# Assembly Bill 156

## Local Agency Reporting Requirements Fact Sheet

*May 2008*



Department of Water Resources

## Why Am I Receiving This Fact Sheet?

This fact sheet has been prepared by the California Department of Water Resources *(DWR)* to help clarify additions to the California Water Code resulting from the adoption of Assembly Bill 156 *(Laird)* Flood Control, *(hereafter AB 156)*, which was enacted during the 2007-08 Legislative Session. Additions to the Water Code include requirements for local levee maintaining agencies *(Local Agencies)* to submit to DWR, by September 30 each year, specific information relative to the Project Levees they operate and maintain. In turn, DWR will be required to summarize this information in an annual report to the Central Valley Flood Protection Board *(CVFPB)* by December 31 each year. These additions to the Water Code will become effective on July 1, 2008.

## Who Is Required to Report Information?

**Local Agencies** who maintain either (1) **Project Levees** or (2) **Non-Project Levees** that also benefit land within the boundaries of an area benefited by a Project Levee, are required to submit five categories of information annually. *(Please see below for a description of the five categories.)*

**NOTE:** A **Local Agency** responsible for operation and maintenance of a levee not otherwise subject to these requirements may voluntarily prepare and submit to DWR or the CVFPB a flood management report for website posting.

## What Information Is Required in the Local Agency Report?

Reports submitted to DWR by a **Local Agency** pursuant to AB 156 must include all of the following:

1. Information known to the Local Agency that is relevant to the condition or performance of the Project Levee *(or jurisdictional Non-Project Levee);*
2. Information identifying known conditions that might impair or compromise the level of flood protection provided by the **Project Levee** *(or jurisdictional Non-Project Levee);*
3. A summary of maintenance performed by the **Local Agency** during the previous fiscal year;
4. A statement of work and estimated cost for operation and maintenance of the Project Levee *(or jurisdictional Non-Project Levee)* for the current fiscal year, as approved by the Local Agency; and
5. Any other readily available information contained in the records of the Local Agency relevant to the condition or performance of the Project Levee *(or jurisdictional Non-Project Levee)*, as determined by the CVFPB or DWR.

### INFORMATIONAL MEETINGS

Additional information on these new Local Agency reporting requirements will be presented as part of a series of broader DWR informational meetings to be held throughout the Central Valley beginning in mid-June 2008. These meetings have been scheduled for the following locations and date:

**Sacramento** – Monday, June 9
**Clovis** – Thursday, June 19
**Chico** – Wednesday, June 25
**Stockton** – Thursday, June 26

### PLEASE VISIT THE FLOODSAFE WEBSITE:

*www.water.ca.gov/floodsafe for up-to-date information on meeting dates and locations.*

### For More Information

If you would like more information, would like to participate in the program development pilot study, or have questions on the new Local Agency reporting requirements, please contact: **Mr. Jon Ericson** at *jericson@water.ca.gov* or (916) 574-2362.

## How Can Local Agencies Submit This Information?

In an effort to help Local Agencies comply with these new requirements, DWR is developing a new website application tool for electronic submittal of required information. DWR is also developing a system to allow Local Agencies to supply this information by mail or facsimile. DWR is currently soliciting input from Local Agencies on development and implementation of this program. Local Agencies interested in participating in the program development pilot study are invited to contact DWR for additional information.

## How Will Local Agency Reports Be Used?

DWR will be required to prepare and transmit to the CVFPB an annual report on **Project Levees** *(and jurisdictional Non-Project Levees)* operated and maintained by **Local Agencies**. The annual report will summarize submitted information, as well as relevant portions of any of the following documents as determined by DWR:

1. Annual inspection reports on **Local Agency** maintenance prepared by DWR or the CVFPB;
2. The State Plan of Flood Control;
3. The flood control system status report described in California Water Code, Section 9120;
4. The schedule for mapping described in California Water Code, Section 8612;
5. Any correspondence, document, or information deemed relevant by DWR.

DWR will be required to make available for website viewing each **Local Agency**'s flood management report, and will also be required to provide a copy of each report to the following entities:

1. The Local Agency;
2. Any city or county within the Local Agency's jurisdiction;
3. Any public library located within the Local Agency's jurisdiction.

## What Are the New Mandated Reporting Timelines?

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|---|---|
| Water Code changes become effective: | July 1, 2008 |
| **Local Agency** reports to **DWR**: | Due September 30 each year |
| **DWR** consolidated report to **CVFPB**: | Due December 31, 2008, updated annually |

## Background on Assembly Bill 156

AB 156 was introduced during the 2007-08 Legislative Session and was approved by the Governor and chaptered by the Secretary of State on October 10, 2007 *(Chapter 368, Statutes of 2007)*. Additions to the California Water Code as a result of AB 156 include: requirements that on or before September 30 of each year, a **Local Agency** responsible for the operation and maintenance of a **Project Levee** *(or jurisdictional Non-Project Levee)* will prepare and submit to DWR a report of specified information for inclusion in periodic flood management reports prepared by DWR. By establishing these requirements for **Local Agencies**, AB 156 imposes a State-mandated local program. Additions to the Water Code become effective July 1, 2008. The full text of AB 156 is available at the Official California Legislative Information website:

*http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_156&sess=CUR&house=B&author=laird*

## Where Will the Local Agency Reporting Requirements Be Added to the Water Code?

AB 156 will add Chapter 9, commencing with Section 9110, to Part 4 of Division 5 of the California Water Code. Water Code additions specific to the Local Agency Reporting Program are outlined below:

| Water Code Section | Topic |
|---|---|
| Chapter 9. Article 1. Section 9110: | Selected Definitions |
| Chapter 9, Article 4, Section 9140: | Local Reports |

## Will Other Statutory Changes Result from AB 156?

Yes. AB 156 will result in additions to the Government Code, the Public Resources Code, and numerous other additions and amendments to the Water Code.

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## Glossary – Selected Definitions

"**Local Agency**" means a local agency responsible for the maintenance of a project levee.

"**Maintenance**" has the same meaning as that set forth in subdivision (f) of Section 12878. *("Maintenance" means work described as maintenance by the federal regulations issued by the Secretary of the Army, the Secretary of Agriculture, the DWR, or the CVFPB for any project.)*

"**Project levee**" means any levee that is part of the facilities of the State Plan of Flood Control.

"**State Plan of Flood Control**" means the State and federal flood control works, lands, programs, plans, policies, conditions, and mode of maintenance and operations of the Sacramento River Flood Control Project described in Section 8350, and of flood control projects in the Sacramento River and San Joaquin River watersheds authorized pursuant to Article 2 *(commencing with Section 12648)* of Chapter 2 of Part 6 of Division 6 for which the CVFPB or DWR has provided the assurances of nonfederal cooperation to the United States, and those facilities identified in Section 8361.

"**Fiscal year**" has the same meaning as that set forth in Section 13290 of the Government Code. *(The fiscal year shall commence on the first day of July.)*