



March 19, 2026

The Honorable Juan Carrillo
Chair, Assembly Committee on Local Government
State Capitol, Room 447
Sacramento, CA 95814

RE: AB 2180 (Ward) – SUPPORT

Dear Chair Carrillo:

On behalf of the Association of California Water Agencies (ACWA) and undersigned organizations, I am writing to respectfully express our strong support for AB 2180, which would clarify how water agencies comply with Proposition 218 when setting water rates. This clarification would provide much needed predictability for water agencies, support California's water-use conservation goals, and minimize unnecessary legal disputes over water rates. ACWA is pleased to sponsor this legislation and appreciates Assemblymember Ward's leadership in advancing this critical issue.

Since the passage of Proposition 218 in 1996, water agencies have been required to ensure that rates do not exceed the proportional cost of service attributable to each parcel. To meet this constitutional standard, water agencies typically engage independent experts and rely on rigorous cost-of-service studies. However, despite these efforts, high-volume water users have continued to challenge the constitutionality of water agencies' rate structures in court. Recent appellate court decisions on this matter have resulted in differing, and in some cases, conflicting, views, creating uncertainty for water agencies about how proportionality must be demonstrated. Because of this conflict, it is now both necessary and appropriate for the Legislature to clarify how the courts and water agencies should interpret the Constitution.

AB 2180 would create clear, consistent standards for water agencies statewide, helping them to confidently develop constitutionally-sound rates and continue to deliver safe and reliable water to their communities. Recent appellate court decisions, like those in *Coziahr v. Otay Water District* (2024) and *Patz v. City of San Diego* (2025), impose rigid interpretations of Proposition 218 that require unfeasible levels of precision at the expense of practical administration of water rates. For example, under these court decisions, water agencies could be forced to trace the flow of water from each source of supply to each parcel, molecule by molecule, even when water supplies are commingled in the distribution system.

Conversely, the court's December 8, 2025 decision in *Dreher v. City of Los Angeles Department of Water and Power* (2025) supports a framework that is consistent with Proposition 218 and aligns with longstanding industry practice. AB 2180 respects the wishes of voters by maintaining a rigorous standard of justifying water rates while giving water agencies the flexibility to set rates in a way that reflects the true cost of service and ensures that high-volume water users pay for the infrastructure necessary to provide reliable water supplies during droughts and times of high demand.

Public water and sewer agencies provide essential government services for the benefit of communities, agriculture, industries, and the environment. Collectively, these agencies are

responsible for ensuring a consistent and reliable water supply, safeguarding the quality of drinking water, planning, constructing, and maintaining critical infrastructure, and much more. With climate change presenting unprecedented challenges, these agencies also must adapt and enhance aging infrastructure to mitigate the impacts of increasingly frequent and severe climate-related events. Public agencies throughout California are making generational investments to build 21st Century infrastructure for a 21st Century climate while making every effort to keep water affordable.

Without legislative clarification, water agencies and ratepayers will both continue to face costly and unnecessary legal disputes. The revenue necessary for water agencies to fulfill their essential government functions comes almost entirely from service rates and assessments subject to Proposition 218. The recent rise in litigation has made it increasingly difficult for water agencies to have the financial stability they need to provide reliable, safe, and affordable water to Californians.

For these reasons, ACWA and the undersigned organizations strongly support AB 2180 and respectfully request your “AYE” vote when the bill is heard in the Assembly Local Government Committee. If you have any questions about our position or this bill, please contact Soren Nelson at SorenN@acwa.com.

Sincerely,

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