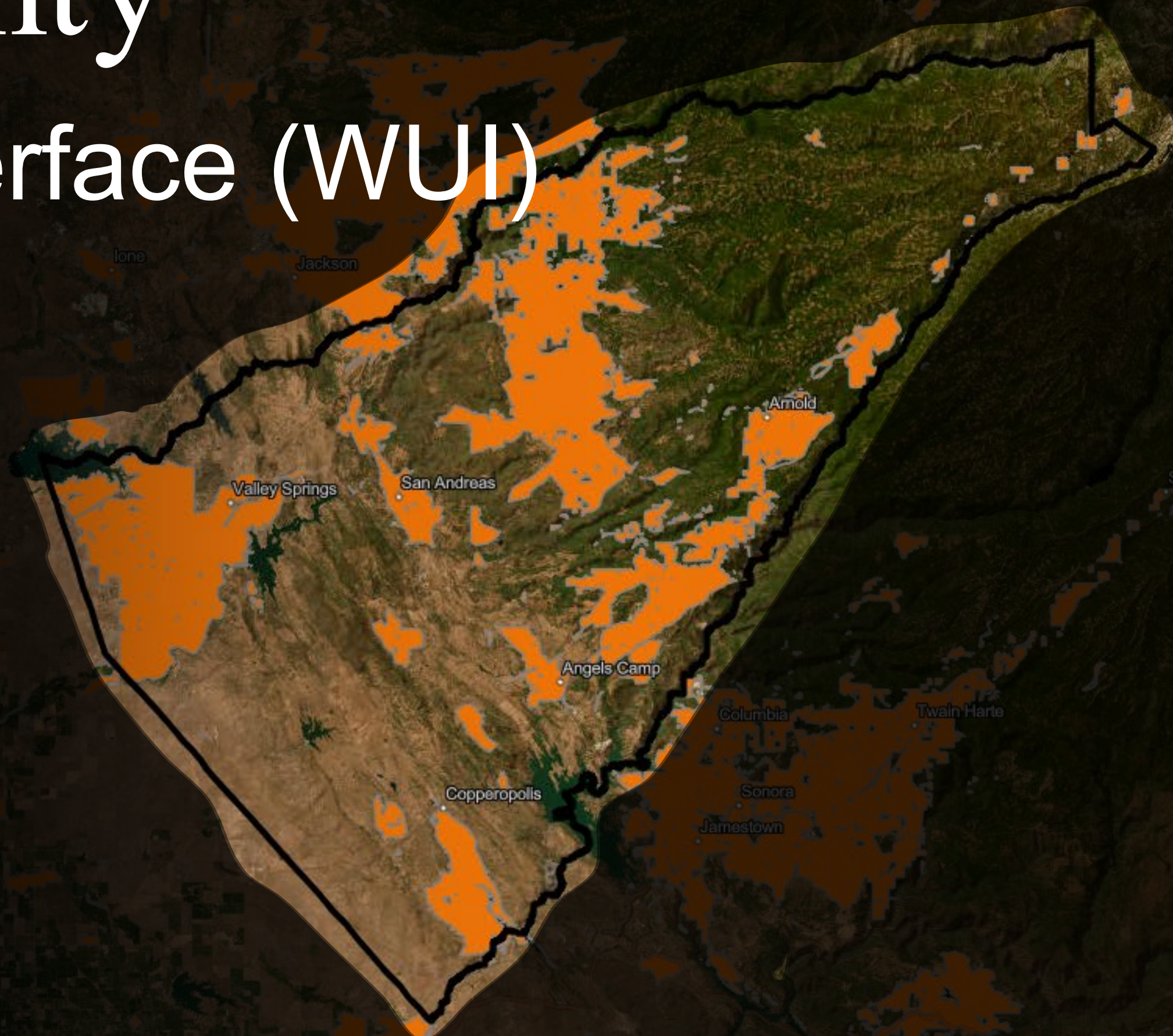
More than 2,000,000 California households (approx. 1 in 4 residential structures) are located within or near wildfire movement proximity to high or very high fire hazard severity zones, according to maps by the Department of Forestry and Fire Protection.



Calaveras County

Wildland Urban Interface (WUI)

The WUI is the zone of transition between unoccupied land and human development. It is the line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.

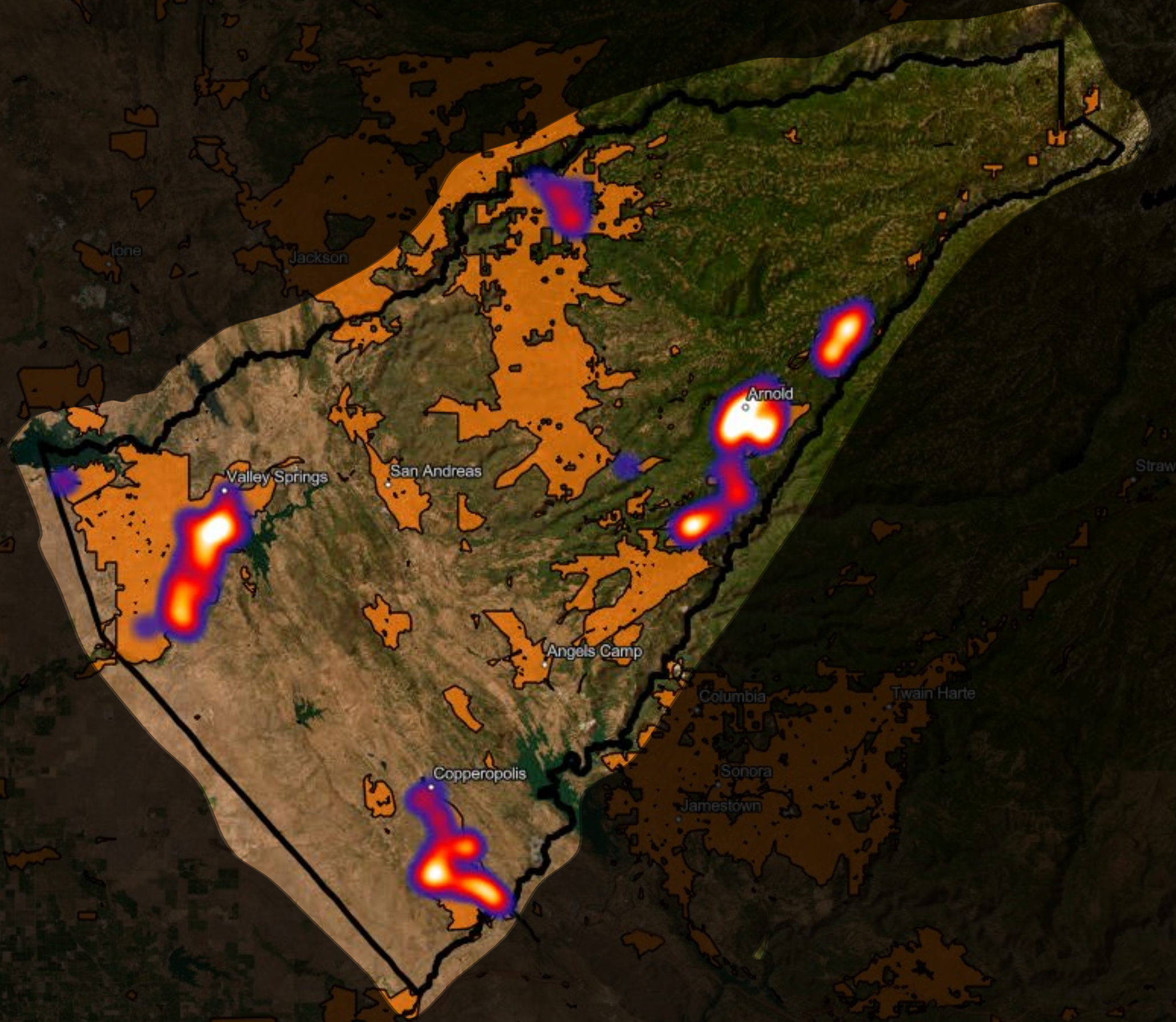




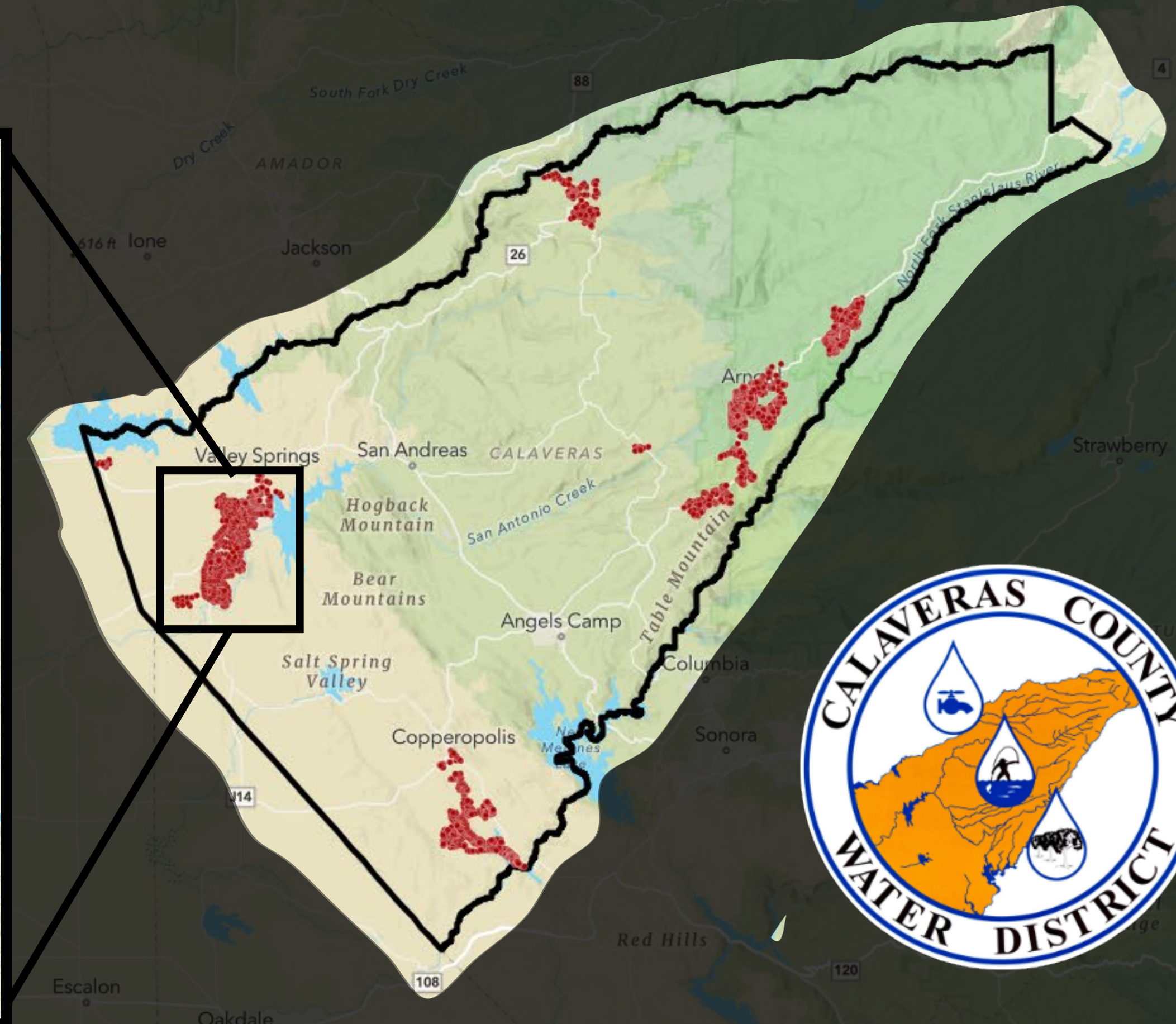
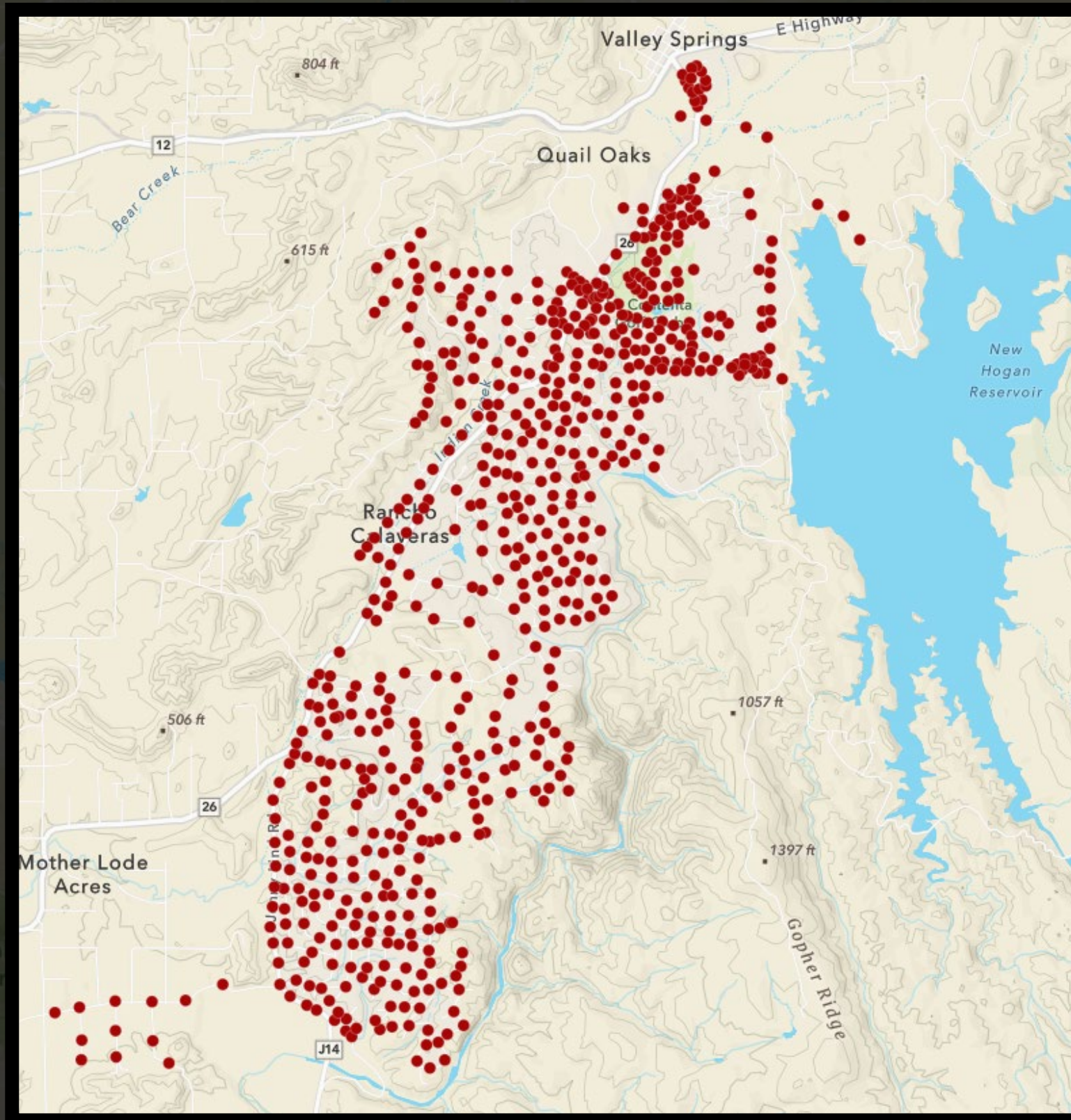
CCWD

Fire Hydrant

Concentration



CCWD Fire Hydrant Concentration



Government Code Section 53750.5

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

(1) Fire service is a different and distinct service from water service, which is one of several other property-related services that **aids** in the provision of fire service provided to properties.

(2) Hydrants are part of the system of public improvements described in subdivision (n) of Section 53750.

(3) Hydrants are generally designed, installed, and used to provide an immediately available water service to **aid** in extinguishing fires that threaten property served by a water service provider, and are generally not designed or installed to provide water service to **aid** in extinguishing fires that threaten property not served by a water service provider or wildfires. Hydrants are also used by a water service provider for water system operations and maintenance.

(4) Hydrants are generally located in proximity to properties served by a water service provider to facilitate water service to those properties. Hydrants and the water distributed through them have a direct relationship to property ownership because hydrants are generally sized based upon property use and then are installed when parcels are developed or connected to a water system.

(5) Hydrants and the water distributed through them are not available to the public at large in substantially the same manner as they are to property owners served by a water service provider because hydrants are designed, installed, and used to serve properties receiving water service, and the public at large does not generally have access to water through those hydrants. Incidental or other de minimis use of hydrants and the water distributed through them for other purposes does not change their essential character as a property-related service.

(6) Hydrants and the water distributed through them are part of the property-related water service provided to all property owners served by a water service provider. Through hydrants, water is immediately available to those properties to **aid** in extinguishing a fire that directly threatens them. The cost associated with this aspect of water service is proportionately allocable among properties that may receive a reasonably similar level of service from the immediate availability of water to **aid** in extinguishing fires that directly or indirectly threaten those properties.

(7) Property-related water service costs may include, but are not limited to, any costs associated with constructing, maintaining, repairing, upgrading, and replacing hydrants, and costs associated with obtaining, treating, and distributing adequate volumes of water to meet the water demands of properties served by the water service provider, including water supplied for firefighting purposes. The fees or charges related to those costs are imposed upon a parcel or person as an incident of property ownership.

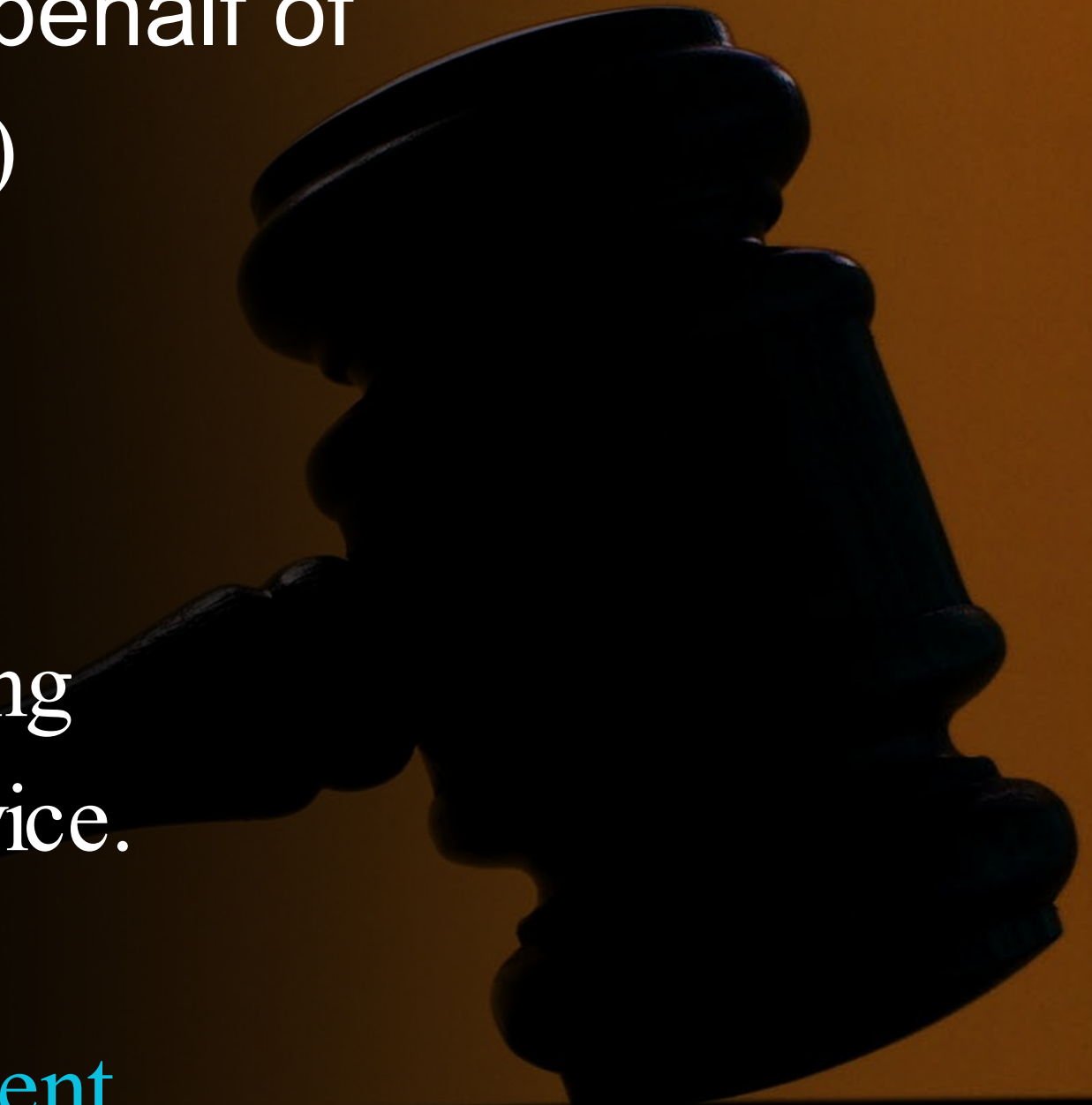
(b) The fees or charges for property-related water service imposed or increased pursuant to Section 6 of Article XIII D of the California Constitution may include the costs to construct, maintain, repair, or replace hydrants as needed or consistent with applicable fire codes and industry standards, and may include the cost of water distributed through hydrants. In addition to any other method consistent with Section 6 of Article XIII D of the California Constitution, fees or charges for the aspects of water service related to hydrants and the water distributed through them may be fixed and collected as a separate fee or charge, or included in the other water rates and charges fixed and collected by a public agency, as provided for in Section 53069.9 of the Government Code.

(c) For the purpose of this section, “hydrants” means all hydrants and other infrastructure used to distribute water that **aids** in the protection of property from fire, and all related or appurtenant infrastructure and facilities owned by a water service provider necessary or convenient for distributing water that **aids** in the protection of property from fire, including adequately sized and pressurized lines, pumps, and all appurtenances, but does not include privately owned hydrants or other private fire response related infrastructure.

In 2020, a unique class action lawsuit was filed on behalf of approximately eighty-one (81) plaintiffs against eighty (80) water agencies throughout the State of California, alleging violations of Prop 218 regarding water rates.

The Complaint alleges that defendants are unlawfully setting water rates for plaintiffs that exceed the cost of water service.

The Complaint alleges that the water rates paid by the plaintiffs subsidize water service provided to the government and for general governmental service, including public fire hydrant service. Additionally, plaintiffs allege that their payment for water service funds subsidizes special agricultural water rates.



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