CALL TO ORDER -
Chairperson: Director Longville
Vice-Chair: Director Kielhold

1. **INTRODUCTIONS**

2. **PUBLIC COMMENT** - Any person may address the Board on matters within its jurisdiction.

3. **SUMMARY OF PREVIOUS MEETING**
   3.1. August 1, 2019, Meeting (Page 3)
       Summary Notes BOD Workshop - Policy 080119

4. **DISCUSSION ITEMS**
   4.1. Consider Forming a Constituent Group to Assist with the Strategic Planning Process (Page 6)
       Staff Memo - Constituent Group for Strategic Plan
   4.2. Update on Water Use Efficiency Program (Page 9)
       Staff Memo - Water Use Efficiency Update
   4.3. Update on Legislative Program (Page 12)
       Staff Memo - Legislative Update
       State Legislative Update
       Federal Legislation Matrix
       IFS Monthly Newsletter
       AWE Letter Supporting HR 2313
       SB 49 Letter of Support
       Bipartisan Oroville Dam Appeals Letter
       AB 1580 Coalition Letter Oppose
4.4. Discuss Disadvantaged Communities Program (Page 59)  
Staff Memo - Discuss Disadvantaged Communities Program

4.5. Social Media Update (Page 60)  
Staff Memo - Social Media Update  
September Social Media Report

4.6. Update on PFAS Bill (Page 66)  
Staff Memo - PFAS Bill Update  
ACWA PFOA & PFAS Fact Sheet

4.7. Update on San Bernardino Valley Water Conservation Garden (Page 69)  
Staff Memo - Update on SBVWCD Garden

4.8. Consider Support for Facilitation Services to Evaluate the Exchange Plan (Page 71)  
Staff Memo - Consider Support for Facilitation Services to Evaluate the Exchange Plan  
WSC Proposal for Facilitation Services

5. **ADJOURNMENT**

PLEASE NOTE:
Materials related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the District’s office located at 380 E. Vanderbilt Way, San Bernardino, during normal business hours. Also, such documents are available on the District’s website at [www.sbwmwd.com](http://www.sbwmwd.com) subject to staff’s ability to post the documents before the meeting. The District recognizes its obligation to provide equal access to those individuals with disabilities. Please contact Lillian Hernandez at (909) 387-9214 two working days prior to the meeting with any special requests for reasonable accommodation.
The Policy Workshop convened on August 1, 2019. Director Kielhold chaired the meeting. Directors Harrison, Hayes and Navarro participated in the Workshop. Douglas Headrick, Cindy Saks, Bob Tincher, and Kristeen Farlow, of staff, participated in the workshop.

3. Summary of Previous Meeting

The meeting notes from the July 11, 2019 Board of Directors Workshop – Policy were reviewed with no additional comments.

4.1 Quarterly Investment Portfolio Update from PFM Asset Management

Staff introduced the District’s financial advisor Richard Babbe from PFM Asset Management who reviewed the quarterly investment portfolio activity. Richard reported on current interest rates, earnings and trends, current diversity of the District’s portfolio and trades made during the quarter.

4.2 Discuss Research on Proclamations and Commendations

Staff provided the Board of Directors with an update on research that was conducted in regards to the District issuing proclamations and other commendations. Public agencies of all types present commendations at events, for a significant moment of honor in their community or to their customer base. The research found that most agencies do not have a formal Commendation Policy; most requests must be submitted online at least four weeks prior to the requested date; and the presentation of the commendation is typically made by the Mayor, Board President or City Councilperson. The Board of Directors directed staff to
develop guidelines for the consideration of the District issuing commendations and bring this item back to a future Policy Workshop.

4.3 Update on Social Media and Consideration of Contract

Staff provided the Board of Directors with a status update on the District’s Social Media Program. The Program was launched in April with Facebook and Twitter pages and is close to achieving its six-month goals. Posts include general water topics, feature stories about the District’s retail agencies and “boosting” of posts for events such as the extension of the Habitat Conservation Plan Environmental Impact Review period. Additionally, staff requested the Board’s consideration of entering into an annual contract with RMG Communications to manage the Social Media Program for fiscal year 2020. The Board recommended this item be forwarded to the next Board Meeting for consideration.

4.4 Update on Water Use Efficiency Program

Staff provided the Board of Directors with an end-of-year update on the Water Use Efficiency Program. For the Water Use Efficiency Rebate Program (25% program), $62,825 was spent out of $500,000 available; for the Turf Removal Rebate Program, $213,680 was spent out of $250,000 available; for the Weather Based Irrigation Controllers, $3,085 was spent out of $150,000 available. The Inland Empire Resource Conservation District completed all 120 classroom presentations, reaching approximately 3,500 students during the school year, one teacher workshop at Rialto Unified School District, five adult education programs, and four landscape workshops at California State University, San Bernardino.

4.5 Update on Legislative Program

Staff provided the Board of Directors with an update on current significant legislation from both the State and Federal legislatures. On the State side, SB 200 Drinking Water was signed by Governor Newsom on July 25, 2019; AB 756 PFAS is pending signature by the Governor and would authorize the State Board to order a public water system to monitor for perfluoralkyl and polyfluoroalkyl substances at lower notification levels than previously required; AB 402 Drinking water: local primacy agency funding subsidy has been re-referred to the Senate Committee on Appropriations; and SB 414 Small System Water Authority Act of 2019 was re-referred to the Assembly Committee on Appropriations. On the Federal side, a budget deal was reached to adjust the overall spending caps from the Budget Control Act of 2011. The House and Senate are both scheduled to be in recess for a state/district work period during the month of August. When lawmakers return at the beginning of September, they will be focused on ensuring that some form of appropriations legislation is enacted before the end of the fiscal year. While some bills may be ready for consideration in the
House and Senate based on the new topline numbers, a continuing resolution, even if only for a few weeks, is expected to be needed.

**Staff Recommendation:**

Receive and file
DATE: September 11, 2019  
TO: Board of Directors’ Workshop - Policy  
FROM: Douglas Headrick, General Manager  
       Bob Tincher, Deputy General Manager - Resources  
SUBJECT: Consider Forming a Constituent Group to Assist with the Strategic Planning Process

On August 20, 2019, the Board authorized a consulting contract with Water Systems Consulting, Inc. to help develop Valley District’s first Strategic Plan. Staff is recommending that the Board consider forming a constituent group comprised of retail agency representatives and others to provide input to the plan. Staff has solicited input from the Advisory Commission and the Basin Technical Advisory Committee (BTAC). The Advisory Commission appointed Ron Coates and Michael Plinski. From the BTAC, staff is recommending Tom Crowley, John Mura, Miguel Guerrero and Joe Zoba.

Background
Valley District has a long, rich history of planning that dates back to the early 1970s when it commissioned the Department of Water Resources to prepare the study titled Meeting Water Demands in the Bunker Hill-San Timoteo Area. Since that time, Valley District has commissioned numerous studies to better understand the water resources within its service area and has developed various planning documents, over the years. In the early 1990s, Valley District adopted its Regional Water Facilities Master Plan. This master plan laid the foundation for the Upper Santa Ana River Watershed Integrated Regional Water Management Plan (Water Management Plan), the current version of Valley District’s master plan. The Water Management Plan analyzes the water budget for the upper Santa Ana River Watershed and establishes water management goals and strategies to ensure sustainability into the future.
Valley District’s projects and programs implement the strategies in the Water Management Plan. In addition to the Water Management Plan, Valley District also participates in the development of the San Bernardino Valley Regional Urban Water Management Plan and the annual BTAC Regional Water Management Plan.

In 2017, the Board asked Staff to review the various planning documents and summarize the things that are vital to Valley District. Staff identified six vital factors, three of which were taken directly from the Water Management Plan (WMP):

1. Customer Satisfaction (new)
2. Improving Water Supply Reliability (WMP)
3. Improving Water Quality (WMP)
4. Improving Habitat and Open Space (WMP)
5. Public Safety (new)
6. Stewardship (new)

For each vital factor, staff then identified the corresponding vital outcomes, identified any gaps between the vital outcomes and current conditions and then identified proposed action(s) to overcome any gap(s). During this process, Staff demonstrated the progress that has been made toward all of the vital factors as summarized in the below table:

<table>
<thead>
<tr>
<th>Vital Factor</th>
<th>Gap(s)</th>
<th>Proposed Action(s)</th>
<th>Status</th>
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<tbody>
<tr>
<td>Improving Water Supply Reliability</td>
<td>Short-term, upstream storage to meet direct deliveries in worst-case drought on SWP</td>
<td>Consider renewing or replacing current water banking program with Kern-Delta (KD) WD</td>
<td>In process. Staff has done some investigation of upstream storage that could replace our existing KD banking program. The RAND analysis will help inform the quantity.</td>
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<td></td>
<td>Establish a goal for recycled water</td>
<td>Establish goal for recycled water as a</td>
<td>In process. The Board established the Local Resources Investment Program (LRIP) and has</td>
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</table>
The Valley District Strategic Plan will incorporate this previous work along with additional guidance on priorities. The process to develop the Strategic Plan will include a series of facilitated workshops with the Board and a group of select constituents. Staff will prepare sample mission and vision statements for the Board’s consideration. Goals that are specific, measurable, attainable, realistic, and timely (SMART) will be developed and will become an integral part of the Strategic Plan.

**Fiscal Impact**
There is no fiscal impact associated with this request.

**Staff Recommendation**
Direct staff to form a constituent group made up of Ron Coates, Tom Crowley, Miguel Guerrero, Michael Plinski, John Mura, and Joe Zoba to assist with the development of the Strategic Plan.
Staff is providing an update on the Water Use Efficiency Program. For fiscal year 2020, the District has budgeted the following for the Water Use Efficiency Programs:

- Water Use Efficiency Rebate Program- $500,000
- Turf Removal Rebate Program ($1/SF)- $250,000
- Weather Based Irrigation Controllers- $120,000

The Inland Empire Resources Conservation District has started scheduling classroom presentations throughout the District. Staff is also working with the IERCD to coordinate the Resident Workshops which will be held at Valley District headquarters and led by the Master Gardeners. The Resident Workshops dates and topics include:

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<tr>
<th>Date</th>
<th>Topic</th>
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<tbody>
<tr>
<td>October 12, 2019</td>
<td>Drought Tolerant Planting</td>
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<tr>
<td>March 7, 2020</td>
<td>Landscape Design: The First Step in your Efficient Landscape</td>
</tr>
<tr>
<td>March 21, 2020</td>
<td>Managing an Efficient Irrigation</td>
</tr>
<tr>
<td>April 4, 2020</td>
<td>Why Mulch Matters</td>
</tr>
<tr>
<td>April 18, 2020</td>
<td>Creating an Edible Landscape</td>
</tr>
</tbody>
</table>
Staff is working with the retailers to identify opportunities to enhance water use efficiency programs for their customers. One of these opportunities is the consideration of the District conducting a regional demographic and needs assessment. Staff is currently developing a Request for Proposal, which will be brought to a future Policy Workshop, to solicit a consultant to conduct the demographic assessment throughout the service area. This would include determining the age of the housing stock, assessing past participation in water use efficiency programs and rebates, and identifying the types of programs that would lead to the most engagement by residents and businesses.

**Background**

As a wholesale water agency, Valley District is not directly responsible for the required demand reduction of SBX7-7 but is required to help the retail water agencies achieve their demand reductions (Water Code §10608.36). Further, requirements from AB 1668 and SB 606 allow for the State Water Resources Control Board to issue informational orders to wholesale water suppliers to provide water conservation assistance to retail water agencies. This assistance could include water education, rebates, or other technical assistance, similar to what Valley District currently provides through our water use efficiency program.

Valley District has a Water Use Efficiency Program that includes three main components:

- The District contributes to the cost of conservation rebates offered by retailers at a 25% reimbursement rate.
- The District offers $1/square foot of turf removed and replaced with low-water use landscaping.
  - For both of these programs, the retail agency incurs the expense and submits an invoice for reimbursement by Valley District.
- The District funds 50% of the retrofit costs for large water users (1,500 cubic feet or more annually) who participate in the Weather Based Irrigation Controller Program which includes a landscape audit followed by installation of a weather station (if needed) and weather-based irrigation controller.
**Fiscal Impact**

Funds for this Program are included in the approved Water Conservation and Education Program budget account number 6640. A total of $870,000 is budgeted for the water use efficiency programs and $30,000 for the education program.

**Staff Recommendation**

Receive and file.
Staff is providing the Board of Directors with an update on current significant legislation from both the state and federal legislatures.

**Background**
Each month, staff provides the Board of Directors with a summary of State and Federal Legislative highlights. This information is provided by the District’s lobbying firms and supplemented by District Staff. The Gualco Group, Inc. (TGGI) is the District’s State lobbyist in Sacramento and Innovative Federal Strategies (IFS) is the District’s Federal lobbyist in Washington D.C.

**State Legislative Highlights**
August was an active month for the state legislature, with a number of bills moving through the legislative process. Some highlights of note include:

- **AB 402 (Quirk):** drinking water: local primacy agency funding subsidy: failed to advance out of Senate Appropriations;
- **AB 1580 (Levine):** Major Infrastructure Construction Projects: Valley District took an OPPOSE position on this bill and signed onto a coalition letter (attached). This bill was held on the Appropriations Suspense File and will not move forward this year.
- SB 1 (Atkins): California Environmental, Public Health, and Workers Defense Act of 2019: continues to move through the legislative process. Valley District, along with the State Water Contractors, continue to actively oppose SB 1;
- SB 134 (Hertzberg): Water conservation: water losses: enforcement: was approved by the Governor on August 30, 2019. This bill requires urban retail water suppliers to calculate an urban water use objective.
- SB 414 (Caballero): Small System Water Authority Act of 2019: This bill did not make it off the Assembly Appropriations Suspense file and is now a 2-year bill.

**Federal Legislative Highlights**

The House was in recess for the month of August, while the Senate was in session through August 1 and then was in recess for the remainder of the month. Both the House and Senate held pro forma sessions throughout the month, with no legislative activity occurring. Pro forma sessions were necessary since no adjournment resolution was agreed to. Highlights from late July/early August include:

- A budget deal was reached to adjust the overall spending caps from the Budget Control Act of 2011 (BCA) levels. This deal provides for adjustments in fiscal years 2020 (beginning October 1, 2019) and 2021 (beginning October 1, 2020). These are the final two years an adjustment would be needed under the 2011 law. The House passed the legislation at the end of July and the Senate passed it on August 1st.
- The budget deal also suspends the debt ceiling until July 31, 2021. The suspension was needed to ensure that the federal government did not begin defaulting on its debt in early September, according to estimates from the Treasury Department.
- President Trump signed the legislation on August 2, 2019.

Outlook for September: The House and Senate are slated to return the week of September 9, 2019. The House is expected to spend part of the month debating gun control legislation with the House Judiciary Committee announcing consideration of several bills in response to recent mass shootings.

The Senate is expected to work on the 12 annual appropriations bills during the month of September, aiming to pass four bills per week out of the Senate Appropriations Committee. It is unclear how many, if any, of those bills will be considered on the Senate floor. There is a
possibility that the House and Senate will use the Senate Committee-passed bills to negotiate the final appropriations bills.

The House and Senate will need to pass a continuing resolution (CR) to fund at least part of the government, depending on how many — if any — appropriations bills are enacted by October 1. A full or partial government CR will likely run into December, even as Congress will attempt to pass appropriations bills ahead of December.

**Recommended Action**
Receive and file.

**Attachments**
State Legislative Update
Federal Legislative Update
IFS Monthly Newsletter
Copy of AWE Letter Supporting HR 2313
SB 49 Letter of Support
Bipartisan Oroville Dam Appeals Letter
AB 1580 Coalition Letter of Oppose
<table>
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<tr>
<th>Bill No. / Author</th>
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<th>Position(s)</th>
<th>Status</th>
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<tr>
<td><strong>AB 56 (Garcia, E.)</strong></td>
<td>Electricity: procurement by the California Alternative Energy and Advanced Transportation Financing Authority</td>
<td>07/10/2019</td>
<td>This bill would require the PUC to empower the California Alternative Energy and Advanced Transportation Financing Authority to undertake backstop procurement of electricity that would otherwise be performed by an electrical corporation to meet the state resource adequacy, integrated resource planning, and renewable portfolio standard goals not satisfied by retail sellers or load-serving entities.</td>
<td>ACWA - Watch</td>
<td>08/28/2019 SEN EU&amp;C: reconsideration granted</td>
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| **AB 100 (ASM Budget)**      | Drinking water                                                        | 06/24/2019 Ordered to 3rd Reading | This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and the long terms.                                                                                                                                               | SBVMWD - Support  | 09/03/2019 SEN Floor, File Item #209 |

| **AB 134 (Bloom)**           | Safe Drinking Water Restoration                                       | 07/10/2019                        | This bill would state findings and declarations relating to the intent of the Legislature to adopt policies to ensure that every Californian has the right to safe, clean, affordable, and accessible drinking water.                                                                                                                                                   | ACWA - Not Favor  | 07/10/2019 2-Year Bill          |

<p>| <strong>AB 217 (Burke)</strong>           | Income Taxation: credits: exclusions: federal conformity             | 06/24/2019                        | This bill, for taxable years beginning on or after January 1, 2019, and before January 1, 2020, would deem the California Consumer Price Index as the greater of 3.5% or the percentage change in the California Consumer Price Index for the recomputation of those specified amounts.                                                                               | ACWA - Watch      | 09/03/2019 ASM Floor, File Item #190 |</p>
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<tr>
<th>Bill Number</th>
<th>Description</th>
<th>Date</th>
<th>Action</th>
<th>ACWA Position</th>
<th>SEN Floor, Inactive File</th>
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<tr>
<td><strong>AB 292 (Quirk)</strong>&lt;br&gt;D-Hayward</td>
<td>Recycled water: raw water and groundwater augmentation</td>
<td>08/30/2019</td>
<td>Ordered to the Inactive File</td>
<td>This bill would eliminate the definition of “direct potable reuse” and instead would substitute the term “groundwater augmentation” for “indirect potable reuse for groundwater recharge” in these definitions. The bill would revise the definition of “treated drinking water augmentation.”</td>
<td>Support</td>
</tr>
<tr>
<td><strong>AB 402 (Quirk)</strong>&lt;br&gt;D-Hayward</td>
<td>SWRCB: local primacy delegation: funding stabilization program</td>
<td>08/12/2019</td>
<td>Referred to SEN APPR</td>
<td>This bill would authorize the state board to delegate partial responsibility for the act’s administration and enforcement by means of a local primacy delegation agreement. The bill would authorize the state board, for counties that have not been delegated primary responsibility as of January 1, 2020, to offer an opportunity for the county to apply for partial or primary responsibility if the state board determines that it needs assistance in performing administrative and enforcement activities, as specified.</td>
<td>Oppose&lt;br&gt;Unless Amended</td>
</tr>
<tr>
<td><strong>AB 533 (Holden)</strong>&lt;br&gt;D-Pasadena</td>
<td>Income taxes: exclusion: water conservation or efficiency programs: water runoff management improvement programs</td>
<td>5/16/2019</td>
<td>Hearing postponed by committee.</td>
<td>MWD sponsored bill to exempt from personal income tax, any gross income for any amount received as a rebate, voucher, or other financial incentive issued by a local water agency or supplier for any conservation or efficiency program of runoff management improvement program.</td>
<td>Favor&lt;br&gt;MWD – Co-Sponsor / Support&lt;br&gt;SAW PA – Support</td>
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Note: ACWA positions current as of 06/14/2019
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<tr>
<th>Bill Number</th>
<th>Sponsor</th>
<th>Description</th>
<th>Status</th>
<th>ACWA Position</th>
<th>Committee</th>
<th>Date</th>
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<tr>
<td>AB 658</td>
<td>Arambula</td>
<td>Water rights: water management</td>
<td>08/30/2019 Referred to SEN Floor</td>
<td>Authorize a groundwater sustainability agency or local agency to apply for, and the State Water Resources Control Board to issue, a conditional temporary permit for diversion of surface water to underground storage for beneficial use that advances the sustainability goal of a groundwater basin, as specified.</td>
<td>Support if Amended</td>
<td>09/03/2019 SEN Floor, File Item #493</td>
</tr>
<tr>
<td>AB 756</td>
<td>Garcia, C.</td>
<td>Public water systems: perfluoroalkyl substances and polyfluoroalkyl substances</td>
<td>07/19/2019 Enrolled and presented to the governor</td>
<td>Authorize the State Water Resources Control Board to order a public water system to monitor for perfluoroalkyl substances and polyfluoroalkyl substance.</td>
<td>Oppose</td>
<td>07/31/2019 Chaptered by the Secretary of State, Chapter 162, Statutes of 2019</td>
</tr>
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<td>AB 1486</td>
<td>Ting</td>
<td>Surplus land</td>
<td>08/30/2019 SEN APPR: Amended and Re-referred to committee</td>
<td>Expand the definition of “local agency” to include sewer, water, utility, and local and regional park districts, joint powers authorities, successor agencies to former redevelopment agencies, housing authorities, and other political subdivisions of this state and any instrumentality thereof that is empowered to acquire and hold real property, thereby requiring these entities to comply with these requirements for the disposal of surplus land.</td>
<td>Oppose Unless Amended</td>
<td>09/03/2019 SEN APPR</td>
</tr>
<tr>
<td>ACA 1</td>
<td>Aguiar-Curry</td>
<td>Local government financing: affordable housing and public infrastructure: voter approval</td>
<td>08/19/2019 ASM Floor: Refused adoption</td>
<td>Create a new constitutional vote threshold of 55% for both General Obligation bonds and special taxes, when proposed specifically for the construction, reconstruction, rehabilitation, or replacement of public infrastructure or affordable housing, or the acquisition or lease of real property for those purposes.</td>
<td>Watch</td>
<td>09/03/2019 ASM Floor, File Item #184 Motion to Reconsider</td>
</tr>
<tr>
<td>ACA 3 (Mathis/Garcia, E./Rubio B./Salas)</td>
<td>Clean Water for All Act</td>
<td>4/30/2019</td>
<td>Commencing with the 2021-22 FY would require not less than 2% of specified state revenues to be set apart for the payment of principal and interest on bonds authorized pursuant to the Water Quality, Supply, &amp; Infrastructure Improvement Act of 2014; water supply, delivery &amp; quality projects administered by the dept. &amp; water quality projects administered by the state board.</td>
<td>ACWA – Watch</td>
<td>4/30/2019</td>
<td>ASM WP&amp;W</td>
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<tr>
<td>Bill No. / Author</td>
<td>Title</td>
<td>Last Action</td>
<td>Summary</td>
<td>Position(s)</td>
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<td>SB 1 Atkins</td>
<td>California Environmental, Public Health, and Workers Defense Act of 2019</td>
<td>08/30/2019 ASM APPR: Do pass</td>
<td>Would require specified agencies to take prescribed actions regarding certain federal requirements and standards pertaining to air, water, and protected species, as specified. This bill would require specified agencies to take prescribed actions regarding certain requirements and standards pertaining to workers' health and safety. This bill would make it unlawful for a person in California to transport, sell, receive, acquire, or purchase any fish, wildlife, or plant that was taken, possessed, transported, or sold in violation of any law, treaty, regulation, policy, or finding of the United States with regard to international trade of fish, wildlife, or plants in effect on January 19, 2017.</td>
<td>SBVMWD D – Oppose ACWA – Oppose Unless Amended MWD – Oppose Unless Amended</td>
<td>09/03/2019 ASM Floor, File Item #81</td>
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<tr>
<td>SB 45 Allen</td>
<td>Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020</td>
<td>08/30/2019 SEN APPR: Amended and re-referred to committee</td>
<td>Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of $3,999,000,000 pursuant to the State General Obligation Bond Law to finance projects to finance a wildfire prevention, safe drinking water, drought preparation, and flood protection program.</td>
<td>ACWA A – Favor if Amended</td>
<td>08/30/2019 SEN APPR</td>
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<tr>
<td>Bill Number</td>
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<td>SB 69 Wiener</td>
<td>Ocean Resiliency Act of 2019</td>
<td>08/30/2019</td>
<td>ASM APPR: Suspense File</td>
<td>This bill would require the Department of Fish and Wildlife to develop and implement a plan, in collaboration with specified scientists, experts, and representatives, as part of its fish hatchery operations for the improvement of the survival of hatchery-produced salmon, and the increased contribution of the hatchery program to commercial and recreational salmon fisheries.</td>
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<tr>
<td>SB 101 SEN B&amp;FR</td>
<td>Drinking water</td>
<td>06/24/2019</td>
<td>Referred to ASM Budget</td>
<td>This bill would establish the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and the long terms.</td>
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<td>SB 134 Hertzberg</td>
<td>Water Conservation: water losses: enforcement</td>
<td>08/27/2019</td>
<td>Enrolled and presented to the governor</td>
<td>Prohibit the State Water Resources Control Board from issuing an information order, written notice, or conservation order to an urban retail water supplier that does not meet its urban water use objective if the board determines the urban retail water supplier is not meeting its urban water use objective solely because the volume of water loss exceeds the urban retail water supplier’s standard for water loss and the board is taking enforcement action against the urban retail water supplier for not meeting the performance standards for the volume of water losses.</td>
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<tr>
<td><strong>Bill Number</strong></td>
<td><strong>Bill Title</strong></td>
<td><strong>Bill Sponsor</strong></td>
<td><strong>Bill Status</strong></td>
<td><strong>Committee Action</strong></td>
<td><strong>Action Date</strong></td>
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<td>SB 200 Monning</td>
<td>Drinking Water</td>
<td>D-Carmel</td>
<td>06/27/2019</td>
<td>Referred to ASM ES&amp;TM</td>
<td>W would establish the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and the long terms.</td>
<td>SBVMW D - Watch ACW A - Support 07/24/2019 Chaptered by the Secretary of state, Chapter 120, Statutes of 2019</td>
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<tr>
<td>SB 204 Dodd</td>
<td>State Water Project: contracts</td>
<td>D-Napa</td>
<td>06/24/2019</td>
<td>ASM WP&amp;W: Failed deadline</td>
<td>State Water Project contract amendments transparency, including requiring the Delta Conveyance Design &amp; Construction Authority (DCA) submit 60 days in advance the terms &amp; conditions of any contract for planning, design, &amp; construction to the Joint Legislative Budget Committee and relevant policy and fiscal committees.</td>
<td>SBVMW D - Watch ACW A - Not Favor MWD – Watch 07/10/2019 2-Year Bill</td>
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<tr>
<td>SB 414 Caballero</td>
<td>Small System Water Authority Act of 2019</td>
<td>D-Salinas</td>
<td>08/21/2019</td>
<td>ASM APPR: Postponed by committee</td>
<td>Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems.</td>
<td>SBVMW D - Support ACW A - Support CMUA - Sponsor SAWPA – Support 08/30/2019 ASM APPR: Suspense File</td>
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<tr>
<td>SB 669 Caballero</td>
<td>Water quality: Safe Drinking Water Fund</td>
<td>D-Salinas</td>
<td>5/16/2019</td>
<td>Held in SEN APPR and under submission.</td>
<td>Would create a Safe Drinking Water Trust that will help community water systems in disadvantaged communities provide access to safe drinking water.</td>
<td>SBVMW D - Support ACW A - Co-Sponsor / Support CMUA – Co-Sponsor SAWPA – Support 05/16/2019 2-Year Bill</td>
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<td>Bill Number (linked to the legislation on Congress.gov)</td>
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<td>S. 2356</td>
<td>Sen. Mike Braun (R-IN)</td>
<td>Define WOTUS Act of 2019</td>
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<td>H.R. 1764</td>
<td>Rep. John Garamendi (D-CA)</td>
<td>The bill to amend the Federal Water Pollution Act</td>
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<td>H.R. 855</td>
<td>Rep. Scott Peters (D-CA)</td>
<td>STRONG (Strengthening the Resiliency of our Nation on the Ground Act) Act</td>
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<td>H.R. 420</td>
<td>Rep. Earl Blumenauer (D-OR)</td>
<td>Regulate Marijuana Like Alcohol Act</td>
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<td>S.1419</td>
<td>Sen. James Lankford (R-OK)</td>
<td>Early Participation in Regulations Act</td>
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<td>Bill</td>
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<td>S. 1344</td>
<td>Sen. Cory Booker (D-NJ) and Tim Scott (R-SC)</td>
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<td>Reinstall Opportunity Zone Data Mandates</td>
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| The House has passed 10 of its 12 annual appropriations bills in three pieces of legislation. The first 9 passed in 2 separate minibus packages and the final bill went on its own. | H.R. 2740, First minibus (passed 226 - 203): Defense; Energy and Water; Labor-HHS; and State-Foreign Operations.  
H.R. 3055, Second minibus (passed 227 - 194): Agriculture; Commerce-Justice-Science; Military Construction - VA; Interior-Environment; and Transportation-HUD.  
Not yet completed: Homeland Security; and Legislative Branch. |
| The Senate has not yet introduced or passed any of its twelve annual appropriations bills. | Senate Appropriations Chairman Shelby has indicated he would move to hand down subcommittee allocations, known as 302(b)s, to Senate Appropriations Subcommittee Chairmen the first week of August.  
Subcommittee chairs are preparing to move quickly once they receive their allocations with the goal of having their bills ready to be packaged or taken up on the floor individually.  
Senate Subcommittee markups are expected to begin the week of September 9th. |
The legislation would amend the Community Services Block Grant Act to reauthorize and modernize the Act. The measure was introduced in the House on March 12, 2019 to the House Committee on Education and Labor.

The measure would create a new WOTUS definition that void the previous Obama era definition that is currently tied up in litigation. The legislation was introduced on the July 31 and referred to the Committee on Environment and Public Works.

The measure would amend the Balanced Budget and Emergency Deficit Control Act of 1985, to establish a congressional budget for fiscal years 2020 and 2021 and to temporarily suspend the debt limit for two years through July 31, 2021. Once the debt ceiling suspension lifts in 2021, the measure would not prohibit the Treasury Department from utilizing extraordinary measures.

The legislation was introduced in the House on July 23, 2019 and then referred to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means.

The 2-year proposal calls for increasing the discretionary spending caps for fiscal years 2020 and 2021 above the levels set in the Budget Control Act of 2011. The compromise would increase fiscal 2020 spending limits on non-defense programs by $24.5 billion over current levels, to $621.5 billion. Defense spending caps for fiscal 2020 would be increased by $19.5 billion over current levels, to $666.5 billion. Another $71.5 billion would be included in the OCO fund, an increase of $2.5 billion over the current OCO level.

The measure was then considered and passed the House with a vote of 284 to 149. The Senate followed suit and passed the measure on August 1, 2019 with a vote of 67 to 28. The President signed the measure into on August 2, 2019.

Now that an agreement on budget caps has been reached Senate Appropriations Chairman Shelby has indicated he will hand down subcommittee allocations, known as 302(b)s.

The legislation would amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes. Introduced on March 15 and then referred to the Subcommittee on Water Resources and Environment.

This legislation has bipartisan cosponsorship.

This year, the legislation included legislation aimed at addressing the risks and challenges associated with per- and polyfluoroalkyl substances (PFAS). This provision will ensure that the EPA sets a national drinking water standard for PFAS and PFOS. It will also require industrial manufactures and users to notify the public when PFAS chemicals are released into the environment. The EPA will also have to issue guidance on how to dispose of and destroy PFAS. The legislation also provides authorization for funding for monitoring and sampling, and requires better interagency coordination on PFAS chemicals.

Passed the Senate on Thursday, June 27, 2019, though an amendment vote was held the following day.

Reauthorizes sections of the Federal Water Pollution Control Act that provide grants to States and interstate agencies, including:

- State Management Assistance: Section 106(a);
- Watershed Pilot Projects: Section 122(c);
- Alternative Water Source Projects Pilot Program: Section 220(d);
- Sewer Overflow and Stormwater Reuse Municipal Grants: Section 221(f)1; and
- State Water Pollution Control Revolving Funds.

Introduced on March 6 and referred to the Subcommittee on Water Resources and Environment of the House Transportation Committee.

The measure would amend the Internal Revenue Code of 1986 to provide for Move America bonds and Move America credits.

Introduced on March 5 and then referred to the House Committee on Ways and Means.

Note: All tax issues are likely to be addressed as part of a larger tax package. The Ways and Means Committee is considering forming a tax extenders package, which would be the most likely venue for this legislation.
<table>
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<tr>
<th>The bill would provide for the consideration of energy storage systems by electric utilities as part of a supply side resource process, and for other purposes.</th>
<th>The bill was introduced on March 13 and the referred to the Committee on Energy and Commerce, and in addition to the Subcommittee on Energy of the Committee on Science, Space, and Technology.</th>
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<tr>
<td>A bill to amend the Internal Revenue Code of 1986 to provide for Move America bonds and Move America credits- which provide tools to finance additional transportation, water, and information infrastructure capital investments, through an approach that provides assistance for financing of infrastructure to all States, rural and urban.</td>
<td>Introduced in the Senate on January 16th</td>
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<td>This legislation would create a competitive grant program for the funding of water recycling and reuse projects by raising the authorization cap for the Title XVI program from $50 million to $500 million. The legislation would also raise the authorization cap from $20 million to $30 million for the Reclamation Wastewater and Groundwater Study and Facilities Act.</td>
<td>Introduced in the House on February 13.</td>
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<td>The House Natural Resources Subcommittee on Water, Oceans, and Wildlife held a hearing on the legislation on June 13.</td>
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<td>This bill would prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretaries of the Interior and Agriculture, and for other purposes.</td>
<td>Introduced in the House on January 15th. Referred to the Conservation and Forestry Subcommittee of the Agriculture Committee on 2/7 and to the Water, Oceans, and Wildlife Subcommittee of the House Natural Resources Committee on 2/4.</td>
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<td>A similar amendment was submitted to the House Rules Committee for consideration in the Interior-Environment Appropriations bill, but was not made in order by the Committee for floor consideration.</td>
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<td>The bill would work to minimize the economic and social costs resulting from losses of life, property, well-being, business activity, and economic growth associated with extreme weather events by ensuring that the United States is more resilient to the impacts of extreme weather events in the short- and long-term, and for other purpose.</td>
<td>Introduced in the House and referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management of the House Transportation Committee on February 7th.</td>
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<td>The measure would work to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.</td>
<td>Introduced and referred to the Committee on Finance (Senate) and Ways and Means Committee (House).</td>
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<td>The bill would decriminalize marijuana and sets up legal framework to regulate marijuana.</td>
<td>Introduced in the House on January 9th and referred to the Committees on Energy and Commerce, Ways and Means, Natural Resources, and Agriculture.</td>
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<td>A bill to amend the Internal Revenue Code of 1986 to provide for the taxation and regulation of marijuana products, and for other purposes.</td>
<td>The bill was introduced in the Senate on February 7th and was referred to the Finance Committee. Introduced in the House on February 8th and was referred to the Committees on .</td>
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<td>The legislation would ensure consideration of water intensity in the Department of Energy’s energy research, development, and demonstration programs to help guarantee efficient, reliable, and sustainable delivery of energy and clean water resources.</td>
<td>The bill was introduced in the House on January 3rd. It was marked up and ordered to be reported by the House Science and Technology Committee on May 1, 2019 and was passed by the House on July 23, 2019 by voice vote. On July 24, the bill was referred to the Senate Committee on Energy and Natural Resources.</td>
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The measure would amend the Internal Revenue Code of 1986 to expand the exclusion for certain conservation subsidies to include subsidies for water conservation or efficiency measures and storm water management measures.

The bill was introduced in the House on April 12 and then referred to the Committee on Ways and Means.

Note: All tax issues are likely to be addressed as part of a larger tax package. The Ways and Means Committee is considering forming a tax extenders package, which would be the most likely venue for this legislation.

The legislation would direct agencies to issue advanced notices for rules costing more than $100 million annually. The bill would require agencies must outline the problem the rule intends to solve and listen to the public’s input on the subject.

On May 13, the bill was introduced into the Senate. It was then referred to the Committee on Homeland Security and Governmental Affairs. Hearings on the bill were held in both the Committee on Homeland Security and the Committee on Small Business. On July 19 the Committee on Homeland Security and Governmental Affairs ordered the measure to be reported favorably with an amendment in the nature of a substitute.

The legislation has bipartisan cosponsorship.

The bill would work to promote the development of renewable energy on public lands

The measure was introduced in the House on July 17, 2019 and was then referred to both the Committee on Natural Resources and the Committee on Agriculture. A hearing on the bill was held on July 25 by the Subcommittee on Energy and Mineral Resources.

The measure was later referred to the Subcommittee on Energy and Mineral Resources were a hearing was held on the legislation. The legislation has bipartisan cosponsorship.
The bill would require the Secretary of the Treasury to collect data and issue a report on the opportunity zone tax incentives enacted by the 2017 tax reform legislation.

The reporting requirements were part of the original legislation as introduced, but they were not incorporated in H.R.1 (the tax package) when it was advanced in the House and Senate.

The legislation was introduced in the Senate on May 7, 2019 and referred to the Finance Committee.

The legislation has bipartisan cosponsorship.

The House and Senate came to an agreement on a Conference Report for the 7 remaining FY19 appropriations bills after holding an official conference on the FY19 Homeland Security Appropriations bill. The Homeland Security section contained approximately $1.3 billion for border fencing in the Rio Grande Valley of Texas and slight reduction in funding for ICE detention beds. The other 6 appropriations bills contained conference reports similar to those that had been previously been released.

The bill was introduced on January 22nd and was passed by both the Senate and the House before being signed into law on February 15th. This bill's enactment finalized full year funding for all federal agencies for fiscal year 2019 through September 30, 2019.
This bill sets forth provisions regarding various programs, projects, activities, and studies for the management and conservation of natural resources on federal lands. Specifically, the bill addresses:

- Land conveyances, exchanges, acquisitions, withdrawals, and transfers; the Santa Ana River Wash Plan Land Exchange Act;
- National parks, monuments, memorials, wilderness areas, other conservation and recreation areas; and federal reclamation projects. For California, the legislation included the Santa Ana River Wash Plan Land Exchange Act and the California Desert Protection and Recreation Act of 2019, which was a compromise between individual bills introduced by Senator Dianne Feinstein and Congressman Paul Cook in previous Congresses.

Introduced in the Senate on January 8th. The legislation passed the Senate by a vote 92 - 8 on February 12th. The measure was then taken up by the House and passed by a vote of 363-62. The bill was signed into law by President Trump on March 12, 2019.

This bill provides $19.1 billion in FY2019 supplemental appropriations to several federal departments and agencies for expenses related to the consequences of recent wildfires, hurricanes, volcanos, earthquakes, typhoons, and other natural disasters.

The funding provided by this bill is designated as emergency spending, which is exempt from discretionary spending limits and other budget enforcement rules.

The Senate rejected the underlying legislation by failing to invoke cloture on the legislation as well as a substitute amendment due to disagreements over Puerto Rico and, after several attempts, later passed an alternative supplemental measure totaling $19.1 billion.

The House passed the $19.1 billion disaster relief package by a vote of 354-58 on June 3. The measure was signed into law on June 6.
MEMORANDUM

To: Doug Headrick and Kristeen Farlow

From: Letitia White, Jean Denton, Drew Tatum, Shavenor Winters

Date: September 3, 2019

Re: Monthly Newsletter: August Legislative Update

Congress Reaches Budget Deal, Appropriators Now Face Short Timetable

Despite Congress and President Trump striking a two-year budget deal, they now will face another challenge: funding the government.

While Congress approved the budget deal this summer, it was not an easy sell for Republicans, despite backing from President Donald Trump and GOP leadership. Several Republicans expressed concern about the agreement's effect on the federal deficit. In the end, 132 House Republicans and 23 Senate Republicans voted against the agreement.

Congress will still need to pass spending bills in September adhering to the new $1.3 trillion spending cap to avoid a government shutdown when the next fiscal year starts October 1. Congress could either pass 12 government funding bills or a continuing resolution (CR) that would give negotiators more time while extending funding at 2019 levels.

The House has passed 10 out of the 12 bills already. However, those bills will not likely pass the Senate in their current form because they are loaded up with “poison pill” riders — provisions Republicans oppose and are marked to levels inconsistent with the new budget caps.

After leaving its appropriations process in limbo while the White House and Speaker Nancy Pelosi (D-CA) hashed out the two-year budget deal, Senators have yet to consider any of the 12 appropriations bills, a short-term measure extending current funding is likely for at least some government agencies.

The 12 appropriations bills, in their totality, equal hundreds if not thousands of pages for lawmakers, the White House and their staffs to haggle over. Given the complexities of the process a stop gap measure is almost a guarantee. The stopgap measure- or continuing resolution- may go into late November or early or mid-December, setting up another funding cliff just before the holidays.

A document released by Democrats detailing the budget agreement included an understanding that the appropriations bills will not include “poison pills, additional new riders, additional CHIMPS [changes in mandatory programs], or other changes in policy or conventions that allow for higher spending levels, or any non-appropriations measures unless agreed to on a bipartisan basis by the four leaders with the approval of the President.”
Innovative Federal Strategies LLC

Senate Majority Leader Mitch McConnell (R-KY) touted the document from the Senate floor as a “big win for the White House.”

However, lawmakers are already facing skepticism that the poison pill agreement will hold as they get into the trenches of the government funding negotiations, or that everyone will be able to agree on what must be jettisoned from the talks.

The Senate Appropriations Committee is supposed to have its first markups the week of September 9, which is Congress’s first week back from month-long district work period.

This sets up a short timetable and a breakneck pace of trying to get a bill to the floor, conferenced with the House and signed by President Trump in just over two weeks.

To potentially ease the process, Senate Republicans are eyeing merging three bills — Defense; Labor, Health and Human Services; and Energy and Water Development — on the Senate floor in September.

The three bills make up a majority of total spending, helping Congress fund at least part of the government from and reduce the possibility of a full shutdown.

In addition to timing challenges, the Trump Administration’s threat to send a recessions package to Capitol Hill, which was withdrawn after a cool reception on Capitol Hill, threatened to spark further spending fights. The administration had threatened to impose more than $4 billion in cuts to the United States Agency for International Development and the State Department.

The Trump Administration has also said it plans to reprogram $271 million in Homeland Security funds to the immigration enforcement agency, $155 million of which is expected to come from the Federal Emergency Management Agency’s (FEMA) disaster relief fund that helps hurricane-stricken areas.

In defending the move, a FEMA official said, “This transfer of funds to support the border emergency will leave a remaining balance of $447 million in the DRF (Disaster Relief Fund) Base account. Based on DHS and FEMA’s review of historical emergency spending from the DRF Base account, this amount will be sufficient to support operational needs and will not impact ongoing long-term recovery efforts across the country. The DRF Majors account, which provides funding for ongoing recovery efforts, including those supporting communities impacted by the 2017 disasters, has a current balance of approximately $27 billion and is not impacted by the reprogramming.”

The move, which has draw criticism from Democratic lawmakers on Capitol Hill could also impact negotiations over fiscal year 2020 appropriations bills, as there will likely be an effort to undue or place limitations on such future transfers.
Highway Programs Reauthorized Under America’s Transportation Infrastructure Act

Highway programs would be authorized to receive $287 billion from fiscal year 2021 through 2025 under S. 2302, America’s Transportation Infrastructure Act of 2019.

The measure includes provisions to address climate change and infrastructure resiliency to weather events and natural disasters. It would also modify regulatory oversight of projects.

The legislation will form part of a larger measure to reauthorize surface transportation programs that expire after fiscal 2020. The Senate Environment and Public Works Committee approved it 21-0 on July 30.

The measure doesn’t include policy changes to address the solvency of the Highway Trust Fund, which funds most major highway programs. The Congressional Budget Office estimates it will be insolvent after fiscal 2021.

The bill’s federal-aid highway authorization would be $47.9 billion in fiscal 2021, increasing to $52 billion by fiscal 2025. That authorization funds state apportionments for federal highway construction and maintenance, as well as Surface Transportation Block Grants and other programs.

The fiscal 2021 amount would be a 10% increase from the $43.4 billion authorized for fiscal 2020 under the last surface transportation authorization, known as the FAST Act. The Senate Finance Committee would be responsible for proposing changes to the motor fuels tax, which is the fund’s main source of revenue and was last increased in 1993. The measure would express the sense of the Senate that the Trust Fund’s solvency should be achieved through user fees.

The funding would be provided as contract authority, a unique budgeting method that allows the Federal Highway Administration to commit funds for a project before they have been appropriated. The measure also would set obligation ceilings on federal-aid highway programs, totaling $283.6 billion over the five-year period, limiting the amount of contract authority that can be obligated in a single fiscal year.

The measure would authorize $600 million from the general fund and $600 million from the Trust Fund in fiscal 2021 for grants for bridge repair and replacement. The authorizations would increase to $700 million from both funds by fiscal 2025. Grants could be used for bridges in poor condition or that don’t meet current needs or standards.

The legislation would authorize $500 million from the Trust Fund for each of fiscal 2021 through 2025 for formula safety incentive grants. The program would fund highway projects that would improve the safety of pedestrians and cyclists.

In addition, the bill would also:

- Extend eligibility for Transportation Infrastructure Finance and Innovation Act (TIFIA) loans to airport projects and economic development projects related to rail stations, among
other program changes. The measure would authorize $300 million annually for the program.

- Make several changes to the Infrastructure for Rebuilding America grant program, including directing at least 15% of funds, instead of 10%, toward smaller projects, and establishing set-asides for projects with a higher nonfederal match or that would address certain critical freight needs.
- Require the Transportation Department to provide notice and opportunity for comment before waiving Buy America requirements.
- Direct public entities in public-private partnerships that cost $100 million or more to review the private entity’s compliance with the terms of their agreement within three years of when the project opens to traffic.
- Authorize the Transportation Department to use alternative contracting methods — such as bundling or design-build contracting — on behalf of federal land management agencies and tribal governments.
- Authorize $180 million annually through fiscal 2025 for the Appalachian Regional Commission, which funds economic development projects.

**DOT Proposes Page Limits on NEPA**

On Friday, August 23, the Department of Transportation published two new interim policies on environmental reviews for infrastructure projects.

The first rule says that sub-agencies should limit the text of draft and final environmental impact statements to 150 pages unless they are “of an unusual scope or complexity.” It also recommends environmental assessments not be more than 75 pages.

The policy indicates that the Department of Transportation finds it necessary to implement the interim policy due to the length of NEPA documents and what it calls extraneous details and needless data. Furthermore, the Department notes that it is necessary because it says that such documents have resulted in increases in both time and cost to complete the environmental review process, making it increasingly difficult for agency decisionmakers and the public to find relevant information regarding proposed actions.

The second policy gives guidance on implementing President Donald Trump’s “One Federal Decision” executive order, which mandates that major projects have one lead federal agency guiding the environmental review and authorization process.

Both are part of the administration's broader effort across agencies to streamline project permitting, a major plank of the White House’s infrastructure policy.

**EPA Proposes to Reform Water Quality Certification Process**

On Friday, August 9, the Environmental Protection Agency (EPA) issued a proposed rule to implementation Section 401 of the Clean Water Act (CWA). The EPA said that the action will increase transparency and efficiency of the 401-certification process and promote the timely
review of infrastructure projects while ensuring that Americans have clean water for drinking and recreation.

EPA Administrator Andrew Wheeler made the announcement at the Council of Manufacturing Associations Summer Leadership Conference in Charleston, South Carolina.

“Under President Trump, the United States has become the number one oil and gas energy producer in the world, while at the same time continuing to improve our air quality,” said Administrator Andrew Wheeler. “Our proposal is intended to help ensure that states adhere to the statutory language and intent of Clean Water Act. When implemented, this proposal will streamline the process for constructing new energy infrastructure projects that are good for American families, American workers, and the American economy.”

Section 401 of the CWA gives states and authorized tribes the authority to assess potential water quality impacts of discharges from federally permitted or licensed infrastructure projects that may affect navigable waters within their borders. The EPA’s existing certification rules have not been updated in nearly 50 years and EPA holds that they are inconsistent with the text of CWA Section 401, leading to confusion and unnecessary delays for infrastructure projects. EPA is proposing to modernize and clarify the timeline and scope of CWA Section 401 certification review and action in an effort, they say, to be consistent with the plain language of the CWA.

EPA is proposing this rule in response to President Trump’s Executive Order 13868, “Promoting Energy Infrastructure and Economic Growth.” EPA was directed to first revise guidance on the CWA Section 401 certification process and then to propose new rules to implement CWA Section 401 by Aug. 8, 2019.

Bureau of Reclamation Seeks Partners for Shasta Dam Project
The Bureau of Reclamation has long-pushed to raise its 602-foot Shasta Dam by 18.5 feet and enlarge the reservoir by 630,000 acre-feet, saying it would increase water supply reliability and reduce flood risks. An acre-foot is about 326,000 gallons of water.

Funding for the federal project has been delayed, halting the award of a land-consulting contract that was due this past spring and land surveys that were expected this summer. A partner to share 50 percent of the cost also was to be secured in August, but that will not happen, Bureau of Reclamation spokesman Jeff Hawk said, adding that the agency has not determined a new timeline at this point.

Congress authorized $20 million from the Water Infrastructure Improvements for the Nation (WIIN) Act in 2018 for preconstruction and design engineering, but that law requires local cost-sharing partners.

Westlands Water District, which serves agriculture customers and once employed Interior Secretary David Bernhardt as a lobbyist, sought to be that partner, but a recent court ruling went against the district’s plans.
On July 29, a Shasta County Superior Court judge ordered Westlands to stop environmental reviews of the project until a trial can be held. Westlands undertook the review as part of it considering a cost-sharing partnership with the Bureau of Reclamation.

The California Department of Fish and Wildlife hasn’t been notified of a delay, but was “aware of recent court rulings that may have resulted in a delay,” Jordan Traverso, the department’s deputy director of communications, said.

Raising the dam would have a profound effect, Fish and Wildlife said in a January letter to the federal bureau.

“The amount of impacted public trust resources (fish, wildlife, native plants, and natural communities) is a substantial loss,” it said.

At issue is the 77-mile-long McCloud River, which flows south into the Shasta Lake reservoir and has special protections under California’s Wild and Scenic Rivers Act. That law prohibits dams, reservoirs, or other diversions that could stop the free-flowing nature of the river or harm its wild trout fishery.

State Attorney General Xavier Becerra sued Westlands in May to stop the environmental review. The advocacy group Friends of the River and other environmental and fishing groups also sued based on the protections in state law.

**Measure Introduced to Assist Financing Rural Infrastructure Projects**

A new proposal in Congress could make financing infrastructure projects in rural America far more affordable.

Small governments that don't issue debt in the municipal market very often tend to pay a premium on interest and borrowing costs because investors aren't familiar with them. In 1986, bank-qualified bonds were created to encourage banks to invest with these smaller, less frequent issuers by giving the banks tax breaks related to buying and holding the bonds. It also saved those municipalities money on borrowing costs because it allowed them to bypass the traditional underwriting system and sell their tax-exempt bonds directly to local banks.

But only small governments that issue $10 million or less in bonds per calendar year can sell bank-qualified debt. In today's dollars, $10 million doesn’t go very far.

The Municipal Bond Market Support Act of 2019 would modernize a restriction on bank-qualified municipal bonds that effectively limits small government’s access to cheaper borrowing rates in the municipal market. The measure would expand access to low-cost capital for municipalities and non-profits.

The Government Finance Officers Association (GFOA) estimates that the proposed bill could save as much as $1.1 million in financing costs on a 15-year, $30 million bond issued by a small...
government. That translates into hundreds of millions of dollars in savings each year for small
governments, nonprofits and districts across the country.

The legislation also applies the bank qualified debt limit on a borrower-by-borrower basis, rather
than aggregating all bank qualified bonds issued by a conduit issuer, so that schools, hospitals
and other community organizations can more easily access capital.

Reps. Terri Sewell (D-AL), a former bond lawyer, and Tom Reed (R- NY), both members of the
House Committee on Ways and Means, envision that the legislation will help local governments,
non-profits, schools, hospitals, universities and other entities reduce costs associated with
infrastructure and development projects.

While there appears to be strong support for the bill from leadership in the House Committee on
Ways and Means, it remains unclear how an infrastructure-related bill will fair given Congress’
limited success on infrastructure financing and funding in general.

**Robocalls Could Receive Congressional Oversight**

By one estimate, Americans lost more than $10 billion thanks to scam phone calls over the last
year.

Due to a combination of emerging technology and legal ambiguity, autodial marketing calls —
both legitimate and illegitimate — are on the rise. The call-blocking company YouMail reports
that U.S. consumers received 48 billion robocalls last year, and they are now the largest source
of consumer complaints to the Federal Trade Commission.

New complaint data from the Federal Trade Commission’s “do not call” list shows that more
than 30 percent of the 17 million robocall complaints filed last year concerned autodialed calls
that connected to a real person. The Federal Communications Commission has been tasked with
clarifying the regulations and has opened them up for public comment by soliciting responses
from industry lobbyists, public advocates, and consumers alike, but so far has failed to clarify
them.

While addressing unwanted robocalls seems to have garnered wide-ranging support, some say
the rules to limit them are too burdensome, associations representing banks, creditors,
community credit unions, and other debt collectors have seen success in inaction.

The issue could be added to the docket for Chairman Roger Wicker (R-MS) and Ranking
Member Maria Cantwell (D-WA) of the Senate Commerce Committee. Many consumer
protection groups could use the time following the month-long district work period to urge the
Chair and Ranking Member to encourage their Senate colleagues to consider and keep key parts
of H.R. 3375, the House passed Stopping Bad Robocalls Act.

The legislation would require the Federal Communications Commission to update its rules in
order to prevent illegal robocalls and text messages. The updated rules would have to allow
consumers to withdraw consent to receive robocalls, prevent violators from evading or
circumventing the prohibition, and require callers to maintain records to demonstrate consent for any robocalls that aren’t subject to an exemption.

The FCC would have to act within one year of the bill’s enactment to limit the availability of regulatory exemptions to the robocall ban, considering the types of entities that use the exemptions, the types of parties that are called, and the number of robocalls to any particular recipient.

The Senate passed a similar version, S.151 - TRACED Act Telephone Robocall Abuse Criminal Enforcement and Deterrence Act but consumer advocates argue the Senate version needs to be strengthened in key areas.

The chambers will need to reconcile the differences between the bills in order for the bill to receive final consideration in both the House and Senate.

Bureau of Land Management Relocation Causes Tension
Interior Secretary David Bernhardt said he has received a green light to move the headquarters of the Bureau of Land Management (BLM) to Grand Junction, Colorado but two key Democratic lawmakers are telling him to tap the brakes.

According to Secretary Bernhardt the department submitted its plan for the move to Congress in July, and House and Senate appropriations committees had 30 days to register their disapproval. Neither did so within that time frame, so the move to Grand Junction is essentially approved.

“That means this is happening,” he said. “I could not be more clear about my intention to move forward in an expeditious and appropriate manner, and I think I have the authority to clearly do so.”

According to a letter sent on Thursday, August 22 from Representative Betty McCollum (D-MN) and Sen. Tom Udall (D-NM) that is not the case. Rep. Betty McCollum chairs the House Appropriations Interior Subcommittee which funds the Interior Department, while Sen. Tom Udall is the Ranking Member on the committee’s Senate counterpart, the Senate Appropriations Interior Subcommittee.

The letter, sent to Joe Balash, Assistant Interior Secretary for Land and Minerals Management, called on the BLM to suspend any efforts to move the headquarters and relocate staff.

McCollum and Udall expressed concerns that the proposed reorganization is part of a “deliberate effort to dismantle and weaken” the agency.

The letter states that the Bureau provided incomplete and superficial information to Congress and it appears that the “proposal to relocate Bureau headquarters is not based on rigorous financial and organizational analysis, nor is it intended to increase the Bureau's accountability and improve the management of our nation's public lands”.
The letter further argues that “any serious effort by the Department to restructure a large, multi-disciplinary organization like the Bureau should have more directly involved Congress, Federal land management agencies, State and local governments, American Indian and Alaska Native tribes and tribal organizations, industry, conservation organizations and the public at large.” And requests on the Department to halt implementation of the relocation proposal.

President Calls for Background Checks
President Trump last week called for "intelligent background checks" on gun purchases in response to a string of mass shootings across the country, expressing confidence that Congress would come together on action.

Senate Majority Leader Mitch McConnell (R-KY) has not publicly backed any gun bills following mass shootings in El Paso and Dayton, though he did note a background checks bill backed by Senators Pat Toomey (R-PA) and Joe Manchin (D-WV) was once again getting attention.

That bill previously failed to get enough votes to move through the Senate after the 2012 Sandy Hook Elementary School shootings.

President Trump previously voiced support for stronger background checks and an increase in the age requirement to purchase certain types of weapons following the 2018 shooting at a Parkland, Florida, high school.

In the wake of these shootings, he also expressed support for "red flag" laws that would allow law enforcement to obtain court orders to confiscate weapons from dangerous individuals.

U.S. Budget Gap to Top $1 Trillion in 2020
The U.S. budget deficit is set to widen to $1 trillion by fiscal year 2020, two years sooner than previously estimated, according to the Congressional Budget Office.

The deficit will expand faster than thought after recent legislation that raised spending levels, according to the non-partisan group’s annual budget outlook released earlier this month. That effect was somewhat moderated by the expectation of lower interest rates, which reduces borrowing costs.

It would be the first time the deficit exceeded the $1 trillion mark since 2012, as the economy recovered from the financial crisis. The deficit breaching that threshold would come as President Donald Trump runs for re-election.
Percentage of Gross Domestic Product

Average deficit
1969 to 2019: -2.9%

Average '20-'29: -4.7%
July 26, 2019

The Honorable Jared Huffman
1527 Longworth House Office Building
Washington, DC 20515

RE: SUPPORT FOR HR 2313

Dear Congressman Huffman:

The Alliance for Water Efficiency and the 72 undersigned water utilities, manufacturers, distributors, consumer groups, and water efficiency advocates strongly support H.R. 2313, the Water Conservation Tax Parity Act, and we applaud your leadership in sponsoring this important legislation.

Your bill would make clear that rebates provided by water utilities for water conservation and water runoff management improvements are not subject to federal income taxation. As the bill’s title implies, it would create parity between water conservation rebates, which can be taxed, and energy conservation rebates, which Congress declared nontaxable in 1992.

Water utilities are offering rebates to incentivize the reduction of water use and to ease the strain on public infrastructure. These programs can provide significant water savings, which is a societal benefit, not a personal benefit to the consumer.

As these rebate programs have grown, however, so have the size of rebates and the number of homeowners receiving an Internal Revenue Service (IRS) Form 1099 reporting “income” of $600 or more. The Treasury Department and the IRS have so far taken the position that these rebates are taxable as income to the recipient. At the same time, the Treasury Department has urged Congress in the past to amend the Internal Revenue Code to make water conservation rebates tax-exempt, just as energy efficiency rebates are.

Your bill would make that change and eliminate a major disincentive for millions of Americans willing to do their part in promoting water conservation efforts.

We stand ready to assist you in the passage of this bill.

Sincerely yours,

Alliance for Water Efficiency
Chicago, IL

American Rivers
Decatur, GA

Arizona Municipal Water Users Association
Phoenix, AZ

Alameda County Water District
Fremont, CA

Amherst, MA

Arizona Nursery Association
Tempe, AZ
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<td>Miami Dade Water &amp; Sewer Dept.</td>
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August 21, 2019

Assembly Member Lorena Gonzalez
California State Assembly
State Capitol, Room 2114
Sacramento, CA 95814

Re: SB 49 (Skinner): Energy Efficiency and State Water Project Assessment
SUPPORT
Assembly Appropriations Committee Suspense File

Dear Assembly Member Gonzalez:

On behalf of the State Water Contractors, Inc., I wish to express support for recent amendments to Section 1 of SB 49 by Senator Nancy Skinner.

California’s State Water Project (SWP) is the largest state-owned water conveyance and power generation system in the United States. It includes 36 storage facilities, 21 pumping plants, five hydroelectric power plants, four pumping-generating plants, and approximately 705 miles of canals, tunnels, and pipelines, making it an incredibly complex water delivery system. The SWP construction, operation, and maintenance costs are borne by 29 public water agencies that contract with the Department of Water Resources (DWR) for water supply. As such, the primary mission of the SWP is to deliver and store water throughout California to over 27 million people and 750,000 acres of farmland.

Although the SWP provides other incidental benefits as well, including hydroelectric generation, energy grid management, flood control, and recreation, the amount of precipitation the state receives each year, however, significantly affects how much water passes through the powerhouses and is pumped throughout the state. That in turn dictates how much flexibility the facilities have in generating and consuming power.

The SWP also plays an important leadership role in helping the state achieve its carbon reduction goals to combat climate change. The SWP produces about 14% of the state’s hydroelectricity and self-generates, on average, 60% of its own energy needs with greenhouse gas (GHG) emission-free power. In conjunction with the September 2018 Global Climate Action Summit in San Francisco, DWR Director Karla Nemeth announced its commitment to cut greenhouse (GHG) emissions by 60% or more below 1990 levels. As proof of its ability to meet that commitment, in less than 30 years, DWR has already reduced annual GHG emissions by more than one million metric tons, the equivalent of taking 200,000 cars off the road.
SB 49 directs there be an assessment of the opportunities and constraints related to the SWP and its potential contributions to achieving the state’s climate goals, without impacting the primary purpose of the SWP. The bill also calls for a timeline for implementation of recommendations and potential funding from state, federal, and other applicable sources.

For these reasons, we support SB 49 and look forward to being an active participant in implementation of the bill, should it become law. If you have any questions, please do not hesitate to contact me (916) 447-7357 ext. 203.

Sincerely,

[Signature]

Jennifer Pierre
General Manager

cc: Senator Nancy Skinner
Members of the Assembly Appropriations Committee
Jay Dickenson, Chief Consultant, Assembly Appropriations Committee
Ellen Cesaretti, Fiscal Consultant, Assembly Republican Caucus
Mary McDonald, Chief Consultant, Assembly Utilities and Energy Committee
The Honorable Peter T. Gaynor  
Acting Administrator  
Federal Emergency Management Agency  
500 C Street, S.W.  
Washington, D.C.  20472

Mr. Robert Fenton, Jr.  
Regional Administrator, Region IX  
Federal Emergency Management Agency  
1111 Broadway, Suite 200  
Oakland, California  94607

Dear Administrator Gaynor and Mr. Fenton:

We write in strong support of the Governor’s Office of Emergency Services’ (Cal OES) appeal of the Federal Emergency Management Agency’s (FEMA) partial denial of reimbursement for repair of the spillways at Oroville Dam. We believe the Cal OES appeal provides new information that supports full reimbursement for the costs of storm-related damage to the spillways at the full 75% amount allowed under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

In February 2017, significant storms and heavy rainfall resulted in Lake Oroville reaching capacity. This required the California Department of Water Resources (DWR) to release water through Oroville Dam’s gated spillway and the emergency spillway, its first use in the dam’s history. These actions were critical to ensuring the safety of the communities below the dam, but the flow of water through these spillways resulted in significant damage and erosion to both.

On July 22, 2019, the Cal OES submitted an appeal seeking review and reversal of the FEMA decision (FEMA-4308-DR-CA) disallowing reimbursement of the costs associated with repair of the emergency spillway and gated spillway at Oroville Dam. FEMA determined that the emergency spillway was not defined as a facility eligible for reimbursement under the Stafford Act and that the upper portion of the gated spillway was not damaged by the storm event. The Cal OES and the DWR strongly disagree with that determination.

Per FEMA requirements, the Cal OES appeal includes new supporting and clarifying information that establishes the eligibility of the gated spillway and the emergency spillway for full reimbursement of the Federal cost share under the Stafford Act. As detailed in the appeal, this new information demonstrates that the emergency spillway is a facility as defined under the Stafford Act because it is an improved and maintained facility and the damage to the upper portion of the gated spillway was directly caused by the storm event.

Considering the new information provided in the Cal OES appeal, we believe the Oroville Dam emergency spillway and the gated spillway should be reimbursed at the full Federal cost share by FEMA, as allowed under the Stafford Act. Given the importance of this appeal to California and the direct impact your decision will have on our State, we respectfully request that you carefully and thoroughly review the Cal OES appeal.
Please do not hesitate to contact us if you need any additional information, or if we can be of assistance to you during your review of the Cal OES reimbursement appeal for the repair work conducted on the Oroville Dam spillways.

Sincerely,

KEVIN McCARTHY  
House Republican Leader

DIANNE FEINSTEIN  
United States Senator

KEN CALVERT  
Member of Congress

GRACE F. NAPOLITANO  
Member of Congress

LUCILLE ROYBAL-ALLARD  
Member of Congress
AB 1580 (Levine)
Major Infrastructure Construction Projects
OPPOSE

August 22, 2019

Senator Anthony Portantino
California State Senate
State Capitol, Room 3086
Sacramento, CA 95814

Re: AB 1580 (Levine): Major Infrastructure Construction Projects – OPPOSE
Senate Appropriations Committee Suspense File

Dear Senator Portantino:

On behalf of the signatories below, we regret to inform you of our opposition to AB 1580 by Assembly Member Marc Levine. We view AB 1580 as duplicative and an unfunded new requirement on state agencies and departments seeking to advance infrastructure projects to prepare California for the future. AB 1580 will hinder critical infrastructure projects and add unnecessary costs.

AB 1580 requires a state agency undertaking a publicly-funded major infrastructure construction project that is estimated to cost $1 billion or more, excluding transportation infrastructure construction projects, to form an oversight committee to act as the authority for critical decisions regarding the project, and to establish and implement a comprehensive risk management plan.

AB 1580 would apply to numerous publicly-funded projects including universities, prisons, water projects, and other state facilities. There is overwhelming evidence that California needs to invest in its future, and AB 1580 runs counter to that goal.
As written, it is uncertain what projects AB 1580 would apply to. As drafted, the bill is ambiguous in several regards. First, it is unclear what is meant by “publicly funded.” Second, the bill does not define or otherwise describe what “critical decisions” the committee will answer. Finally, it is unclear what is meant by “other agencies involved in the project.”

To the extent the bill is aimed at new Delta conveyance, it is unnecessary. Any funds expended to construct new Delta conveyance will be provided by the Public Water Agencies receiving the benefits. Additionally, construction will be undertaken at DWR’s direction by a public agency, known as the Delta Conveyance Design and Construction Authority (DCA). The DCA is a Brown Act body that will provide risk management oversight, and the beneficiaries, who are members on the DCA, have the most incentive to manage risks prudently. AB 1580 provides no place on the oversight committee for those that are paying or benefiting from the project.

For all of the above reasons, we urge members of the Senate Appropriations Committee to hold AB 1580 on suspense. If you have any questions or wish additional information regarding our collective position, please do not hesitate to contact Kathy Viatella at The Metropolitan Water District of Southern California by email at kviatella@mwdh2o.com or by phone at (916) 650-2614.

Sincerely,

Jose Mejia
Director
California State Council of Laborers

Cesar Diaz
Legislative and Political Director
State Building & Construction Trades Council

Tim Cremins
Political Director
California-Nevada Conference of Operating Engineers

Jennifer Pierre
General Manager
State Water Contractors, Inc.

Jeff Kightlinger
General Manager
Metropolitan Water District of Southern California

Curtis Creel
General Manager
Kern County Water Agency

Douglas Headrick
General Manager
San Bernardino Valley Municipal Water District

Thomas D. McCarthy
General Manager
Mojave Water Agency

Ray A. Stokes
Executive Director
Central Coast Water Authority

Dennis D. LaMoreaux
General Manager
Palmdale Water District

Matthew Stone
General Manager
Santa Clarita Valley Water Agency

Darin Kasamoto
General Manager
San Gabriel Valley Municipal Water District
<table>
<thead>
<tr>
<th>Name</th>
<th>Position</th>
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<tbody>
<tr>
<td>Thomas Love</td>
<td>General Manager</td>
<td>Upper San Gabriel Valley Municipal Water District</td>
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<tr>
<td>Daniel R. Ferons</td>
<td>General Manager</td>
<td>Santa Margarita Water District</td>
</tr>
<tr>
<td>Charles Wilson</td>
<td>Executive Director &amp; CEO</td>
<td>Southern California Water Coalition</td>
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<td>Eastern Municipal Water District</td>
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<td>Matthew Litchfield, P.E.,</td>
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<td>Craig Miller</td>
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<tr>
<td>Gail Delihant</td>
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<td>Western Growers</td>
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<tr>
<td>Ian Prichard</td>
<td>Water Resources Manager</td>
<td>Camrosa Water District</td>
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**cc:** Members of the Senate Appropriations Committee  
Assembly Member Marc Levine  
Debra Cooper, Consultant, Senate Appropriations Committee  
Kirk Feely, Fiscal Consultant, Senate Republican Caucus
DATE: September 11, 2019

TO: Board of Directors Workshop – Policy

FROM: Kristeen Farlow, Manager of Water Use Efficiency/External Affairs

SUBJECT: Discuss Disadvantaged Communities Program

**Background**
Director Navarro requested an item be placed on the agenda to discuss a disadvantaged communities program.

**Recommended Action**
Staff recommends the Board of Directors discuss this item and provide feedback.
DATE: September 11, 2019

TO: Board of Directors Workshop – Policy

FROM: Kristeen Farlow, Manager of Water Use Efficiency/External Affairs

SUBJECT: Update on Social Media Program

Staff is providing the Board of Directors with an update on the District’s Social Media Program.

Background
In April 2019, Valley District established its Social Media Program to enhance communication with the community, stakeholders and water retailers. The goal of using social media is to inform customers and stakeholders about the District’s projects, programs, announcements, and initiatives as well as to share content from trusted sources on water, government and related environmental or regional issues, projects or initiatives.

The District launched its social media efforts with Facebook and Twitter pages. Through the social media consultant, RMG Communications, there have been three posts per week on each social media platform. Along with planned content, social media allows the District the flexibility to post urgent and timely content as it arises.

The current Social Media statistics for Facebook are 83 page Follows with a total post engagement of 125, for September. In the past week, the Facebook content has reached 1,083 people. The District currently posts an average of 6-7 posts per week on Facebook. The Valley District Twitter page currently has 116 Followers. It was a total impressions reach of over 10,000 due to the amount of times the content has been seen, commented on and shared.
**Fiscal Impact**

The District entered into a contract with RMG Communications to manage the District’s Social Media Program for the 2020 year for a cost of $30,000/year.

**Recommended Action**

Receive and file.

**Attachment**

September Social Media Report
# FACEBOOK PERFORMANCE FOR AUGUST

<table>
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<th>Post Engagements (post clicks, reactions, comments and shares)</th>
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<tr>
<td># of Posts</td>
<td># of Followers</td>
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## TOP PERFORMING POSTS

### FACEBOOK HIGHLIGHTS

- Facebook followers and engagement are not growing as quickly as Twitter. This is due to the organic reach of Facebook declining and Facebook’s decline in popularity. Facebook’s feed algorithm has moved to a “pay to play” where purchasing ads increases engagement. Valley District is 16 followers away from its original goal of 100 followers. Though the District does not have a large number of followers, it is important to note that content is still reaching thousands of others.
- Paid ads used increased the reach to nearly 2,000 people. For context, the average post, which is not using paid ads/boosts, reaches approximately 15.
- In August, Valley District began using more paid boosted posts for select posts on Facebook. The number of Facebook followers in this time doubled and engagement with the paid posts increased.
TWITTER PERFORMANCE FOR AUGUST

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<tr>
<th># of Tweets</th>
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<th>Total Impressions (times seen, appears in a search, post clicks, reactions, comments and shares)</th>
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<td>35</td>
<td>116</td>
<td>10.6k</td>
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TOP TWEET AND TOP MENTION

- Original Valley District content is most popular with followers.
- Valley District has established itself as a thought leader on Twitter and receives engagement through shares/mentions/likes from its wholesalers as well as other water industry stakeholders, such as Metropolitan Water District, Southern California Water Coalition, Association of California Water Agencies, Your So Cal Tap Water, Orange County Water District, San Bernardino City Water District and the State Water Contractors.
NEXT STEPS

In addition to the current social media efforts, Valley District will also deploy additional strategies to continue to grow engagement in the next quarter.

- **Content:**
  - Incorporate at least two original Valley District short videos and additional original visual content.
  - Leverage graphics from the annual report to highlight important District information.

- **Engagement:** Increase Valley District’s direct social media engagement with identified audiences through more likes/shares/comments.

- **Ads/Boosts:** Explore additional ads and boosts for social media content to maximize audience reach.

- **Additional Platforms:** Explore adding Instagram as a platform for Valley District.
DATE: September 11, 2019
TO: Board of Directors Workshop – Policy
FROM: Kristeen Farlow, Manager of Water Use Efficiency/External Affairs
SUBJECT: Update on PFAS Bill

Staff is providing the Board of Directors with an update on the signing of AB 756 (C. Garcia) which requires water systems to report any detection of PFAS contaminants in annual consumer confidence reports.

**Background**

In August 2019, Governor Gavin Newsom signed AB 756, giving the State Water Resources Control Board the authority to require water systems to monitor for per- and poly-fluoroalkyl substances (PFAS) beginning Jan. 1, 2020. PFAS is the collective term for a large group of synthetic chemicals that includes perfluorooctanoate (PFOA) and perfluorooctanesulfonate (PFOS). The compounds are used extensively in consumer products such as carpets, clothing, furniture fabric, food packaging, nonstick cookware and firefighting foams. They were identified as health risks during the 2000s and phased out of manufacturing in the United States, but some imported products still contain these substances.

PFAS contaminants have been detected in some water supplies, particularly around landfills, airports, wastewater treatment plants, and existing and former military bases. Under the State Water Resources Control Board’s Division of Drinking Water (DDW) 2019 PFAS Phased Investigation Plan, water systems have tested more than 600 drinking water supply wells near these suspected locations for PFOA and PFOS.
The signing of AB 756 into law coincides with anticipated changes to PFAS levels established by DDW, which is evaluating new Drinking Water Notification Levels for PFOA and PFOS. The California State Water Resources Board lowered its reporting levels for PFAS in drinking water to 5.1 parts-per-trillion (ppt) for PFOA and 6.5 ppt for PFOS. While Notification Levels are not drinking water regulations, water agencies must notify local governing bodies if they are exceeded. The State Water Board recommends that water agencies also notify customers and DDW.

In addition to new Notification Levels for PFOA and PFOS, the Water Board has indicated it plans to revise the 70 parts per trillion Response Level this fall. If drinking water wells exceed this level, the State Water Board recommends that water agencies either remove the water source from service, or notify governing bodies and customers that the water source exceeds this level and is still being used. These recommendations become mandates in 2020.

While the District did not take a formal Oppose position to AB 756, it did support ACWA’s opposition regarding the more stringent PFAS requirements because of the need for more research to be conducted before putting the new requirements in place.

The Association of California Water Agencies has provided a toolkit for members to use to educate the public and retail agencies about the new PFAS requirements, including a Fact Sheet and Talking Points.

**Recommended Action**
Receive and file.

**Fiscal Impact**
There is no fiscal impact related to this update.

**Attachment**
ACWA PFOA & PFAS Fact Sheet
Perfluorooctanoate (PFOA) and perfluorooctanesulfonate (PFOS) are fluorinated organic chemicals that are part of a larger group of man-made chemicals referred to as per- and poly-fluoroalkyl substances (PFAS). They have been used extensively in consumer products such as carpets, clothing, fabrics for furniture, paper packaging for food, fire-fighting foams, and other materials designed to be water proof, stain-resistant or non-stick.

Although PFOA and PFOS are no longer manufactured in the United States, other countries still make products that contain these chemicals, which may be imported into the United States.

These chemicals can get into drinking water when products containing them are used or spilled onto the ground or into lakes and rivers. The chemicals move easily through the ground, getting into ground water that may be used for water supplies or for private drinking water wells. Local water agencies that have detected PFAS in their water supply are researching the source and working to better understand the impacts.

Local water agencies are working hard to monitor the quality of their drinking water supply utilizing proven technologies and best practices. For more information, contact your local water agency directly or review their state-mandated annual water quality report.

The Division of Drinking Water has established Drinking Water Notification Levels for PFOA and PFOS at 5.1 ppt and 6.5 ppt, respectively. Results above the Notification Level require agencies to notify the governing body for the areas where the water has been served within 30 days of receiving verified test results. If the Response Level is exceeded in drinking water provided to consumers, DDW recommends that the water agency remove the water source from service or provide treatment. The DDW is expected to announce new Drinking Water Notification and Response levels by the end of the year.

In 2016, the U.S. Environmental Protection Agency (EPA) published a Lifetime Health Advisory (LTHA) recommending that the concentration of PFOA and PFOS in drinking water, either individually or combined, should not be greater than 70 ppt.

ADDITIONAL RESOURCES

State Water Board: www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/PFOA_PFOS
U.S. Environmental Protection Agency: www.epa.gov/pfas
DATE: September 11, 2019

TO: Board of Directors Workshop – Policy

FROM: Kristeen Farlow, Manager of Water Use Efficiency/External Affairs

SUBJECT: Update on San Bernardino Valley Water Conservation Garden

Staff is providing the Board of Directors with an update on research done related to the San Bernardino Valley Water Conservation Garden.

**Background**

In 2009, Valley District, the Water Resources Institute, California State University San Bernardino, Rancho Santa Ana Botanical Garden, and the Foundation at California State University entered into a memorandum of understanding to develop a water conservation demonstration garden on the CSUSB campus. The purpose of the garden was to provide a demonstration of low water use plants, conservation measures, water percolation methods, low maintenance landscape practices, and attractive architectural design that could be visited by the public and used for educational purposes. CSUSB provided the land and agreed to provide the ongoing maintenance of the Garden; Valley District participated in the design of the project and provided $500,000 in funding.

In 2015, Valley District hired the original landscape architect to prepare a planting plan to remove and replace plants in the Garden. WRI agreed to administer the contract with the landscape architect, and Valley District agreed to provide new signage for the Garden that would include a QR Code for each plant that links to the Water Saving Garden Friendly website.
In 2018, CSUSB worked to align the Garden with the updated planting plan by removing and replacing plants. Once this work was complete, the District coordinated the creation and installation of the plant signs. Approximately 150 plant signs were installed in the Garden on May 2, 2019 by the landscape architect. Photos of some of the installed signs are included in the Attachment.

Following the installation of the plant signs, the Board directed Staff to identify opportunities to enhance the use and visibility of the Garden. Over the last six weeks, Staff has spoken with two contacts at California State University San Bernardino – Dr. Jennifer Alford, Assistant Professor, and Ms. Lynniece Warren, the University Energy and Sustainability Manager. Several opportunities for partnership and increased engagement are being considered, including:

- Dr. Alford assigning her students a “living lab” project to manage and enhance the garden;
- Working with the Housing & Resident Life adviser to make the space more usable for students as a relaxing green space;
- Partnering with student clubs on campus to assist with marketing of the garden, sign updates, and other opportunities;
- Bringing attention to the garden by hosting a farmer’s market or other on-campus fresh food event.

Additional opportunities being explored by Staff include an online Garden Tour via 360° video or photos, a self-guided Garden Tour of a number of gardens throughout the Valley District service area, or a student opportunity for a scavenger hunt or some other type of plant identification activity within the garden.

Staff will continue working with Dr. Alford and Ms. Warren and will bring the Inland Empire Resource Conservation District into the conversation to discuss opportunities for enhancing the use of the Garden.

**Recommended Action**
Receive and file.

**Fiscal Impact**
There is no fiscal impact related to this update.
DATE: September 11, 2019
TO: Board of Directors’ Workshop - Policy
FROM: Matthew Howard, Water Resources Senior Project Manager
SUBJECT: Consider Support for Facilitation Services to Evaluate the Exchange Plan

Staff is recommending that the Board participate in an evaluation of the Santa Ana River - Mill Creek Cooperative Water Project Agreement ("Exchange Plan"), which has not been formally utilized for about 15 years, by providing up to $50,000 toward facilitation services.

**Background:**
In 1972, having just completed its Foothill Pipeline which delivered State Water Project (SWP) water as far as Mentone, Valley District faced the challenge of providing supplemental water to the Yucaipa portion of its service area. As an alternative to building a pipeline and pump station(s) to directly supply SWP water from the end of the Foothill Pipeline, Valley District developed a concept that would serve Yucaipa by exchanging local water for State Water Project water. This concept formed the basis for the Santa Ana River - Mill Creek Cooperative Water Project Agreement, also known as the “Exchange Plan”, which was signed in 1976 and provides the governance and operational mechanisms to facilitate the exchange needed to supply supplemental water to Yucaipa. In order to get the entities with local water rights to participate in the Exchange Plan, Valley District agreed to fund the construction of all needed facilities and to pay Southern California Edison (SCE) the cost of any lost energy associated with an exchange. The ten parties that signed the Exchange Plan include public water agencies and mutual water companies.

With the completion of the East Branch Extension of the State Water Project, Valley District is able to directly supply the Yucaipa area with SWP water. As a result, there was no longer a need
to exchange water and the Exchange Plan essentially went “dormant”. The agreements that compensated SCE for lost power expired and the parties met to discuss the possible termination of the Exchange Plan. During those discussions, the parties identified some other possible uses for the Exchange Plan and decided that further analysis was needed to determine the future of the Exchange Plan.

The Exchange Plan Management Committee (Management Committee) has begun meeting again and is recommending that the parties hire a facilitator to help take an objective look at the Agreement. The Management Committee has also formed a Task Force that will be used to work on any recommended revision(s) of the Exchange Plan that may come from this facilitated process. Since the Exchange Plan was developed by Valley District and Valley District paid nearly all of the costs to implement the Exchange Plan, staff is recommending that the Board consider paying up to 50% of the cost of the facilitation services, or $50,000. The rest of the parties have agreed to equally split the remaining 50%, or about $5,500 each.

The Management Committee is recommending Water Systems Consulting, Inc. (WSC) to provide the facilitation services. Services under this contract would generally include: coordination of meetings, background data preparation, facilitating Task Force working sessions and the preparation of any written material including a term sheet for a possible amendment. WSC is being recommended because of their successful facilitation during the Recycled Water Concept Study and their work on other projects in the area, including Big Bear Lake. This effort is expected to take between six and nine months.

**Fiscal Impact:**
The $50,000 cost for the WSC consulting services are split between Valley District and nine other participating agencies. This item was not included in this fiscal year’s general fund budget but can be covered by unspent funds in budget category 6360 - Special Services – Consultants.

**Recommendations:**
Authorize staff to place this item on an upcoming Board of Directors agenda for consideration for a total cost of $50,000.

**Attachments:**
Proposal to provide coordination / facilitation to update the Santa Ana River- Mill Creek Coop- erative water project agreement (“Exchange Plan”).
8/30/2019

Daniel B. Cozad
San Bernardino Valley Water Conservation District
1630 West Redlands Blvd., Suite A
Redlands, CA 92373

SUBJECT: PROPOSAL TO PROVIDE COORDINATION / FACILITATION TO UPDATE THE SANTA ANA RIVER – MILL CREEK COOPERATIVE WATER PROJECT AGREEMENT (“EXCHANGE PLAN”)

Dear Mr. Cozad,

Water Systems Consulting, Inc. (WSC) appreciates the opportunity to submit this proposal to provide coordination and facilitation to update the Santa Ana River – Mill Creek Cooperative Water Project Agreement (“Exchange Plan”). The services are envisioned to help the Exchange Plan Task Force (“Task Force”) conceptualize, develop, review and refine a modified or amended exchange plan document. The anticipated scope of services is included as Attachment 1.

WSC proposes to provide the coordination and facilitation services on a time and materials basis, with an anticipated not-to-exceed budget of $79,800. A detailed breakdown of our budget estimate is included as Attachment 2. The expected duration of the project is between six and nine months from notice to proceed.

Due to the uncertainty associated with creative and collaborative multi-stakeholder projects such as this, we cannot provide a firm fixed fee for the proposed services, nor can we commit to a predetermined schedule as the schedule will be primarily driven by the needs and availability of the Task Force. However, we will partner with the Task Force to closely manage scope, schedule and budget to achieve the Task Force’s objectives as cost-effectively and expeditiously as possible.

WSC’s team will include Mr. Jeffery Szytel (Principal) and Ms. Laine Carlson (Project Manager), supported as needed by additional WSC staff. If you have any questions or would like to discuss any aspect this proposal, please contact Jeff (jszytel@wsc-inc.com) or Laine (lcarlson@wsc-inc.com) directly.

Sincerely,

Water Systems Consulting, Inc.

Jeffery M. Szytel, PE, MBA
Principal

Laine Carlson, PE
Project Manager
Exchange Plan Update Facilitation
ATTACHMENT 1 – ANTICIPATED SCOPE OF SERVICES

TASK 0.0 PROJECT MANAGEMENT

0.1 Project Administration
- Finalize and initiate contract
- Prepare monthly invoices and progress reports (9 assumed)
- Conduct as-needed coordination via phone and email

0.2 Kickoff Meeting
- Prepare for and conduct in-person kickoff meeting to review the agreements and plans that make up the Exchange Plan, discuss goals and objectives for the update, review the update facilitation scope and approach and define coordination needs.

TASK 1.0 BACKGROUND AND PREPARATION

1.1 Data Review
- Review existing Exchange Plan agreement and Bucket for Bucket guide
- Review documentation of Seven Oaks Dam Water Quality Exchange and recharge exchanges

1.2 Listening Sessions with Task Force Members
- Schedule and conduct up to three (3) one-hour listening sessions with individual Task Force members to understand unique perspectives, goals, & needs to in advance of larger Task Force working sessions. Meetings will be held in-person if possible, or via conference call if needed. The budget is based on all three in-person meetings being held on the same day.
- Prepare summary of feedback received at the listening sessions.

TASK 2.0 TASK FORCE COORDINATION AND FACILITATION

2.1 Task Force Working Sessions
- Plan, organize and facilitate two (2) 4-hour Working Sessions with the Task Force to brainstorm potential new facilities, processes or entities to be added or updated.
- Compile explanatory maps, charts and graphics to support the discussion at the Working Sessions.
- Prepare meeting summaries documenting key discussion points, decisions, data needs and action items.
- Following Working Session 1, coordinate with Task Force members to collect and review additional technical data needed to support new concepts identified in Working Session 1. Develop supplemental maps, charts and graphics to support the discussion at Working Session 2.

2.2 Monthly Meetings
- Plan, organize and conduct up to four (4) two-hour in-person meetings with the Task Force to review progress, discuss key issues and review and discuss draft deliverables.
- Prepare and distribute meeting summaries.
TASK 3.0  EXCHANGE PLAN ADDENDUM

3.1  Define Proposed Changes
- Identify any required updates to procedural issues or names and dates in the Exchange Plan.
- Describe new exchanges, including Seven Oaks Dam Water Quality Exchange and recharge exchanges.
- Identify whether any desired changes cannot be included in an addendum.
- Submit summary of proposed changes to the Task Force for review and approval.

3.2  Preliminary Draft Addendum
- Draft Preliminary Addendum text and needed maps, tables or figures for legal and Task Force review. The budget is based on preparing an Addendum consisting of 5-pages of text and tables and up to two figures.
- The scope assumes WSC will prepare materials for discussion and revision, but that revisions to or legal agreement addenda will be prepared by Water Conservation District legal counsel.
- The scope does not include revision of the Bucket for Bucket guide. The need for any updates to this guide will be discussed with the Task Force following review of the Preliminary Draft Addendum.

3.3  Approval Draft Addendum
- Incorporate comments received on the Preliminary Draft Addendum and prepare an Approval Draft Addendum

3.4  Final Addendum
- Incorporate comments received on the Approval Draft Addendum and prepare a Final Addendum

TASK 4.0  BOARD PRESENTATION SUPPORT

4.1  Prepare PowerPoint Presentation
- Prepare a draft PowerPoint presentation summarizing the existing Exchange Plan and proposed changes to be used for Board/Counsel updates.
- Present draft the Task Force at a Monthly Meeting (Task 2.2) to receive feedback
- Incorporate comments from the Task Force and prepare a final Powerpoint Presentation

4.2  Board/Counsel Memorandum
- Prepare draft Board/Counsel Memorandum summarizing the existing Exchange Plan and proposed changes and submit to the Task Force for review and comment.
- Incorporate comments from the Task Force and prepare a final Board/Counsel Memorandum.

4.3  Board Presentations
- Attend up to two (2) Board/Counsel meetings to present the PowerPoint Presentation and support Task Force members in answering questions about the proposed amendment.
## ATTACHMENT 2 – ANTICIPATED BUDGET

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