

# **D R A F T**

## **STATE WATER RESOURCES CONTROL BOARD RESOLUTION NO. 2023-**

### **ADOPTION OF MINOR CHANGES TO THE ADMINISTRATOR POLICY HANDBOOK TO AWARD FUNDS TO AN ADMINISTRATOR ON BEHALF OF A DESIGNATED WATER SYSTEM UNDER THE SAFE AND AFFORDABLE FUND FOR EQUITY AND RESILIENCE (SAFER) PROGRAM**

#### **WHEREAS:**

1. In September 2019, the State Water Resources Control Board (State Water Board) SAFER program adopted the Administrator Policy Handbook (Policy) for the State Water Board's implementation of Assembly Bill 2501 (AB 2501), which was approved by the Governor and filed with the Secretary of State on September 28, 2018. AB 2501 amended section 116686 of the Health and Safety Code, which pertains to the State Water Board's selection and use of contracted or grant-funded administrators for designated drinking water systems. Administrators are appointed to support drinking water systems struggling to provide adequate, safe, and affordable drinking water due to Technical, Managerial, and/or Financial (TMF) issues.
2. The Policy provides further direction to the State Water Board staff and appointed administrators of designated water systems as authorized by the amended Health and Safety Code Section 116686 for the following:
  - a. Ensuring compliance with subdivision (f) of section 116686,
  - b. Providing opportunity for public comment on selection of an administrator and the services to be provided,
  - c. Providing public access to budgets, financial information, and other documents and records related to the provision of water service to the designated water system or affected residences and to the management of the designated water system by the administrator,
  - d. Providing regular public meetings, notifications, opportunities for public comment, and other forms of engagement with customers of the designated water system for significant decisions or actions made on behalf of the designated water system, including, but not limited to, establishing operating budgets, altering water rates, adopting system policies, entering into long term contracts or financing commitments, and developing system projects or plans,
  - e. Formal requests to the State Water Board to reverse or modify a decision of an administrator or to request substitution of an administrator, and
  - f. Ensuring the administrator acts in the best interests of the community served,

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- g. Development and approval of a post-administrator drinking water service plan to ensure compliance with subdivision (e). Development of the plan shall include, but is not limited to, an evaluation of long-term public governance or community ownership options. (Health & Saf. Code, § 116686, subd. (e).)
3. In [Resolution No. 2019-0006](#), the State Water Board adopted the first version of this new Policy and expressed the intent for future revisions to the Policy as lessons are learned from initial experiences.
4. There is a need to amend the Policy to give the State Water Board the flexibility to award construction, planning, and/or operation and maintenance funds to an appointed Administrator on behalf of a designated water system in the case that the designated water system has governance, financial, or other issues that prevent them from receiving State Water Board funding. This would allow the State Water Board to move forward with administrator appointments to bring designated water systems to compliance with drinking water regulations, facilitate projects, and provide an adequate supply of safe and affordable drinking water to disadvantaged communities experiencing TMF issues.
5. The proposed changes to the Administrator Policy Handbook will continue to meet the statutory requirements and intent of AB 2501.
6. As directed by the State Water Board in [Resolution No. 2016-0010](#), the proposed action will continue to support the human right to water by providing administrative and technical assistance to improve access to, and the quality of, drinking water in disadvantaged communities.
7. Ongoing discussions with stakeholder groups to receive feedback and to collectively reflect on what all parties are learning will be important to the successful implementation of the administrator program; and
8. The State Water Board anticipates making future revisions to the Administrator Policy Handbook in response to lessons learned and stakeholder input.

# **D R A F T**

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. The State Water Board hereby adopts the updated Administrator Policy Handbook and order that it be posted on the State Water Board's website.
2. The State Water Board directs Board staff to provide recommended revisions for a comprehensive update to the Administrator Policy Handbook before December 31, 2023.

## **CERTIFICATION**

The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Resources Control Board held on March 8, 2023.

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Courtney Tyler  
Acting Clerk to the Board