



**SPECIAL NOTICE REGARDING
CORONAVIRUS DISEASE 2019 (COVID-19)
AND PARTICIPATION IN PUBLIC MEETINGS**

On March 4, 2020, Governor Newsom declared a State of Emergency resulting from the threat of COVID-19. On September 16, 2021, Governor Newsom signed Assembly Bill No. 361 into law. Assembly Bill No. 361 amends Government Code section 54953(e) by adding provisions for remote teleconferencing participation in meetings by members of a legislative body, without the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions. The San Bernardino Valley Municipal Water District adopted a resolution determining, by majority vote, that, as a result of the declared State of Emergency, a meeting in person would present imminent risks to the health or safety of attendees. Accordingly, it has been determined that all Board and Workshop meetings of the San Bernardino Valley Municipal Water District will be held pursuant to the Brown Act and will be conducted via teleconference. There will be no public access to the meeting venue.

**BOARD OF DIRECTORS WORKSHOP - POLICY
THURSDAY, OCTOBER 14, 2021 – 2:00 P.M.**

PUBLIC PARTICIPATION

Public participation is welcome and encouraged. You may participate in the October 14, 2021, meeting of the San Bernardino Valley Municipal Water District online and by telephone as follows:

Dial-in Info: (877) 853 5247 US Toll-free

Meeting ID: 831 7559 3663

PASSCODE: 3802020

<https://sbvmwd.zoom.us/j/83175593663>

If you are unable to participate online or by telephone, you may also submit your comments and questions in writing for the District's consideration by sending them to comments@sbvmwd.com with the subject line "Public Comment Item #" (insert the agenda item number relevant to your comment) or "Public Comment Non-Agenda Item". Submit your written comments by 6:00 p.m. on Wednesday, October 13, 2021. All public comments will be provided to the Chair and may be read into the record or compiled as part of the record.

IMPORTANT PRIVACY NOTE: Participation in the meeting via the Zoom app is strongly encouraged. Online participants MUST log in with a Zoom account. The Zoom app is a free download. Please keep in mind: (1) This is a public meeting; as such, the virtual meeting information is published on the World Wide Web and available to everyone. (2) Should you participate remotely via telephone, your telephone number will be your "identifier" during the meeting and available to all meeting participants; there is no way to protect your privacy if you elect to call in to the meeting.



SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT
380 E. Vanderbilt Way, San Bernardino, CA 92408

BOARD OF DIRECTORS WORKSHOP - POLICY

AGENDA

2:00 PM Thursday, October 14, 2021

CALL TO ORDER

Chairperson: Director Botello

Vice-Chair: Director Kielhold

1) INTRODUCTIONS

2) PUBLIC COMMENT

3) SUMMARY OF PREVIOUS MEETING

- 3.1 September 9, 2021, Meeting(Page 3)
[Summary Notes BOD Workshop - Policy 090921](#)

4) DISCUSSION ITEMS

- 4.1 Discuss State and Federal Legislative Update(Page 13)
[Staff Memo - Discuss State and Federal Legislative Update](#)
[State Priority Bill Tracking Report 092821](#)
[CA Comeback Plan-Climate Package](#)
[September 2021 Monthly Newsletter \(IFS\)](#)
[September 2021 Legislative Matrix \(Federal\)](#)
- 4.2 Consider Participating in the Proposition 1 Round 1, Regional Comprehensive Landscape Rebate Program(Page 52)
[Staff Memo - Consider Participating in the Proposition 1 Round 1, Regional Comprehensive Landscape Rebate Program](#)
[Agreement between MWDOC and Valley District](#)
- 4.3 Discuss Proposed 2021 Drought Outreach Campaign(Page 74)
[Staff Memo - Discuss Proposed 2021 Drought Campaign](#)
[2021 Drought Outreach Campaign](#)

- 4.4 Clarification on policy regarding Directors speaking on behalf of the Board with outside entities(Page 84)
[Staff Memo - Clarification of policy regarding Directors speaking on behalf of the Board with outside entities](#)

5) **FUTURE BUSINESS**

6) **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.sbvmd.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 Melissa Zoba at (909) 387-9228 two working days prior to the meeting with any special requests for reasonable accommodation.



DATE: October 14, 2021

TO: Board of Directors Workshop – Policy

FROM: Staff

SUBJECT: Summary of September 9, 2021 Board of Directors Workshop – Policy

The Policy Workshop convened on September 9, 2021, via Zoom teleconference. Director Botello chaired the meeting.

Directors Present: President Paul R. Kielhold, Vice President June Hayes, Director Gil J, Botello, Director T. Milford Harrison, and Director Susan Longville.

Staff Present:

Heather Dyer, MS, MBA – Chief Executive Officer/General Manager
Joanna Gibson, MS – Executive Director Upper SAR Habitat Conservation Program
Wen B. Huang, PE, MS – Deputy General Manager/Chief Engineer
Jose Macedo, ML, CPT-P (USA Retired) – Chief of Staff/Clerk of the Board
Cindy Saks, CPA – Deputy General Manager/Chief Financial Officer
Bob Tincher, PE, MS – Deputy General Manager/Chief Water Resources Officer
Melissa Zoba, MBA, MPA – Chief Information Officer

Kristeen Farlow, MPA – Strategic Communications Manager
Anthony Flordelis – Business Systems Analyst
Adekunle Ojo, MPA – Water Resources Manager
Kai Palenscar, Ph.D. – Environmental Compliance Program Manager

Members of the Public Present:

Brian Dickinson, City of Colton
David E. Raley, San Bernardino Valley Water Conservation District
Melody McDonald, San Bernardino Valley Water Conservation District
Nyles O’Harra, Yucaipa Valley Water District
Joyce McIntire, Yucaipa Valley Water District
David Armstrong, South Mesa Water Company
Drew Tatum, Innovative Federal Strategies

Sarah Persichetti, Innovative Federal Strategies
Jackson R. Gualco, The Gualco Group
Kendra Daijogo, The Gualco Group
Kelly Malloy, East Valley Water District
Ryan Gardner

Pursuant to the provisions of Executive Order N-29-20 issued by Governor Gavin Newsom on March 19, 2020, this meeting will be conducted by teleconference only.

Chief Executive Officer/General Manager Heather Dyer announced the acquisition at auction of 1,658 acres formerly known as the Harmony Property.

2. Public Comment

Chair Botello invited public comment. There was none.

3. Summary of Previous Meeting

The meeting notes from the August 12, 2021, Board of Directors Workshop – Policy were accepted.

4.1 Discuss State and Federal Legislative Update

Strategic Communications Manager Kristeen Farlow introduced Mr. Drew Tatum of Innovative Federal Strategies (IFS) who reported on the Federal Government's legislative activities. He advised that in September, the focus is expected to be on Appropriations, starting the fiscal year with a continuing resolution. An anomalies list of requested provisions has been submitted for inclusion in the continuing resolution.

One of the anomalies requests expenditures of prior fiscal year funding for the Sites Reservoir and other projects under the Water Infrastructure for Improvements to the Nation (WIIN) Act Section 4007 Water Storage Programs, and IFS will be watching it closely.

The current infrastructure bill includes increases in the Drinking Water State Revolving Fund (DWSRF) and Clean Water State Revolving Fund (CWSRF), Tatum said. Legislation would also extend the annual \$50 million Water Infrastructure Finance and Innovation Act (WIFIA) authorization through Fiscal Year (FY) 2026, which is important given Valley District's application for the program. It includes \$55.4 billion in supplemental emergency

appropriations addressing lead service lines and Disadvantaged Communities, Tatum noted, and IFS believes it has the best chance of passing. He warned of the potential for deadline extensions.

The Human Infrastructure Bill is moving forward under the Budget Reconciliation process and will include water infrastructure at \$25.6 billion, Tatum said. He explained the process. In addition to monitoring and advocating, IFS has been working with the Valley District team on engagement with the Army Corps of Engineers related to the Seven Oaks Dam and assisting with participation in the WIFIA program.

Chair Botello responded with positive comment and Director Harrison thanked the IFS team, acknowledging their understanding of Valley District's needs.

Mr. Jackson Gualco and Ms. Kendra Daijogo of The Gualco Group highlighted state legislative activities. The state's recall election has cast a shadow over all activities, and all bills and regulatory items are being viewed through the prism of what could happen with the recall. It even resulted in a reduction of bill load, Mr. Gualco stated. Budget trailer bills became a clear nexus of activity on policy changes, he explained. Most addressing of drought relief, wildfire mitigation and climate change funding was done via budget and trailer bills, Mr. Gualco noted.

The two water bond measures were placed on the two-year track at the request of the administration, Mr. Gualco explained. It is not yet clear whether there will be interest in moving forward with additional bonded indebtedness, he cautioned.

Mr. Gualco and Ms. Daijogo briefed the Board on the following bills of interest:

- SB 559 – The Gualco Group was very involved on behalf of Valley District to try to provide for the establishment of a fund as a repository for money for subsidence repairs on the State Water Project (SWP). The bill has been made a two-year measure. A deposit of \$100 million was made to begin work on the subsidence repairs and additional funds are forthcoming.
- SB 626 allows for alternate construction models such as design-build on those portions of the SWP outside of the Delta, which will translate into significant cost savings. This is on its way to the Governor for signature.
- SB 222 proposes a program to provide water affordability and assistance for low-income ratepayers for drinking and wastewater. There are concerns about funding and how to ensure the program is implemented efficiently, which will be addressed next year.

- AB 339 would allow in-person and teleconference options for public attendance at meetings.
- AB 361 creates an exemption until 2024 to the teleconferencing public meeting requirements for local legislative bodies during a governor's stated emergency. It covers a "donut hole" period of 90 days in the Governor's executive order.

Vice President Hayes asked about the status of water payments for ratepayers in arrears. Mr. Daijogo explained this is being handled by the State Water Resources Control Board and allows for assistance in covering delinquent payments for retail water agency customers.

In response to Director Harrison, Mr. Gualco indicated that SB 559 is focused on subsidence problem areas in the Central Valley.

Director Botello noted the local water rate assistance program is being handled through the local United Way. As of three or four weeks ago, the program is underutilized, he noted, and said he hopes the word is getting out.

Mr. Gualco reported on a survey by the Public Policy Institute showing the Governor has a popularity rating of 57 to 58 percent and will probably survive the recall.

Action Item(s): Receive and file.

4.2 Consider the Safe and Affordable Funding for Equity and Resilience (SAFER) Program

Water Resources Manager Adekunle Ojo began by stating that this item seeks to gauge interest in staff engagement on the issue. He disclosed that Disadvantaged Communities (DACs) are in all five divisions of the service area.

Mr. Ojo related a brief history of SAFER as a more comprehensive solution to serve the 1 million people (about 2.5 percent of the California population) having limited access to safe and affordable drinking water. The state has committed to \$130 million per year to 2030, available for construction, operations, and maintenance, he said. A portion comes from the California Greenhouse Gas Reduction Fund (GGRF), with any shortfall backstopped by the General Fund.

Mr. Ojo explained Valley District has a couple of small water systems in its service area which may not have the resources or the staff time to seek funding, and this is an area

where Valley District may help if the Board is interested. SAFER funding can be combined with other sources, he noted. A needs assessment could be performed to determine which systems most need the assistance, he stated. He shared results of the 2021 Risk Assessment and noted that no small systems within the Valley District service area were identified as at-risk or potentially at-risk; however, this could change. He suggested continuing to monitor the situation for potential future need to provide water security.

Mr. Ojo suggested ways to participate, including providing comments on the Needs Assessment and Fund Expenditure Plan, attending the SAFER Advisory Group meetings, becoming a SAFER Advisory member and advising the State Water Board (SWB) on the development of the Annual Fund Expenditure Plan, and attending SAFER and SWB meetings to learn about the program and provide input.

Mr. Ojo requested the Board provide guidance as to how to engage with the beneficiaries in Valley District's service area and, potentially, leveraging this program with the Proposition 1 Grant Assistance for Small Water Systems, as recently authorized by SAWPA, and bringing the SAFER program to their attention.

In response to Vice President Hayes' request for clarification, Ojo explained that Integrated Regional Water Management (IRWM) carves out a dedicated amount of funds for disadvantaged communities. The two programs are complementary, and this is a much larger framework than was previously presented. Director Hayes advised that at the last SAWPA meeting there were last-minute additions to the list of at-risk systems.

Director Longville stated that it is prudent to work through SAWPA representatives to do everything possible to assure the Valley District is competitive for the SAWPA grant assistance for small systems, but it is not enough. She pointed to sustainable solutions for all systems and detailed some risks. She suggested Comprehensive Needs Assessments of all water systems.

Director Longville emphasized water quality risks in areas of failing septic systems and possibly sewerage some of those systems. She also pointed to the issue of the growing homeless population, climate change, and the human right to bathing water and drinking water.

Mr. Ojo pointed out that Valley District may be of assistance in conducting needs assessments, as the typical small system would not be engaged in a needs assessment. If the Board directs today, he said, action can be taken to the next level, the pre-application process.

In response to Director Harrison, Mr. Ojo described the varied risks as presented in the Needs Assessment Chart. Director Longville added that high risk systems may not be able to provide water to the residents.

Director Harrison pointed to potential for duplication of what Valley District pays SAWPA to do. CEO / General Manager Heather Dyer explained that the SAWPA initiative provides technical assistance to entities that seek larger State funding which requires some expertise. This is a multi-layered process going above what is provided by SAWPA, she said. Valley District's local assessment may show areas at risk for certain failures, and Ojo's suggestion is proactive.

The septic system conversation is on the agenda next week, Dyer advised.

Director Harrison acknowledged need and indicated support.

Mr. Ojo added that each water provider can challenge its classification by the State, but small systems are not likely engaged. The only cost to Valley District is staff time for this assistance, he said. Director Longville pointed out that, currently, none of the opportunities are being pursued.

Mr. Ojo assured the Board that he has relevant experience.

Director Botello agreed that action is needed, said it is a step in the right direction, but expressed concern regarding staff time.

Action Item(s): By roll-call vote, the Board of Directors unanimously directed staff to engage with potential beneficiaries in the area and leverage the SAFER program with the recently authorized SAWPA-led Assistance for Small Community Water Systems serving Disadvantaged Communities.

4.3 Consider the Proposal from Rincon Consultants for the Development of a Climate Adaptation and Resilience Plan (CARP)

Water Resources Manager Adekunle Ojo reminded the Board about prior discussion and the establishment of the Climate Resilience Committee. The Board reviewed the Request for Proposal (RFP) prior to its release, and this is the fourth step in the process, he said. The CARP is about responding to and preparing for the climate of the future, he noted.

Mr. Ojo refreshed the Board on climate conditions and updated the Board on the scope of work, which is building on work already done. Mr. Ojo pointed out that the evaluation criteria focus more on experience and demonstrated ability than cost. The nine proposals received

ranged from \$120,630 to nearly \$600,000, he advised, and described the review process. Rincon emerged at the top based on quality, scope and budget, he said, bringing solid experience in climate action planning, climate change and adaptation resilience.

Mr. Ojo reviewed Rincon's proposal and explained the project cost of \$259,289, and recommended including the two optional tasks:

- Qualified Climate Action Plan which meets the criteria of the California Environmental Quality Act (CEQA) guidelines and will streamline future greenhouse gas emissions analyses: \$35,000.
- RAND Model Integration: \$6,594.

The total cost would be \$300,883, Ojo said. The budget includes \$300,000 for the project, with the balance available from the remainder of that budget category, he concluded.

Director Longville said she appreciated understanding the process and pointed to essential components of the project. She acknowledged limitations, but emphasized that mitigation is important, and natural systems must be regenerated. Mr. Ojo offered that there is potential room to enhance the scope of the CARP in the future.

Chair Botello questioned whether the two options are necessary at this time. Ms. Dyer replied that she believes they are, pointing to incorporation of the RAND study and assuring it is an approved CARP in order to reduce CEQA requirements for future greenhouse gas analysis, which will reduce future costs. Director Longville indicated support for the additional items.

Chair Botello inquired about affordability with inclusion of the two options. Ms. Dyer responded that the Rincon project will help with future cost savings and was the least costly of the final three candidates.

3:30 p.m.: Some technical difficulties were noted at this time during the meeting, but a quorum was noted present.

Action Item(s): By roll-call vote, the Board of Directors unanimously directed staff to place an item on the next regular Board meeting to consider authorizing a Consulting Services Agreement with Rincon Consultants to prepare the District's Climate Adaptation and Resilience Plan that will include the two optional tasks.

4.4 Discuss Potential Agreement for Recharge in San Bernardino County Flood Control Facilities

CEO / General Manager Heather Dyer reminded the Board of last week's request to discuss Flood Control, areas where the agencies overlap jurisdiction, and working together with other County entities.

3:34 p.m. Continued technical difficulties were noted due to severe weather. President Kielhold indicated he is standing by if needed but is not on the teleconference.

Deputy General Manager/Chief Water Resources Officer Bob Tincher introduced the discussion and provided background. He reminded the Board that the San Bernardino County Flood Control District (Flood Control) approached Valley District to replace the 1972 Agreement.

Since 1972, the Agreement provides for use of the two detention basins owned by Flood Control for recharge of water when not in use for flood control, resulting in a good dual-use value for taxpayers, Tincher explained. This use is also one of the goals of the Integrated Regional Urban Water Management Plan (IRUWMP).

Mr. Tincher introduced a matrix of almost 70 County departments, and highlighted those with which Valley District staff interacts. Mr. Tincher provided a brief history of Flood Control, formed in 1939 after the devastating 1938 flood, and pointed to its statutes and strategic goal: "To increase groundwater recharge services at flood control district facilities in support of maintaining adequate water supplies for the people of San Bernardino County."

CEO / General Manager Heather Dyer stated that Valley District believes that Flood Control also has a mission to increase groundwater recharge. The Board of Supervisors of San Bernardino County acts as the board for the San Bernardino County Flood Control District, he said.

Although there is no overlap in the control of floodwaters, there is overlap in conservation, Tincher explained. Since the Agreement item was last presented to the Board, additional conversations have taken place, he continued.

Chair Botello recalled that the Board had indicated the Agreement needed work. Ms. Dyer clarified that several directors requested opportunity for discussion within the constraints of the Brown Act and therefore this item was added to the agenda. She reported on her

conversation with San Bernardino County Chief Operating Officer Luther Snoke, who will research the mission.

Vice President Hayes inquired whether there had been any legal changes to the statute. Mr. Tincher responded that District Legal Counsel Brendan Brandt had investigated and found no changes to the 1939 statute; any changes have been policy based, but not legal.

Director Harrison emphasized the clarity of the mission in the statute.

3:56 p.m. Chair Botello requested staff reach out to President Kielhold to reconnect him to the meeting. He was reconnected at 3:59 p.m.

Director Longville stated that she approached San Bernardino County Supervisor Joe Baca, Jr. about the issue and received an email indicating he would like to meet with the Valley District team. Her response is awaiting the lead of President Kielhold, she said.

In response to Chair Botello, Director Longville suggested that the Valley District has reached a point where the next steps involve Valley District staff and Board members speaking with elected officials. She stated she is not in favor of the Agreement without more discussion. Ms. Dyer indicated she advised Mr. Snoke that this is a leadership level, strategic conversation about working together and value to the taxpayers, directing staff to work together and come up with something that meets all parties' needs.

Discussion ensued about the process of communication with the County. Consensus was reached to allow the Valley District CEO / General Manager Heather Dyer to continue communication with the County CEO and COO with the option to include elected officials as determined. Ms. Dyer assured she will respond to Director Longville's email from Supervisor Baca's office and will also include Supervisor Dawn Rowe, as requested.

Directors responded to Director Longville that the Agreement as proposed was not acceptable. President Kielhold requested detail regarding points to be communicated to the County. This would consist of the Flood Control statutes as shared with the COO.

4:23 p.m. – President Kielhold left the teleconference.

Action Item(s): By 4-0 roll-call vote, Directors directed staff to follow the lead of CEO / General Manager Heather Dyer as outlined.

5. Future Business

None was added.

6. Adjournment

Staff Recommendation

Receive and file.



DATE: October 14, 2021
TO: Board of Directors Workshop – Policy
FROM: Kristeen Farlow, Strategic Communications Manager
SUBJECT: Discuss State and Federal Legislative Update

Staff is providing the Board of Directors with an update on current significant legislation from 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., is the District's State lobbyist in Sacramento; Innovative Federal Strategies is the District's Federal lobbyist in Washington D.C. This month, Innovative Federal Strategies will provide a verbal update on the Federal legislative highlights.

State Legislative Updates

The State Legislative Session ended on September 10. Governor Newsom now has until October 10 to sign or veto nearly 800 bills presented to him (2,776 bills were introduced; of those, 1,672 have passed as of preparing this memo).

The California Comeback Plan will invest \$15 billion over the next three years address climate change. It includes “investments to build wildfire resiliency, address drought impacts and bolster water resilience, protect vulnerable communities from climate risks, advance the state's zero

emission vehicle goals, promote smart agriculture, and support the circular economy” (California Comeback Plan, 2021). Of particular interest to the District are the Wildfire and Forest Resilience Plan (\$1.5 billion), Water and Drought Resilience Package (\$5.2 billion), and the Climate Resilience Package (\$3.7 billion), which are itemized in the table below.

Wildfire and Forest Resilience Plan	\$1.5 billion
Forest health and improvement programs	\$825 million
Fuel reduction projects	\$494 million
Home hardening	\$47 million
Fuel treatment and forest restoration	\$82 million
Water and Drought Resilience Package	\$5.2 billion
Improve water supply security and reduce flood risk	\$3 billion
Emergency drought relief projects	\$815 million
Nature-based solutions	\$1 billion
Climate Resilience Package	\$3.7 billion
Address impacts of extreme heat	\$800 million
Bolster community resilience	\$819 million
Protect against sea level rise	\$612 million

Regulators warned that California’s reservoirs are so dry – 60% of historic average – it’s possible the state’s water agencies won’t get any water from the State next year, forcing possible mandatory restrictions for residents. This year’s unusually hot and dry conditions caused nearly 80% of the water that typically comes from Sierra snowmelt to either evaporate or be absorbed into the ground prior to making it into the state’s water supply.

California is now entering its rainy season with reservoirs at their lowest levels ever. In December, state officials will announce how much water each district can expect to get next year, and the Department of Water Resources Director is expected to announce a 0% allocation. This winter’s rain and snow will be critical to the statewide allocation.

Bills that have already passed that are of-interest to the District include:

- **AB 339 (Lee)**: Local government: open and public meetings. – would require local agencies to conduct meetings subject to the Brown Act consistent with applicable state and federal civil rights laws.
- **SB 626 (Dodd)**: Department of Water Resources: Procurement Methods. – approved by the Governor 9/23/21; authorizes the Dept. of Water Resources, until 1/1/2033, to use the Construction Manager/General Contractor method, for no more than seven projects for elements of State Water Facilities. Requires DWR to use department employees or consultants under contract with the department to perform all project design and

engineering services related to design, and construction inspection services, required for the CM/GC method consistent with specified existing law.

January will kick off the second year of this two-year session (2021-2022). The Legislature will reconvene on January 3, 2022. At that time, they will revisit the number of bills that transitioned to two-year bills during 2021.

Federal Legislative Update

On September 30, Congress passed a Continuing Resolution (CR) to fund the federal government past the end of the fiscal year (which was September 30). This CR funds the government until December 3 and provides funding for Afghan refugee resettlement and disaster relief.

During the week of September 13, the EPA rescinded a prior Exceptions to Water Pollution Protections Guidance. The EPA is evaluating its next steps and will make site-specific decisions on whether relevant discharges need permits.

Drew Tatum, from IFS, will be on this month's call to provide an update on what is going on in Washington, D.C., including updates on infrastructure, reconciliation, and funding the federal government.

Fiscal Impact

There is no fiscal impact related to this update.

Recommended Action

Receive and file.

Attachments

State Priority Bill Tracking Report 092821
CA Comeback Plan-Climate Package
September 2021 Monthly Newsletter (IFS)
September 2021 Legislative Matrix (Federal)



**San Bernardino Valley
Municipal Water District
Priority Bills
Legislative Tracking Report
September 28, 2021**



Provided by: The Gualco Group, Inc.
Indicates Active Bills

AB 284 (Rivas, Robert D) California Global Warming Solutions Act of 2006: climate goal: natural and working lands.

Current Text: Amended: 7/14/2021 [html](#) [pdf](#)

Introduced: 1/21/2021

Last Amend: 7/14/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/2/2021)(May be acted upon Jan 2022)

Location: 9/10/2021-S. 2 YEAR

Summary: Would require the State Air Resources Board, as part of the next scoping plan update, in collaboration with the Natural Resources Agency and other relevant state agencies and departments and no later than January 1, 2023, to identify a 2045 climate goal, with interim milestones, for the state's natural and working lands, as defined, and to integrate into the scoping plan update recommendations developed by the Natural Resources Agency and the Department of Food and Agriculture regarding practices, policy and financial incentives, market needs, and potential reductions in barriers that would help achieve the 2045 climate goal, among other recommendations. The bill would require the state board, in collaboration with the Natural Resources Agency and other relevant state agencies and departments, to include this information in each subsequent update to the scoping plan and update that information, as appropriate.

Position

AB 339 (Lee D) Local government: open and public meetings.

Current Text: Enrollment: 9/17/2021 [html](#) [pdf](#)

Introduced: 1/28/2021

Last Amend: 9/3/2021

Status: 9/17/2021-Enrolled and presented to the Governor at 3 p.m.

Location: 9/17/2021-A. ENROLLED

Summary: The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require local agencies to conduct meetings subject to the act consistent with applicable state and federal civil rights laws, as specified.

Position

AB 377 (Rivas, Robert D) Water quality: impaired waters.

Current Text: Amended: 4/13/2021 [html](#) [pdf](#)

Introduced: 2/1/2021

Last Amend: 4/13/2021

Status: 5/25/2021-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/19/2021)(May be acted upon Jan 2022)

Location: 5/25/2021-A. 2 YEAR

Summary: Would require, by January 1, 2023, the State Water Resources Control Board and regional boards to prioritize enforcement of all water quality standard violations that are causing or contributing to an exceedance of a water quality standard in a surface water of the state. The bill would require the state board and regional boards, by January 1, 2025, to evaluate impaired state surface waters and report to the Legislature a plan to bring all water segments into attainment by January 1, 2050. The bill would require the state board and regional boards to update the report with a progress summary to the Legislature every 5 years. The bill would create the Waterway Recovery Account in the Waste Discharge Permit Fund and would make moneys in the Waterway Recovery Account available for the state board to expend, upon appropriation by the Legislature, to bring impaired water segments into attainment in accordance with the plan.

Position

AB 455 (Wicks D) San Francisco-Oakland Bay Bridge: transit-only traffic lanes.

Current Text: Amended: 5/20/2021 [html](#) [pdf](#)

Introduced: 2/8/2021

Last Amend: 5/20/2021

Status: 7/14/2021-Failed Deadline pursuant to Rule 61(a)(11). (Last location was TRANS. on 6/9/2021)(May be acted upon Jan 2022)

Location: 7/14/2021-S. 2 YEAR

Summary: Under current law, the San Francisco-Oakland Bay Bridge is part of the state highway system. Existing law authorizes the department to construct exclusive or preferential lanes for buses only or for buses and other high-occupancy vehicles, and may authorize or permit the exclusive or preferential use of designated lanes on existing highways that are part of the state highway system. This bill would authorize the authority, in consultation with the department, to designate transit-only traffic lanes on the San Francisco-Oakland Bay Bridge.

Position

AB 564 (Gonzalez, Lorena D) Biodiversity Protection and Restoration Act.

Current Text: Introduced: 2/11/2021 [html](#) [pdf](#)

Introduced: 2/11/2021

Status: 4/30/2021-Failed Deadline pursuant to Rule 61(a)(2). (Last location was A. & A.R. on 2/18/2021)(May be acted upon Jan 2022)

Location: 4/30/2021-A. 2 YEAR

Summary: Would establish the Biodiversity Protection and Restoration Act and would provide that it is the policy of the state that all state agencies, boards, and commissions shall utilize their authorities in furtherance of the biodiversity conservation purposes and goals of certain executive orders. The bill would require all state agencies, boards, and commissions to consider and prioritize the protection of biodiversity in carrying out their statutory mandates. The bill would require strategies related to the goal of the state to conserve at least 30% of California's land and coastal waters by 2030 to be made available to the public and provided to certain legislative committees by no later than June 30, 2022.

Position

AB 1500 (Garcia, Eduardo D) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.

Current Text: Amended: 5/11/2021 [html](#) [pdf](#)

Introduced: 2/19/2021

Last Amend: 5/11/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was RLS. on 5/20/2021)(May be acted upon Jan 2022)

Location: 9/10/2021-A. 2 YEAR

Summary: Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$7,080,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.

Position

SB 45 (Portantino D) Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.

Current Text: Amended: 4/8/2021 [html](#) [pdf](#)

Introduced: 12/7/2020

Last Amend: 4/8/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 6/1/2021)(May be acted upon Jan 2022)

Location: 9/10/2021-S. 2 YEAR

Summary: Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,595,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.

Position

SB 359 (Caballero D) Climate change: Resilient Merced County Incentive Pilot Program.

Current Text: Amended: 4/19/2021 [html](#) [pdf](#)

Introduced: 2/9/2021

Last Amend: 4/19/2021

Status: 5/25/2021-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/3/2021)(May be acted upon Jan 2022)

Location: 5/25/2021-S. 2 YEAR

Summary: Would, until _____, require the Strategic Growth Council, in consultation with the Department of Conservation and the state board, to develop and implement the Resilient Merced County Incentive Pilot Program (pilot program) to assist the County of Merced to use scenario-planning tools to estimate and account for the countywide greenhouse gas reduction and carbon sequestration potential of different land management, restoration, and conservation activities and for the council to provide financial assistance to private landowners to voluntarily implement activities resulting from the use of the scenario-planning tools used by the county. The bill would require the council to implement the pilot program as a component of the Sustainable Agricultural Lands Conservation Program and consistent with the Affordable Housing and Sustainable Communities Program.

Position

SB 559 (Hurtado D) Department of Water Resources: water conveyance systems: Water Conveyance Restoration Fund.

Current Text: Amended: 8/30/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amend: 8/30/2021

Status: 9/10/2021-Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIVE FILE on 9/8/2021)(May be acted upon Jan 2022)

Location: 9/10/2021-A. 2 YEAR

Summary: Would establish the Water Conveyance Restoration Fund in the State Treasury to be administered by the Department of Water Resources in consultation with the State Water Resources Control Board and the Department of Fish and Wildlife. The bill would require all moneys deposited in the fund to be expended, upon appropriation by the Legislature, in support of subsidence repair costs, including environmental planning, permitting, design, and construction and necessary road and bridge upgrades required to accommodate capacity improvements. The bill would require the Director of Water Resources to apportion money appropriated from the fund, subject to specified requirements, for the Friant-Kern Canal, Delta-Mendota Canal, San Luis Field Division of the California Aqueduct, and San Joaquin Division of the California Aqueduct.

Position

Support

SB 626 (Dodd D) Department of Water Resources: Procurement Methods.

Current Text: Chaptered: 9/23/2021 [html](#) [pdf](#)

Introduced: 2/18/2021

Last Amend: 6/21/2021

Status: 9/23/2021-Approved by the Governor. Chaptered by Secretary of State. Chapter 247, Statutes of 2021.

Location: 9/23/2021-S. CHAPTERED

Summary: Current law authorizes the Department of Transportation, regional transportation agencies, and the San Diego Association of Governments to engage in a Construction Manager/General Contractor project delivery method (CM/GC method) for specified public work projects. This bill would, until January 1, 2033, authorize the Department of Water Resources to utilize the CM/GC method, as specified, for no more than 7 projects for elements of State Water Facilities, as defined. The bill would require the Department of Water Resources, on all projects delivered by the department, to use department employees or consultants under contract with the department to perform all project design and engineering services related to design, and construction inspection services, required for the CM/GC method consistent with specified existing law.

Position

Support

CALIFORNIA COMEBACK PLAN

NATION-LEADING \$15B+ CLIMATE PACKAGE

Biggest state climate package in history to combat the climate crisis and protect communities

- **Over \$15 billion investment to tackle the climate crisis, combat catastrophic wildfires, support immediate drought action, race forward on our zero-emission vehicles goals, and build the resilient California of the future**

Governor Newsom has taken bold action to combat the climate crisis, implementing nation-leading measures such as requiring that all new cars sold be zero-emission by 2035, protecting 30% of California by 2030, and advancing environmental justice and climate resilience.

Building on this leadership, Governor Newsom's California Comeback Plan will make the largest state climate investment in history – more than \$15 billion over the next three years for the state's nation-leading climate agenda, bolstering California's strategy to combat climate change and protect our communities. **This integrative climate agenda includes investments to build wildfire resiliency, address drought impacts and bolster water resilience, protect vulnerable communities from climate risks, advance the state's zero emission vehicle goals, promote climate smart agriculture, and support the circular economy.**

Collectively, this multi-year package worth over \$15 billion will protect Californians from the impacts of climate change and build our climate resilient future:

\$1.5 BILLION WILDFIRE AND FOREST RESILIENCE PLAN

Committing \$1.5 billion to support a statewide strategy to bolster forest and wildfire resilience – the largest such investment in state history – to increase the pace and scale of fuels management measures, including:

- \$825 million to create more resilient forests and landscapes through forest health and improvement programs and state land stewardship.
- \$494 million for wildfire fuel break and fuel reduction projects, fuel reduction and prescribed fire hand crews, and local fire prevention grants.
- \$47 million in funding for home hardening in vulnerable communities, CAL FIRE defensible space inspectors, and public education and outreach efforts.
- \$82 million for science-based solutions to scale up fuel treatment and forest restoration.

CALIFORNIA COMEBACK PLAN

\$5.2 BILLION WATER AND DROUGHT RESILIENCE PACKAGE

An unprecedented \$5.2 billion over three years to support immediate drought response and long-term water resilience to help fund relief projects and build up the necessary infrastructure, including:

- Over \$3 billion to improve water supply security and reduce flood risk, including investments in drinking water and wastewater infrastructure, with a focus on small and disadvantaged communities; groundwater cleanup and water recycling projects; Sustainable Groundwater Management Act implementation; and multi-benefit flood-risk reduction projects.
- \$815 million for emergency drought relief projects that help secure and expand water supplies; small supplier and rural community drought contingency planning and preparedness projects; and multi-benefit land repurposing to provide long-term, flexible support for water users.
- Over \$1 billion for nature-based solutions such as habitat restoration to protect and conserve California's diverse ecosystems and wildlife corridor and fish passage projects to improve the ability of wildlife to migrate safely.

\$3.7 BILLION CLIMATE RESILIENCE PACKAGE

Providing \$3.7 billion over three years to build resilience against the state's multi-faceted climate risks in the communities bearing the brunt of climate change, helping prepare communities for extreme heat, sea level rise, and the other effects of climate change:

- \$800 million to address the impacts of extreme heat through programs including urban greening, funding to enable low-income families to reduce their energy bills by making their homes more energy efficient, community resilience centers to provide cooling and other services and funding to advance the Extreme Heat Framework as part of the state's Climate Adaptation Strategy.
- \$819 million to bolster community resilience through programs such as the California Climate Action Corps; the Transformative Climate Communities Program to fund community-led development and infrastructure projects that achieve environmental, health and economic benefits in disadvantaged areas; and the Environmental Justice Small Grants Program to support nonprofits and tribal governments to address issues like extreme heat and air pollution.
- \$612 million to protect against sea level rise, including funding for the Ocean Protection Council and State Coastal Conservancy to implement coastal protection measures and for the Department of Parks and Recreation to advance a sea level rise adaptation strategy to protect state parks.

\$3.9 BILLION ZERO EMISSION VEHICLE PACKAGE

CALIFORNIA COMEBACK PLAN

Nation-leading zero emission vehicle (ZEV) agenda that invests \$3.9 billion to hit fast forward on California's ZEV goals, continuing leading the transition to ZEVs on a global scale and preventing emissions:

- Over \$1 billion to put 1,000 zero-emission school buses, 1,000 zero-emission transit buses, and 1,000 zero-emission drayage trucks on the roads, as well as building the necessary infrastructure on California roads.
- \$925 million to invest in consumer adoption of ZEVs, with a focus on priority populations. This includes an expansion of Clean Cars 4 All that incentivizes low-income Californians to scrap their old car and replace it with a new or used advanced technology car, and funding for consumer rebates for new ZEV purchases through the Clean Vehicle Rebate Project.
- \$500 million for clean trucks, buses, and off-road equipment programs that support the equitable transition of the transportation sector to zero-emission and provide critical air quality and health benefits to communities.
- \$407 million for zero-emission rail and transit equipment purchases and infrastructure, and leasing state-of-the-art clean bus and rail equipment that helps eliminate fossil fuel emissions and increase intercity rail and intercity bus frequencies.

\$1.1 BILLION TO SUPPORT CLIMATE-SMART AGRICULTURE

California is committing \$1.1 billion over two years to support sustainable agriculture practices and create a resilient and equitable food system amid climate-driven drought and extreme heat challenges.

- Over \$127 million to bolster more resilient and equitable food systems, including funding for the California Farm to School Incubator Grant Program that expands healthy food access in schools while supporting farmers; the Farm to Community Food Hubs Program to facilitate the distribution of local, farm-fresh food to the public institutions and non-profit organizations; and assistance for urban farmers and community-based organizations.
- \$916 million to promote climate smart agriculture, including funding for cleaner agricultural vehicles and engines, grants for alternative manure management and dairy digester projects to reduce methane emissions, incentives for alternatives to agricultural burning in the San Joaquin Valley, and technical assistance for the development of farm conservation management plans and groundwater management.
- \$57 million to support economic recovery and high-road job growth in agricultural communities, including funding for beginning farmer training and apprenticeship programs and technical assistance to underserved farmers.

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MEMORANDUM

To: SBVMWD Board of Directors – Policy Workshop

From: Letitia White, Jean Denton, Drew Tatum, and Sarah Persichetti

Date: October 1, 2021

Re: September Monthly Legislative Update

Congress Passes Continuing Resolution to Keep Government Open

Lawmakers in the House and Senate came to an agreement on a Continuing Resolution (CR) to fund the government past the end of the fiscal year on September 30. Both chambers passed the legislation on the 30th and sent it to President Biden who signed the legislation with hours to spare before the end of the fiscal year when government funding was set to expire.

The CR funds the government until December 3, as well as provides \$6.3 billion for Afghan refugee resettlement and \$28.6 billion for disaster relief. Senate Democrats stripped language from the bill that would suspend the debt ceiling through 2022, which was in the bill when it passed the House.

"There's so much more to do. But the passage of this bill reminds us that bipartisan work is possible and it gives us time to pass longer-term funding to keep our government running and delivering for the American people," President Biden said after signing the bill.

Majority Leader Chuck Schumer (D-NY) said on Wednesday, September 29 that the Senate had reached a deal to vote Thursday on a short-term government funding bill to avoid a shutdown.

The Senate spent much of Wednesday haggling behind the scenes over the government funding bill — amid a push by Republicans for votes related to adding money for Israel's Iron Dome defense system and changing a provision on Afghan refugees — Senators and aides downplayed the chance that any last-minute drama would derail the Continuing Resolution

Despite the debate in the Senate, the chamber passed the CR on Thursday by a vote of 65-35, and sent it back to the House where it passed later on Thursday afternoon by a vote of 254-175.

The passage of the CR in the Senate follows a failed vote on Monday, September 27 in the Senate on the previously passed House CR that contained the debt ceiling provisions.

Senate Minority Mitch McConnell (R-KY) has said that he and his conference were prepared to support a "clean CR" that did not contain the debt ceiling provision.

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Faced with the prospect of a government shutdown amid the ongoing COVID-19 pandemic, Democrats ultimately opted to detach the debt limit suspension from the government funding bill.

The House originally passed the Continuing Resolution on Tuesday, September 21 by a party-line vote of 220-211. The main holdup on the legislation in the Senate had been the debt-limit ceiling.

House Votes on Debt Limit

The House voted Wednesday, September 29th on stand-alone legislation to suspend the country's debt limit, as tensions run high on both sides of the aisle with less than a month to go until the nation is expected to default on its debt.

The debt limit was reinstated on August 1, and Treasury Secretary Janet Yellen has said that Congress has until October 18 to raise or suspend the debt limit before the nation is expected to default on the national debt.

Two Democrats and one Republican crossed their parties during Wednesday's vote.

Representative Kurt Schrader (D-OR) and Jared Golden (D-ME) bucked party lines on Wednesday afternoon when they joined Republicans in voting "no" on legislation to suspend the nation's debt limit.

And on the opposite side of the aisle, Representative Adam Kinzinger (D-IL) was the only Republican to vote to send the measure to the Senate.

The legislation, which advanced by a razor-thin 219-212 vote, also faces shaky odds in the Senate, as GOP leadership has urged its members to tank the measure in the upper chamber.

Republican leadership has been calling on their members to vote against raising the debt ceiling amid a high-stakes standoff with Democrats. The push by Republicans comes in opposition to a multitrillion-dollar social safety net package the party aims to pass using reconciliation, a procedure that will allow them to bypass the Senate GOP filibuster.

Republicans want Democrats to address the debt limit themselves by using that same process. But disagreements remain between party leaders over how much time the maneuver could take ahead of the looming deadline, and Democratic leaders have called it a non-starter. Additionally, using the reconciliation process.

Senate Majority Leader Chuck Schumer (D-NY) has stated that the Senate will take action on the House-passed bill during the week of October 4. The Senate procedurally moved to the legislation before the end of September, and a cloture vote on the underlying bill will likely occur early the week of October 4.

Congress Debates Infrastructure, Reconciliation as Disagreements Remain

Late on Thursday, September 30, House Democratic leaders postponed a vote yet again on the bipartisan infrastructure bill amid threats from progressives to tank it as leverage for a separate, larger package to expand social safety net programs.

After a long day of meetings between Speaker Nancy Pelosi (D-CA) and the warring centrist and progressive factions of the caucus, as well as with White House staff, Democrats opted to delay a vote planned for Thursday rather than allow it to fail on the House floor.

A notice from House Majority Leader Steny Hoyer's (D-MD) office issued shortly before 11 p.m. Thursday confirmed that there would be no further votes for the night.

"I don't see a deal tonight. I really don't," Senator Joe Manchin (D-WV) said as he left the meeting with top White House staff in the Capitol basement shortly before 10 p.m.

Senator Manchin maintained that he's still pushing for a top-line spending figure of \$1.5 trillion for the social benefit package — less than half the current \$3.5 trillion.

"We're in good-faith negotiations," Senator Manchin said.

White House press secretary Jen Psaki said after House leadership pulled the bill that Democrats "are closer to an agreement than ever."

"But we are not there yet, and so, we will need some additional time to finish the work, starting tomorrow morning first thing," she added.

During the week of September 20, House Speaker Nancy Pelosi (D-CA) announced that the House hoped to vote on both the bipartisan infrastructure bill as well as the proposed \$3.5 trillion package during the week of September 27.

Speaker Pelosi announced that the House would vote on Thursday, September 30 on the Senate-passed bipartisan infrastructure bill, pushing back the originally planned vote for Monday, September 27 that she had promised centrist members earlier in the month.

The House debated the bipartisan bill early in the week, however without an agreement on a framework for a larger reconciliation package, Democrats did not have enough votes from the progressive members of their party to pass the bipartisan bill.

Progressives worry that if they help pass the bipartisan bill before the reconciliation framework is agreed upon, centrists won't help them pass the reconciliation bill packed with progressive priorities.

September 30 was also the deadline for surface transportation programs that were set to expire.

Faced with the possibility that the bipartisan infrastructure deal does not get through the House before the end of the day on the 30, Representative Peter DeFazio (D-OR), Chairman of the

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House Transportation and Infrastructure Committee said on Wednesday, September 29 that the expiring highway and transit programs will not be left to lapse in any event.

On Friday evening, President Biden signed a 30-day extension of surface transportation programs after Congress failed to reauthorize the funding for highway and transit construction by September 30.

The 30-day extension naturally puts the deadline to pass both the Build Back Better Act and Infrastructure Investment and Jobs Act at the end of October.

In a letter to lawmakers on Saturday, October 2, Speaker Pelosi stated she wants to pass the bipartisan infrastructure bill by October 31, the deadline for the surface transportation programs.

The House Budget Committee on September 24 released the text of Biden's Build Back Better plan — a massive, 2,500-page proposal that reflects the work of 13 separate House committees. The next day, the Budget Committee passed the bill out of committee, setting it up for potential floor consideration this week.

The Democratic-led committee passed the package in a 20-17 vote on Saturday afternoon, piecing together the chunks of legislation approved by 13 House committees earlier this month that make up the spending plan.

As a reminder, below is a topline summary of what is included in / proposed for the two “infrastructure packages” moving through the House the last week of September.

Infrastructure Investment and Jobs Act: Also referred to as the bipartisan infrastructure deal/framework. Total cost of the legislation is roughly \$1.2 trillion. This legislation includes the 5-year reauthorization of the highway trust fund. The legislation—which its sponsors say would increase spending on infrastructure by \$550 billion over five years—would extend highway, safety, transit, rail, pipeline, and research programs that are typically included in five-year surface transportation reauthorizations. It also includes provisions to address climate change, codify parts of a Trump-era policy on environmental reviews, impose domestic content requirements, authorize programs to enhance the electric grid and replace lead pipes, and appropriate \$445.9 billion in emergency funds. The legislation passed the Senate on August 10, 2021 and awaits further action in the House.

Build Back Better Act: Also referred to as the reconciliation package. Total cost of the legislation, as proposed by the House based on the Concurrent Budget Resolution is roughly \$3.5 trillion. This legislation, which is designed to pass with Democratic votes only, proposed to make the “transformative investments at the scale necessary to meet the needs of the American people.” Democrats have included provisions related to fighting climate change, reducing the cost of childcare, providing home health care, expanding Medicare, creating a nationwide paid family leave program, and providing universal pre-K and free community college. *Please see below for highlights of measures approved by committees earlier in September.*

EPA to Propose First-Ever ‘Forever Chemical’ Discharge Limits

The Environmental Protection Agency (EPA) announced on Wednesday, September 8 that it will propose a rule to set the first-ever limits on the amount of chemicals called PFAS can be discharged.

In a new plan released on the 8th, the agency affirmed that it would propose a rule setting limits for PFAS wastewater discharges from facilities that manufacture the substances, as well as from chromium electroplating facilities.

“This plan illustrates one way that EPA is following science to better protect public health and the environment,” Assistant Administrator for Water Radhika Fox said in a statement on the plan. “Importantly and for the first time, EPA is committing to limit PFAS in wastewater discharges,” he added.

The plan outlines several rules the agency will propose.

This is not the first time the agency has indicated that it could regulate PFAS discharges. The EPA indicated in March that it could take action, calling it a “potential future rulemaking.”

But the new report indicates that “EPA has determined that the development of effluent guidelines and standards for PFAS manufacturers is warranted.”

The plan also says that the agency revised rules surrounding discharges of other pollutants from facilities that slaughter or process meat and poultry that were last updated in 2004.

Representative Chris Pappas (D-NH), whose state has been hit hard by PFAS contamination, hailed the EPA’s action as “long overdue but welcome news.” He is the sponsor of a bill (H.R. 3622) that would regulate the chemicals under the Clean Water Act.

“We need additional protections to safeguard the environment and public health, and the EPA should expand these regulations to other known industries that are actively discharging these forever chemicals,” Pappas said.

Interior Announces BLM Headquarters Move Back to DC

The Interior Department will restore the Washington, D.C., headquarters for the Bureau of Land Management, which was moved to Colorado during the Trump administration, while maintaining the Colorado office as its "Western headquarters."

The department announced its decision on the controversial move in a statement on Friday, September 17.

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The Trump administration shifted its headquarters from Washington to Grand Junction, CO, in what critics saw as an attempt to drive out career officials. The Trump administration had argued that it was putting officials closer to the land that they managed.

The move was initially announced in 2019 and completed last year.

Data released by the Biden administration earlier this year indicated that more than 87 percent of the agency's employees based in D.C. left the agency after the Trump administration's announcement that it would relocate the office.

Just 41 agreed to move while 287 either retired or left the agency by the end of last year.

The department said Friday that just three people moved to Grand Junction.

Interior Secretary Deb Haaland said in a statement that it was important for the bureau to have a D.C. presence but also said that its presence in Colorado would "continue to grow."

"There's no doubt that the BLM should have a leadership presence in Washington, D.C. – like all the other land management agencies – to ensure that it has access to the policy-, budget-, and decision-making levers to best carry out its mission," Secretary Haaland said.

"The past several years have been incredibly disruptive to the organization, to our public servants, and to their families. As we move forward, my priority is to revitalize and rebuild the BLM so that it can meet the pressing challenges of our time, and to look out for our employees' well-being," she added.

According to the department, the bureau director and other "key leadership positions" will be in the Washington headquarters, while "additional senior personnel" would work out West.

The announcement did not provide specifics as to who fell into each category, but said that except for "core leadership positions," it does not plan to require any employees to relocate.

The Biden administration argued on Friday that the Trump administration's decision "led to a significant loss of institutional memory and talent."

The politics of the decision don't fall neatly along party lines, as some Colorado Democrats favored the move out West. One of them, Senator Michael Bennet, had a mixed reaction to the news on Friday.

"While I am disappointed that the national headquarters will be in Washington, I believe establishing and growing a permanent BLM Western Headquarters in Grand Junction should be a very positive development," he said in a statement.

"In the coming months, I will hold the Administration accountable to ensure that the BLM Western Headquarters is permanent, fully staffed, and informed by the voices of the Rocky Mountain West — after the last administration failed to deliver on that promise," he added.

Many Republicans, meanwhile, blasted the decision.

"The Biden administration's answer for everything is to double the size of government," said Senator John Barrasso (R-WY) in a statement.

"The Bureau of Land Management doesn't need two headquarters," added Senator Barrasso, who's the top Republican on the Senate Energy and Natural Resources Committee. "The single headquarters of the Bureau of Land Management belongs in the West, closer to the resources it manages and the people it serves."

EPA Rescinds Trump-era Guidance on Exceptions to Water Pollution Protections

The Environmental Protection Agency (EPA) is rescinding Trump-era guidance that established exceptions to certain water pollution protections.

The EPA announced during the week of September 13 that it was nixing the January 14 guidance, which established exceptions to which types of facilities would require agency permits to discharge pollutants in accordance with a Supreme Court ruling.

Last year, the Supreme Court ruled that a permit is required not only for direct discharges of pollutants into federally regulated waters but also for discharges into groundwater that are the "functional equivalent" because they eventually also make their way into regulated waters.

Following that decision, the EPA under then-President Trump issued the now-rescinded guidance stating that if the pollution became diluted or otherwise changed between when it was discharged and when it reached the regulated water, it may not require a permit.

It also said that facilities are "less likely" to require permits if they're designed in a way that mitigates their discharges.

In a memo getting rid of the guidance, the Biden administration argued that it had been issued "without proper deliberation" and because the part of the guidance relating to facility design is not "reflected in or consistent with" the Supreme Court ruling.

The document, written by Radhika Fox, who leads the agency's Office of Water, said that the EPA was evaluating its next steps and that the agency will make site-specific decisions on whether relevant discharges need permits.

In December, when it released a draft of the guidance, the Trump administration argued that its decision would help industry understand when they need permits.

But critics said at the time that it could end up leaving out facilities that ultimately pollute protected waters.

Administration to Require COVID-19 Vaccines, Tests for Millions of Private Workers

On Thursday, September 9, President Joe Biden announced a new rule to require all private employers with 100 or more employees to mandate vaccines or weekly testing.

A senior administration official said the rule will be issued from the Department of Labor's Occupational Safety and Health Administration "in the coming weeks," and the implementation timeline will likely mirror the roughly 90 day window other private sector employers, like Tyson Foods and United Airlines, have required.

The requirement could impact nearly 80 million workers, the administration official said, and if a business fails to comply with the rule they could face fines up to \$14,000 per violation.

The new national strategy, dubbed "Path Out of the Pandemic," represents a redoubling of the administration's efforts to combat the threat of the delta variant of the coronavirus.

Biden is also dramatically expanding vaccination requirements for health workers. Last month, the administration said it would require all staff at about 15,000 nursing homes to be vaccinated to receive Medicare and Medicaid funding, a move that would affect about 1.3 million employees. The rule is expected to be issued later this month.

Reconciliation Package Highlights

The House Budget Committee on Friday, September 24 released the text of President Biden's Build Back Better plan—a massive, 2,500-page proposal that reflects the work of 13 separate House committees. On Saturday, September 25, the Budget Committee passed the bill out of committee, setting it up for potential floor consideration.

Below are highlights of the approved measures.

Ways and Means (Target: \$1 billion reduction)

The budget resolution directed the Ways and Means Committee to reduce the deficit by \$1 billion over 10 years, a "nominal" amount intended to give the panel flexibility to draft its legislation, including offsets for the reconciliation package.

The measure covers taxes, health care, drug pricing, paid leave, infrastructure financing, community development, retirement, child care, and trade.

Tax Increases: The Ways and Means package includes sweeping tax changes to raise revenue for other portions of the package, including:

- Raising the top marginal personal income tax rate to 39.6%, from 37%, for individuals making more than \$400,000 and joint filers making more than \$450,000. A 3% surtax also would be imposed on individuals with adjusted gross incomes of more than \$5 million.

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- Increasing the capital gains tax rate to 25% from 20% for “certain high-income individuals.”
- Replacing the flat 21% corporate income tax rate with graduated rates: 18% on the first \$400,000 of income, 21% on income up to \$5 million, increasing to 26.5% for income after that.
- Generally requiring investment funds to hold assets for more than five years, rather than three years, for managers to get a preferential tax rate on their share of profits, known as carried interest.
- Reinstating a 16.4 cents-per-gallon tax on crude oil and imported petroleum products to fund Superfund cleanups of hazardous sites. It also would double the tax rate on sales of certain chemicals.
- Barring taxpayers from claiming losses on digital assets, such as cryptocurrencies.
- Increasing the current rate of excise taxes on cigarettes, small cigars, and roll-your-own tobacco, as well as on nicotine that’s been extracted, concentrated, or synthesized in tobacco products.
- Providing \$78.9 billion in additional funding for the Internal Revenue Service to increase audits on wealthy individuals.

Tax Credits: Other tax provisions in the measure are designed to aid certain households and industries, such as:

- Extending an expanded version of the child tax credit through 2025 and making it permanently refundable.
- Making permanent expanded versions of the earned income tax credit for childless workers and the child and dependent care credit under the American Rescue Plan Act, Public Law 117-2.
- Making permanent the expanded availability under ARPA of the Affordable Care Act’s premium tax credits for health insurance purchased through the exchanges. It also would allow individuals who receive unemployment benefits to receive premium-free insurance plans through 2025.
- Temporarily expanding the ACA tax credits to individuals with income below 100% of the federal poverty level, and providing enhanced cost-sharing subsidies to those below 138% of the federal poverty level, until a federal Medicaid program is established in 2025 (see below).
- Creating a refundable income tax credit for union-made electric vehicles placed into service before Jan. 1, 2027, and extending several tax credits related to renewable energy production, including the production and investment credits.

Drug Pricing: The measure would create a “Fair Price Negotiation Program” for the Centers for Medicare and Medicaid Services to negotiate the price of 250 covered drugs and insulin. Prices couldn’t exceed 1.2 times the average price of the drug in six other countries. They would also be available to private insurance plans.

Drugmakers that don’t negotiate successfully would face an excise tax of as much as 95%. Those that charge more than the negotiated maximum price would pay as much as ten times the difference in prices.

The measure would also:

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- Require drugmakers to repay the government their profits if they raise the price of a drug above inflation.
- Cap the cost of prescription drugs under Medicare Part D for beneficiaries.
- Block the drug rebate rule published under former President Donald Trump in November 2020.

Medicare Coverage: The measure would expand Medicare coverage to include dental benefits beginning in 2028, hearing benefits beginning in 2023, and vision benefits beginning in 2022. For dental benefits, Medicare would cover 50% of the cost of major treatments and 80% of the cost of preventive services. Hearing coverage wouldn't include over-the-counter hearing aids.

Reinsurance Program: The measure would provide \$10 billion annually for a fund to provide reinsurance payments to insurers operating in marketplace exchanges and assistance to individuals to reduce out-of-pocket costs.

Paid Leave: The measure would provide up to 12 weeks of paid leave for eligible workers for the birth or adoption of a child, a personal health condition, caregiving for a family member, circumstances related to a family member's deployment, and bereavement. Benefits would be administered by the Treasury Department and would begin in July 2023.

Infrastructure & Community Development: The measure includes several tax changes related to infrastructure financing and community development, such as:

- Allowing state and local governments that issue qualified infrastructure bonds to receive a tax credit for a portion of the interest they pay, similar to Build America Bonds under the 2009 American Recovery and Reinvestment Act (Public Law 111-5). The credit would be 35% of interest paid for bonds issued from 2022 through 2024, phasing down to 28% for bonds issued in 2027 and later years.
- Restoring a tax exemption for interest on advance refunding bonds, which was repealed by the 2017 tax overhaul (Public Law 115-97). State and local governments used those bonds to refinance their debt and access lower interest rates.
- Establishing a 30% tax credit for state, local, and tribal governments to operate and maintain government-owned broadband systems.
- Making permanent and expanding the New Markets Tax Credit, offered to taxpayers that invest in lower-income communities.
- Establishing a 30% tax credit for individuals and businesses that participate in a qualified wildfire resilience program.
- Increasing state Low-Income Housing Tax Credit (LIHTC) allocations.
- Establishing a neighborhood homes credit for rehabilitating homes in certain lower-income areas.

Child Care: The measure would provide:

- \$15 billion in state grants to help providers improve child care facilities.
- Such sums as necessary for grants to supplement the wages of qualified child care providers.

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Retirement: The measure would require employers with more than five workers to automatically enroll new hires for retirement benefits. Employees could choose to opt out of the savings plan or modify contributions. Employers would be subject to an excise tax of \$10 per day for each employee who isn't covered by an automatic retirement plan.

Trade: The measure would reauthorize Trade Adjustment Assistance (TAA) programs for seven years and provide \$3.4 billion annually for those programs, including \$1 billion annually through fiscal 2026 for new grants to help communities affected by global trade.

Education and Labor (Target: \$779.5 billion)

The measure includes provisions on education, child care, labor, and child nutrition programs.

Education: The measure would provide roughly \$111 billion for higher education, including by:

- Providing two years of free community college through grants to states and eligible tribal colleges and universities. The federal share of costs would start at 100% in the first year and decrease to 80% by the 2027-2028 award year.
- Increasing the maximum Pell grant by \$500.
- Allocating \$9 billion for retention and completion grants to states and tribal colleges and universities to support students.
- Providing additional support to historically Black colleges and universities and minority-serving institutions.

It also would provide \$82 billion to rebuild public elementary and secondary schools that have fallen into disrepair. That would include \$40.9 billion for grants for school districts to construct or repair facilities, improve energy efficiency, and reduce health and safety hazards.

Child Care: The measure would provide \$450 billion for child care and early childhood education, including by:

- Capping child care costs at a maximum of 7% of family income, using a sliding scale that would apply to all income levels. It would provide \$90 billion over the first three years and then such sums as may be necessary for the next three years.
- Requiring child care providers that receive federal assistance to provide at least a living wage to staff.
- Providing free preschool to all three- and four-year-olds. States would submit plans to participate and receive federal funding, which would start at 100% in the first three years and decrease to 60% by fiscal 2028.

Labor: The measure would provide:

- About \$80 billion for workforce development and training programs.
- Impose increased civil penalties for employers who violate labor laws.

Child Nutrition: The measure would provide almost \$35 billion for child nutrition programs and other activities to address child hunger, including:

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- Expanding eligibility for free school meals, among other changes that would increase the number of children receiving them by almost 9 million, according to a fact sheet from the House Education and Labor Committee.
- Appropriating such sums as may be necessary for a Summer Electronic Benefits Transfer (EBT) for Children program, which would sunset in 2029. The program would provide children eligible for free or reduced-price school meals with \$75 per month in food benefits when school is out of session for the summer.

Energy and Commerce (Target \$486.5 billion)

The measure includes language related to health care, energy and environmental matters, telecommunications, and manufacturing. The panel didn't agree to drug pricing provisions, similar to what's in the Ways and Means package, in a tie vote with three Democrats joining Republicans in opposition.

Medicaid: The measure would close the Medicaid coverage gap for lower-income individuals in states that didn't expand the program under the Affordable Care Act by:

- Temporarily expanding the ACA's premium tax credits to individuals below 100% of the federal poverty line and providing further cost-sharing subsidies.
- Creating a federal Medicaid program, operated by third-party entities, for nonexpansion states beginning in 2025 to cover those individuals.

Reinsurance Program: The measure would provide \$10 billion annually for a fund to provide reinsurance payments to insurers operating in marketplace exchanges and assistance to individuals to reduce out-of-pocket costs.

Medicare Coverage: The measure would expand Medicare coverage to provide dental benefits beginning in 2028, hearing benefits beginning in 2023, and vision benefits beginning in 2022.

CHIP: The measure would make the Children's Health Insurance Program (CHIP) permanent and appropriate "such sums as are necessary" for it. It also would allow states to increase the income level needed for families to participate in CHIP and require states to provide one year of continuous eligibility for children enrolled in CHIP.

Other Health Programs: The measure would provide:

- \$35 billion for public health infrastructure, including \$10 billion for hospital infrastructure projects and \$10 billion for community health center grants.
- \$15 billion for pandemic preparedness, including \$1.25 billion for the Centers for Disease Control and Prevention to strengthen vaccine confidence.
- \$3 billion to establish the Advanced Research Projects Agency for Health (ARPA-H) to invest in breakthrough technology and advancements in medicine.

Energy and Environment: Funding for clean energy and environmental initiatives would include:

- \$150 billion for a Clean Electricity Performance Program that would charge or pay electric utilities based on the share of clean energy they supply to consumers. Utilities

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would be eligible for grants if they increase the share of clean energy in their portfolios by at least four percentage points each year. Utilities that don't meet that benchmark would pay a fee.

- \$30 billion to replace every lead water service line in the U.S.
- \$27.5 billion to support nonfederal financing of zero-emission technology deployment.
- \$18 billion to support home energy efficiency and appliance electrification rebates.
- \$17.5 billion to decarbonize federal buildings and vehicle fleets.
- \$13.5 billion for electrical vehicle charging infrastructure.
- \$10 billion for cleanup activities at priority Superfund sites where federal agencies are the responsible parties.
- \$9 billion to improve the reliability and resiliency of the electric grid.
- \$5 billion for grants to replace school buses, garbage trucks, and other heavy-duty vehicles with zero-emission vehicles.

The measure would establish a fee on methane emissions from the oil and gas industry, the proceeds of which would be used to monitor and reduce greenhouse gas emissions at oil and gas operations.

Communications: The measure would provide:

- \$10 billion to implement Next Generation 911 services that facilitate sending text messages, photos, and videos to emergency responders.
- \$4 billion for the Emergency Connectivity Fund, established under Public Law 117-2, to supply students, teachers, and others with internet-connected devices.
- \$1 billion to the Federal Trade Commission to establish a new bureau focused on data privacy and identity theft.

It also would direct the Federal Communications Commission to auction 200 megahertz of spectrum to offset the cost of other provisions.

Manufacturing: The measure would provide \$10 billion for efforts to strengthen and diversify critical manufacturing supply chains that affect interstate commerce.

Financial Services (Target: \$339 billion)

Housing: The measure would provide:

- \$77.3 billion for formula and needs-based public housing programs.
- \$75 billion for incremental Housing Choice Vouchers and support services, including for individuals at risk of homelessness and for survivors of domestic violence and sexual assault.
- \$36.8 billion for the Housing Trust Fund and \$34.8 billion for the HOME Investment Partnerships Program to fund the construction of affordable housing for low-income people.
- \$15 billion for project-based rental assistance.
- \$10 billion to offer down payment assistance to first-generation homebuyers.

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- \$10 billion to address lead paint and other health hazards in housing for low-income families.
- \$10 billion for a new Housing Investment Fund to leverage private-sector investments to create and preserve affordable homes.

Flood Insurance: The measure would wipe out \$20.5 billion in debt owed by the Federal Emergency Management Agency for money it borrowed to pay claims through the National Flood Insurance Program. It also would provide \$3 billion for flood mapping and \$1 billion for FEMA to offer flood insurance discounts to low-income policyholders.

Judiciary (Target: \$107.5 billion)

Immigration: The measure would make green cards and a pathway to citizenship available to Dreamers who were brought to the U.S. as children and reside here illegally, essential workers, and holders of Temporary Protected Status and Deferred Enforced Departure.

It also would roll over green cards from year to year, allowing for additional visas to be issued following years when the numerical caps aren't reached—as happened during the Covid-19 pandemic.

Other Programs: The measure also would provide:

- \$2.8 billion to U.S. Citizenship and Immigration Services to address visa processing backlogs.
- \$2.5 billion to the Justice Department for grants and contracts to support community violence reduction programs.

Agriculture (Target: \$89.1 billion)

The measure would provide:

- \$40 billion for forestry programs, including \$9 billion for forest restoration and resilience grants and \$4.5 billion for the Agriculture Department's portion of a Civilian Climate Corps.
- \$18.7 billion for rural development programs, including \$9.7 billion for green upgrades to rural utilities.
- \$7.75 billion for agricultural research.

House Agriculture Chair David Scott (D-GA) said he'd work to add \$28 billion in aid to farmers and ranchers related to climate and conservation before the House votes on the full package, Bloomberg Government reported.

Transportation and Infrastructure (Target: \$60 billion)

The measure would provide funding for a variety of transportation projects, including:

- \$10 billion for high-speed rail corridors.
- \$9.9 billion for new transit routes and expanded services in low-income and disadvantaged areas.

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- \$6 billion for unspecified local surface transportation priorities.
- \$5.5 billion for the Economic Development Administration, including to develop regional economic growth clusters.
- \$4 billion to reduce transportation greenhouse gas emissions.

Science, Space, and Technology (Target: \$45.5 billion)

The measure's funding for science and technology programs would include:

- \$15.6 billion for Energy Department laboratory infrastructure; research, development, and demonstration activities; nuclear energy projects; and energy efficiency and renewable energy initiatives.
- \$11 billion for National Science Foundation research infrastructure and STEM research awards, scholarships, and fellowships, including \$1 billion for minority serving institutions.
- \$4.4 billion for NASA infrastructure modernization efforts and climate change research and development activities.
- \$4.3 billion for National Oceanic and Atmospheric Administration weather, ocean, and climate research, in addition to instrument and spacecraft delivery development and delivery.
- \$4.2 billion for National Institute of Standards and Technology facility construction and renovation and advanced manufacturing research.

Natural Resources (Target: \$25.6 billion)

The measure would provide around \$31 billion over a decade for climate resilience, conservation, and other environmental initiatives. That total would be partially offset by increased fees on oil and gas companies to reach the \$25.6 billion net spending target set by the budget resolution.

The spending would include \$9.5 billion for environmental restoration in coastal areas and around the Great Lakes, \$3 billion to create a Civilian Climate Corps at the Interior Department, and \$2.5 billion for cleanup activities at abandoned mines.

Revenue raisers and other provisions aimed at the drilling and mining industries would:

- Increase leasing fees and royalty rates for onshore and offshore oil and gas extraction and require royalties to be paid for methane that's vented or flared.
- Establish an oil and gas leasing moratorium on the Atlantic and Pacific coasts and in the eastern Gulf of Mexico.
- Repeal a previous authorization for drilling in the coastal plain of the Arctic National Wildlife Refuge and void nine leases in the area issued this year.
- Increase the royalty rate paid to the federal government on mining revenue.
- Withdraw more than 1 million acres around the Grand Canyon from mineral leasing.

Veterans' Affairs (Target: \$18.0 billion)

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The measure would provide \$15.2 billion for infrastructure improvements to national cemeteries and memorials, medical facilities, and other property. It also would include \$1.81 billion for major medical facility leases.

The measure would extend through fiscal 2026 the Veterans Affairs Department's authority to enter into enhanced-use leases, which provide underutilized real estate to the private sector for supportive housing for homeless and at-risk veterans. They would be expanded to include leased property that provides services or benefits for veterans.

Small Business (Target: \$17.5 billion)

The measure would include the following amounts for the Small Business Administration:

- \$9.5 billion to increase equity investment in underserved markets and key industries through a new subprogram within the Small Business Investment Company program.
- \$4.47 billion for a direct loan product under the 7(a) Loan Program.
- \$2.75 billion to create a direct lending subprogram under the 504 lending program that would allow Certified Development Companies to provide loans to small businesses, contractors, and manufactures in underserved markets.

Oversight and Reform (Target: \$7.5 billion)

The measure would provide \$7 billion for the U.S. Postal Service to purchase electric delivery vehicles and related infrastructure, and \$5 billion for the General Services Administration (GSA) to procure electric vehicles for other federal agencies.

Other funding for the GSA would include \$1 billion for the Technology Modernization Fund, which was established to upgrade federal agency IT systems.

Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
H.R. 4502	Rep. Rosa DeLauro (D-CT)	Labor, HHS, Education, Agriculture, Rural Development, Energy and Water, Financial Services and General Government, Interior, Environment, Military Construction and VA, Transportation-HUD Appropriations Act, 2022	The legislation combines 7 of the annual spending bills into one package.	The legislation passed the House on Thursday, July 29 by a vote of 219 – 208 on party lines.
XX	President Joe Biden / Congressional Democrats	Build Back Better Act	The Build Back Better Act proposed spending roughly \$3.5 trillion in its current form. The plan would provide \$200 billion program offering universal pre-k; \$109 billion for tuition-free community college; \$85 billion to increase Pell Grants to benefit low-income and minority students; and more than \$4 billion in funding for larger scholarships, certification and support programs for teachers.	<p>Congressional Democrats hope to use the budget reconciliation process to pass elements of the administration’s American Families Plan due to lack of support from Republicans. S.Con.Res.14, the Concurrent Budget Resolution, set up the ability for the Senate to pass the legislation if all Democrat Senators vote in favor of the legislation.</p> <p>On Saturday, September 25, the House Budget Committee passed the package in a 20-17 vote, piecing together the chunks of legislation approved by 13 House committees earlier this month that make up the spending plan.</p> <p>Currently, Senators Manchin and Sinema are on the fence about the current \$3.5 trillion price tag of the plan. There have been discussions from both House and Senate members of lowering the price tag, but there has been limited discussion as to what a potential deal would look like. Floor consideration is unlikely until this is resolved.</p>

<p>Senate Amendment to H.R.3684</p>	<p>President Joe Biden & Bipartisan Group of Senators including Sens. Krysten Sinema (D-AZ) and Rob Portman (R-OH)</p>	<p>Bipartisan Infrastructure Framework (“Infrastructure Investment and Jobs Act”)</p>	<p>The framework includes \$550 billion in new spending for a total around \$1.2 trillion over eight years.</p> <p>Total “new spending” includes: \$110 billion for roads, bridges and major projects; \$73 billion for electric grid upgrades; \$66 billion for rail and Amtrak improvements; \$65 billion for broadband expansion; \$55 billion for clean drinking water; \$39 billion for transit; \$17 billion for ports and \$25 billion for airports; and \$7.5 billion for electric vehicle chargers.</p>	<p>President Biden announced that he'd reached an infrastructure deal with a group of Republican and Democratic Senators on Thursday, June 24.</p> <p>Following a month of negotiations on legislative text, the Senate passed the package on Tuesday, August 10, 2021.</p> <p>The deal faces the challenge of convincing progressives to support the deal - Speaker of the House Nancy Pelosi has expressed that the House would not vote on a bipartisan bill until the Senate passes a larger set of Democratic priorities though budget reconciliation.</p> <p>The House agreed to vote on the legislation by September 27, 2021 in a deal reached between the Democratic leadership and moderate members of the Democratic caucus. However, on September 26, Pelosi pushed back the vote to Thursday, September 30, allowing more time to debate the bill on the floor.</p> <p>However, without a deal reached on the larger reconciliation package by September 30, the vote on the bipartisan framework was delayed once again.</p>
<p>H.R. 5305</p>	<p>Rep. Rosa DeLauro (D-CT)</p>	<p>Extending Government Funding and Delivering Emergency Assistance Act</p>	<p>Extends government funding through December 3 and provides funding for disaster relief and Afghan refugees. The bill also extends additional measures through December 3 including certain authorities of the Bureau of Reclamation, including for emergency drought relief, for one year.</p>	<p>The Senate amendment to the legislation passed on September 30th by a vote of 65-35, and the House passed the bill shortly after by a vote of 254-175. President Biden signed the legislation in the evening of the 30th.</p>

H.R. 3684	Rep. Peter DeFazio (D-OR)	INVEST in America Act	<p>The legislation addresses provisions related to federal-aid highway, transit, highway safety, motor carrier, research, hazardous materials, and rail programs of the Department of Transportation (DOT).</p> <p>The Legislation has also incorporated the Water Quality Protection and Job Creation Act of 2021 and Assistance, Quality, and Affordability Act of 2021 which reauthorize clean and drinking water provisions.</p>	<p>Chairman of the House Transportation and Infrastructure Committee Peter DeFazio introduced the legislation on June 4, 2021.</p> <p>Markups were held on the legislation on June 9-10th and the legislation passed out of committee on June 10th by a vote of 38-26.</p> <p>The legislation passed the House on July 1, 2021 by a vote of 221-201.</p> <p>This legislation and the associated local transportation priorities likely won't move forward since the bipartisan infrastructure proposal also includes the 5-year surface transportation reauthorization bill.</p>
S. 29 / H.R. 2008	Sen. Amy Klobuchar (D-MN) / Rep. Angie Craig (D-MN)	Local Water Protection Act	A bill to amend the Federal Water Pollution Control Act to reauthorize certain programs relating to nonpoint source management, and for other purposes.	<p>The Senate legislation was introduced on January 22, 2021 and referred to the Committee on Environment and Public Works.</p> <p>The legislation in the House was introduced on March 18, 2021 and passed the House under suspension of the rules on June 15.</p>
H.R. 1563	Rep. Mike Garcia (R-CA)	To extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California	The legislation would extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California. The legislation would extend 4007 authorities through January 1, 2028.	The legislation was introduced on March 3, 2021 and was referred to the House Committees on Natural Resources and Science, Space, and Technology.

H.R.1915	Rep. Peter DeFazio (D-OR) / Rep. Grace Napolitano (D-CA)	Water Quality Protection and Job Creation Act of 2021	The legislation would reauthorize the Alternative Water Source Grants Pilot Program, which authorizes the U.S. Environmental Protection Agency to grant up to \$200 million per year to state, interstate, and intrastate water resource development agencies to engineer, design, construct, and test water reuse projects throughout the country.	<p>The legislation was introduced on March 16, 2021.</p> <p>The Committee on Transportation and Infrastructure held a mark-up session on June 9-10th and the legislation was passed out of committee on June 10th by a vote of 42-25.</p> <p>The legislation was incorporated into the INVEST in America Act, which passed the House on July 1, 2021.</p>
H.R.2238	Sen. Jeff Merkley (D-OR) / Rep. Alan Lowenthal (D-CA)	Break Free from Plastic Pollutions Act	The comprehensive legislation would require corporations to take responsibility for pollution, incentivize corporations to make reusable products and items that can be recycled, create a nationwide beverage container refund program, and other items to promote recycling and other investments in U.S. domestic recycling.	The legislation was introduced on March 25, 2021 and referred to the House Committees on Energy and Commerce, Ways and Means, Transportation, and Foreign Affairs.
H.R. 866	Rep. Ken Calvert (R-CA)	FISH Act	This bill gives the Fish and Wildlife Service (FWS) the sole authority to protect endangered or threatened species that are anadromous species (species of fish that spawn in fresh or estuarine waters and that migrate to ocean waters) or catadromous species (species of fish that spawn in ocean waters and migrate to fresh waters). Currently, the FWS shares this authority with the National Marine Fisheries Service.	The legislation was introduced on February 5, 2021 and referred to the House Committee on Natural Resources.

H.R. 1015	Rep. Grace Napolitano (D-CA)	Water Recycling Investment and Improvement Act	This bill makes permanent, and otherwise revises, the Bureau of Reclamation's grant program for the funding of water recycling and reuse projects. Specifically, the bill removes priority under the program for projects in areas that, in the preceding four-year period, have been (1) identified as experiencing severe, extreme, or exceptional drought; or (2) designated as a disaster area by a state. Additionally, the bill increases through FY2025 the authorization of appropriations for the program and otherwise revises provisions related to program funding.	The legislation was introduced on February 11, 2021, and referred to the House Committee on Natural Resources.
H.R.4099	Rep. Grace Napolitano (D-CA)	Large Scale Water Recycling Project Investment Act	Created a competitive grant program for large-scale water recycling and reuse projects. Large-scale water recycling projects are those estimated to cost \$500 million or greater. \$750 million would be authorized over 5 fiscal years beginning in FY23.	The legislation was introduced on June 23, 2021 and referred to the Committee on Natural Resources. The Water Subcommittee held a hearing on the legislation on Tuesday, June 29, 2021. The House Natural Resources Subcommittee on Water, Oceans, and Wildlife held a hearing on the legislation on June 29, 2021.
H.R.1881	Rep. John Garamendi (D-CA)	To amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes.	The legislation would extend permit terms for publicly owned water infrastructure projects under the National Pollutant Discharge Elimination System (NPDES) from 5 years to a maximum of 10 years.	The legislation was introduced on March 12, 2021 and referred to the Committee on Transportation and Infrastructure.
S.914	Sen. Tammy Duckworth (D-IL)	Drinking Water and Wastewater Infrastructure Act of 2021	Authorizes more than \$35 billion for water resource development projects across the country with a focus on upgrading aging infrastructure, addressing the threat of climate change, investing in new technologies, and providing assistance to marginalized communities.	Introduced on March 23, 2021 and referred to the Senate Environment and Public Works Committee. The legislation passed the Senate on April 29, 2021 by a vote of 89-2.

H.R. 737	Rep. David Valadao (R-CA)	RENEW WIIN Act	The legislation would extend the authorities under the Water Infrastructure Improvements for the Nation Act of 2016 providing operational flexibility, drought relief, and other benefits to the State of California.	The legislation was introduced on February 2, 2021, and referred to the House Committee on Natural Resources. 10 members of the California delegation have cosponsored the legislation.
S.91 / H.R.535	Sen. Krysten Sinema (D-AZ) / Rep. John Garamendi (D-CA)	Special Districts Provide Essential Services Act	The legislation would include special districts in the coronavirus relief fund and direct the Secretary of the Treasury to include special districts as an eligible issuer under the Municipal Liquidity Facility.	The legislation was introduced on January 28, 2021 in both the House and Senate. It has been referred to relevant committees in both chambers.
H.R. 895 / S. 209	Rep. David Rouzer (R-NC) / Sen. Jeanne Shaheen (D-NH)	Emergency Assistance for Rural Water Systems Act	To provide for assistance to rural water, wastewater, and waste disposal systems affected by the COVID-19 pandemic, and for other purposes.	The legislation in the House was introduced on February 5, 2021, and referred to the House Committee on Agriculture. The Senate version of the legislation was introduced on February 3, 2021 and referred to the Senate Committee on Agriculture.
H.R. 2515	Rep. Garret Graves (R-LA)	Building U.S. Infrastructure through Limited Delays and Efficient Reviews (BUILDER) Act	The legislation modernizes the National Environmental Policy Act (NEPA) and aims to make infrastructure project reviews more efficient, reduce project costs, and spur economic recovery.	The legislation was introduced on April 14, 2021 and was referred to the House Committee on Natural Resources. The legislation's 46 cosponsors are all Republican, including members of GOP leadership.
H.R. 939	Rep. Doug LaMalfa (R-CA)	Combustion Avoidance along Rural Roads (CARR) Act	The bill exempts wildfire mitigation activities conducted within 300 feet of a road from all laws governing environmental review of proposed agency actions or protection of endangered or threatened species.	The legislation was introduced on February 8, 2021 and was referred to the House Committees on Natural Resources and Agriculture.

H.R.3267	Rep. Brendan Boyle (D-PA)	Protect Drinking Water from PFAS Act	The bill amends the Safe Drinking Water Act to require the Administrator of the Environmental Protection Agency to publish a maximum contaminant level goal and promulgate a national primary drinking water regulation for total per- and polyfluoroalkyl substances.	The legislation was introduced on May 17, 2021 and referred to the House Committee on Energy and Commerce.
H.R. 1512	Rep. Frank Pallone (D-NJ)	The Climate Leadership and Environmental Action for our Nation's Future (CLEAN) Act	The legislation aims to achieve net zero greenhouse gas pollution, combat the climate crisis, and create jobs. The bill authorizes \$565 billion over ten years to enable deep decarbonization.	The legislation was introduced on March 2, 2021, and referred to the relevant committees.
S. 953	Sen. Ron Wyden (D-OR)	Water for Conservation and Farming Act	The legislation would create a Bureau of Reclamation fund of \$300 million to support water recycling projects, water-use efficiency projects and dam safety projects; the WaterSMART program to increase water supply reliability by funding infrastructure and conservation projects that conserves water, increases water use efficiency and improves the condition of natural water recharge infrastructure; Establishes a grant program for any Reclamation States, Tribes, nonprofit conservation organizations, irrigation or water districts, and regional and local authorities to complete habitat restoration projects that improve watershed health and mitigate climate change; among other actions.	The legislation was introduced on March 24, 2021, and referred to the Committee on Energy and Natural Resources.
H.R.3293	Rep. Lisa Blunt Rochester (D-DE)	Low-Income Water Customer Assistance Programs Act	The legislation would amend the Safe Drinking Water Act and the Federal Water Pollution Control Act to establish programs to assist low-income households in maintaining access to drinking water and wastewater services.	The legislation was introduced on May 18, 2021, and referred to the relevant committees. The legislation has passed out of the House Energy and Commerce Committee by a vote of 32-24 and now moves on to consideration on the House floor.

H.R.3291	Rep. Paul Tonko (D-NY)	AQUA Act	The legislation would invest \$105 billion over 10 years in the nation's water systems including \$53 billion for the Drinking Water State Revolving Fund, \$45 billion to fully replace every lead service line, and \$5 billion to provide assistance to systems with PFAS contamination. Additionally, the legislation would require the EPA to set national standards for PFAS, 1,4-dioxane, and microcystin toxin, and makes it easier for EPA to set standards in the future. The bill would authorize \$4 billion emergency relief program to provide forgiveness for utility customers facing debts and unpaid fees since March 1, 2020.	<p>The legislation was introduced on May 18, 2021, and referred to the House Committee on Energy and Commerce.</p> <p>The legislation was included in the INVEST in America Act, which passed the House on July 1, 2021 by a vote of 221-201.</p>
H.R. 3286	Rep. Raul Ruiz (D-CA)	Emergency Order Assurance, Safety, and Inspection of water Systems (Emergency OASIS Act)	The legislation would require the EPA to establish regulations to flush a drinking water system if contaminants were present in the system for longer than six months, or if water stood motionless in the system for longer than six months.	The legislation was introduced on May 17, 2021 and referred to the House Committee on Energy and Commerce.
H.R. 3622 / S. 1907	Rep. Chris Pappas (D-NH) / Sen. Kirsten Gillibrand (D-NY)	Clean Water Standards for PFAS Act	The legislation would require the Administrator of the Environmental Protection Agency to develop effluent limitations guidelines and standards and water quality criteria for PFAS under the Federal Water Pollution Control Act, to provide Federal grants to publicly owned treatment works to implement such guidelines and standards	<p>The legislation was introduced in the House on May 28, 2021, and in the Senate on May 27, 2021.</p> <p>The legislation in the House is bipartisan.</p>
S. 2168	Sen. Mike Braun (R-IN)	Define WOTUS Act	The legislation would amend the Federal Water Pollution Control Act to modify the definition of navigable waters, and to make the definition of the "waters of the United States" permanent.	The legislation was introduced on June 22, 2021, and referred to the Committee on Environment and Public Works. It was introduced in response to the EPA's announcement earlier in June of its intent to rewrite the Navigable Waters Protection rule.

<p>H.R. 3814 / S. 717</p>	<p>Rep. Liz Cheney (R-WY) / Sen. Mike Lee (R-UT)</p>	<p>Undoing NEPA’s Substantial Harm by Advancing Concepts that Kickstart the Liberation of the Economy Act (UNSHACKLE Act)</p>	<p>The legislation combines the following five stand-alone NEPA reform bills on agency process, state expansion, legal changes, and data reporting into one comprehensive text.</p> <ul style="list-style-type: none"> - NEPA Agency Process Accountability Act - NEPA Accountability and Enforcement Act - NEPA State Assignment Expansion Act - NEPA Legal Reform Act - NEPA Data Transparency Act 	<p>The Senate legislation was introduced on March 11, 2021, and referred to the Committee on Environment and Public Works.</p> <p>The House legislation was introduced on June 11, 2021, and referred to the House Committees on Natural Resources; Judiciary; Transportation and Infrastructure; and Energy and Commerce.</p>
<p>H.R. 1352</p>	<p>Rep. Brenda Lawrence (D-MI)</p>	<p>Water Affordability, Transparency, Equity, and Reliability Act of 2021</p>	<p>The bill would create a trust fund to support drinking water and clean water infrastructure. Additionally, the bill provides \$34.85 billion a year to drinking water and wastewater improvements; creates a water trust fund; creates up to nearly 1 million jobs across the economy and protect American workers; prioritizes disadvantaged communities with grants and additional support; expands funding for technical assistance to small, rural, and indigenous communities; funds projects to address water contamination from PFAS; requires US EPA to study water affordability, shutoffs, discrimination, and civil rights violations by water providers; upgrades household wells and septic systems; helps homeowners replace lead service lines; and provides more than \$1 billion a year to update water infrastructure in public schools.</p>	<p>The legislation was introduced on February 25, 2021 and was referred to the relevant committees.</p> <p>The legislation has 86 cosponsors, including 14 members of the California delegation.</p>

H.R. 4647 / S. 2430	Rep. Jared Huffman (D-CA) / Sen. Dianne Feinstein (D-CA)	Water Conservation Rebate Tax Parity Act	The legislation would amend federal tax law so that homeowners wouldn't pay income tax on rebates from water utilities for water conservation and water runoff management improvements	The House legislation was introduced on July 22, 2021 and referred to the House Committee on Ways and Means. The legislation in the Senate was introduced on July 22, 2021, and referred to the Senate Committee on Finance.
S.2454	Sen. Alex Padilla (D-CA)	Water Reuse and Resiliency Act	The legislation would authorize \$1 billion over five years for the EPA's Pilot Program for Alternative Water Source Projects grants program. This is an increase from the \$125 million over five years authorized for the program in the Drinking Water and Wastewater Infrastructure Act passed by the Senate in April.	The legislation was introduced on July 22, 2021 and referred to the Senate Committee on Environment and Public Works.
S.2567	Sen. Shelley Moore Capito (R-WV)	Navigable Waters Protection Act of 2021	The legislation would enact into law the Navigable Waters Protection Rule: Definition of 'Waters of the United States' as proposed by the EPA/USACE under the Trump administration.	The legislation was introduced on July 29, 2021 and referred to the Senate Committee on Environment and Public Works.
H.R.4915	Rep. Tom McClintock (R-CA)	Water Supply Permitting Coordination Act	The legislation would authorize the Secretary of the Interior to coordinate Federal and State permitting processes related to the construction of new surface water storage projects on lands under the jurisdiction of the Secretary of the Interior and the Secretary of Agriculture and to designate the Bureau of Reclamation as the lead agency for permit processing.	The legislation was introduced on August 3, 2021 and referred to the House Committee on Natural Resources.

<p>H.R.4979 / S.1783</p>	<p>Rep. Rashida Tlaib (D-MI) / Rep. Jeff Merkley (D-OR)</p>	<p>Maintaining Access to Essential Services Act</p>	<p>The legislation provides \$13.5 billion in low-interest loans to public and private water utilities, which will be forgiven when the utility forgives household water arrears; and provides \$13 billion in low-interest loans to power utilities, which will be forgiven when the utility forgives household arrears. The legislation also provides \$13 billion in low-interest loans to broadband utilities, which will be forgiven when the utility forgives household arrears. The bill Requires loan recipients to suspend utility shutoffs and restore any disconnected service, suspend late fees and charges, stop the sale of household debt to debt collectors, stop placing or selling liens on households due to outstanding utility debt, and stop filing adverse reports on households due to unpaid utility bills to credit agencies.</p>	<p>The legislation in the House was introduced on August 6, 2021 and was referred to the House Committees on Financial Services and Ways and Means.</p> <p>The legislation in the Senate was introduced on May 20, 2021 and was referred to the Senate Committee on Finance.</p>
<p>H.R. 4976</p>	<p>Rep. Elissa Slotkin (D-MI)</p>	<p>Ensuring PFAS Cleanup Meets or Exceeds Stringent Standards Act</p>	<p>The legislation directs the Secretary of Defense to ensure that removal and remedial actions relating to PFAS contamination result in levels meeting or exceeding certain standards.</p>	<p>The legislation was introduced in the House on August 6, 2021, and was referred to the House Committees on Armed Services, Transportation and Infrastructure, and Energy and Commerce.</p>
<p>S.2372 / H.R.2773</p>	<p>Sen. Heinrich, Martin (D-NM) / Representatives Debbie Dingell (D-MI) and Jeff Fortenberry (R-NE)</p>	<p>Recovering America’s Wildlife Act of 2021</p>	<p>The legislation would fund conservation efforts for more than 12,000 species of wildlife and plants in need of assistance by providing \$1.3 billion in dedicated annual funding for proactive, on-the-ground efforts across the country, ensure wildlife recovery efforts will be guided by the Congressionally-mandated State Wildlife Action Plans, which identify specific strategies to restore the populations of species of greatest conservation need, accelerate</p>	<p>The legislation was introduced on July 15, 2021 and referred to the Committee on Environment and Public Works.</p> <p>The House bill was introduced on April 22. The House Natural Resources Subcommittee on Water, Oceans, and Wildlife held a hearing on the legislation on July 29, 2021.</p>

			<p>the recovery of 1,600 U.S. species already listed as threatened or endangered under the Endangered Species Act, and include improvements to ensure funds are appropriately targeted to the areas of greatest need and facilitate additional investments in protecting at-risk plant species.</p> <p>In the Senate, RAWA also directs fees and penalties assessed for environmental violations to help fund RAWA, using fee and penalty amounts that aren't already targeted for existing environmental funds.</p>	
H.R.4602	Rep. Alan Lowenthal (D-CA)	WIPPES Act	<p>The legislation would direct the Federal Trade Commission to issue regulations requiring certain products to have "Do Not Flush" labeling</p>	<p>The legislation was introduced on July 21st and referred to the Committee on Energy and Commerce.</p> <p>Rep. Lowenthal introduced the stand-alone bill after introducing a similar amendment to the House's infrastructure bill.</p>
S. 2806 / H.R. 3534	Sen. Dianne Feinstein (D-CA) / Rep. Jimmy Panetta (D-CA)	Wildfire Emergency Act of 2021	<p>Amongst other things, the legislation authorizes \$250 million over 5 years for up to 20 Forest Service projects of 100,000 acres or greater; Establish a new \$100 million grant program to assist critical facilities like hospitals and police stations become more energy efficient and better adapted to function during power shutoffs; Establishes one or more Prescribed Fire Centers to coordinate research and training of foresters and forest managers in the western United States in the latest methods and innovations in prescribed fire (controlled burns) practices</p>	<p>The Senate legislation was introduced on September 22 and referred to the Committee on Energy and Natural Resources.</p> <p>The House bill was introduced on May 25, 2021 and was referred to the Subcommittee on Conservation and Forestry.</p>



DATE: October 14, 2021

TO: Board of Directors' Workshop - Policy

FROM: Shavonne Turner, Water Conservation Program Manager

SUBJECT: Consider Participating in the Proposition 1 Round 1, Regional Comprehensive Landscape Rebate Program

Summary

The Santa Ana Watershed Project Authority (“SAWPA”) received \$2,767,344 from Proposition 1 Round 1 to be used for water conservation. The Municipal Water District of Orange County (MWDOC) is managing these funds on behalf of SAWPA to support a Regional Comprehensive Landscape Rebate Program (“Program”). The five (5) agencies participating in the Program are the City of Big Bear Lake Department of Water and Power, Eastern Municipal Water District, Inland Empire Utilities Agency, and Valley District. The Program will save an estimated 2,697 acre-feet per year of potable water across the watershed.

Staff is recommending that Valley District participate in this Program, which would be made available to the retail water agencies within the Valley District service area. Valley District would receive \$298,693 in grant funds and be required to spend \$314,414 in local match (past expenditures can be used to satisfy Valley District’s portion of local match) for a total of \$613,017 over four (4) years to save 144 acre-feet per year, or \$426 per acre-foot over the 10-year life, at the end of project completion. The water savings goal must be reached by September 2025.

Discussion

Under the lead of MWDOC, Valley District will participate in program funding and water savings goals as part of the agreement and will be required to meet benchmarks and reporting requirements. Valley District will use the grant funds and local match for approved rebate programs and activities. Eligible rebate programs under the agreement include turf removal, smart

timers, high efficiency rotating nozzles, landscape design and maintenance assistance, spray-to-drip irrigation, industrial process, pressure regulation valves, native plants, and rain barrels. Program tracking requirements for reporting includes application database, invoicing, consultant invoicing, participant applications, and photo verification, where applicable. Valley District must meet benchmarks identified for grant dollars spent, match accrued, and water savings. Progress reports will be due quarterly. Valley District will work with retail agencies to target the following interventional measures to achieve the 144 AFY of savings and within the allocated funds:

Measure	Quantity	Proposed Incentive Amount per Measure	Total Spending (Grant Funding Match) +	Water Savings (AFY)	Lifetime (Years)	Lifetime Cost of Water Saved (\$/AF)
Residential and CII Turf Removal	400,000 sq. ft.	\$1 per sq. ft.	\$400,000	54	10	\$741
Residential and CII Smart Timer	1,200 timers	\$150	\$180,000	49.68	10	\$362
High Efficiency Rotating Nozzles	16,000 nozzles	\$4 per nozzle	\$64,000	42.24	5-10	\$152-303
Spray to Drip Conversion	0	0	0	0		
Landscape Assistance	0	0	0	0		
TOTAL			<u>\$644,000</u>	<u>145.92</u>		

The table represents a tentative work plan and the most cost-effective way to achieve the water savings goal; retail agencies will have the flexibility to implement other eligible rebate programs and Valley District staff can reallocate funding as implementation progresses.

This agreement shall become effective upon the date of the earliest execution by Valley District, and shall extend thereafter through the completion of all program activities; all work must be completed by December 31, 2025 and no funds may be requested under the grant agreement between SAWPA and DWR after March 31, 2026. MWDOC shall issue a Notice of Completion to Valley District upon the disbursement of all program funds. Staff is confident it will fulfill its obligations under the agreement significantly ahead of schedule.

Fiscal Impact:

Staff intends to use rebates paid by Valley District and retail agencies after January 1, 2015 to meet the \$314,414 funding match. The \$298,693 in grant funding will reimburse only rebates/program implementation activities after June 2, 2020. Funding for current fiscal year program is budgeted under item 6640 (Water Conservation) and future operating budgets will include similar funding. This agreement does not create a new fiscal obligation; it will partially reimburse Valley District's existing and future contributions to eligible retailer's programs.

Staff Recommendation:

Authorize the Direct staff to place this item on a future regular Board of Directors meeting to authorize the CEO/General Manager to execute the agreement.

Attachment:

1. Agreement between MWDOC and Valley District

AGREEMENT FOR PROPOSITION 1 ROUND 1, REGIONAL COMPREHENSIVE LANDSCAPE REBATE PROGRAM, BETWEEN MUNICIPAL WATER DISTRICT OF ORANGE COUNTY AND SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT

THIS AGREEMENT is made and entered into as of ____ 2021, by and between the Municipal Water District of Orange County (“MWDOC”), and San Bernardino Valley Municipal Water District (“SBVMWD”), a public water agency. Including SBVMWD, MWDOC will also enter into substantially the same agreements with the following public water agencies:

1. City of Big Bear Lake Department of Water and Power (“BBLDWP”)
2. Eastern Municipal Water District (“EMWD”)
3. Inland Empire Utilities Agency (“IEUA”)
4. Western Municipal Water District (“WMWD”)

For the purposes of this Agreement, these public water agencies are referred to collectively as “Water Agencies” and individually as “Water Agency.” Water Agency and MWDOC are also collectively referred to as “Parties.”

RECITALS

WHEREAS, Section 79740 *et seq.* of the Water Code authorized the California Legislature to appropriate \$810 million to help water infrastructure systems adapt to climate change, provide incentives for water agencies to collaborate in managing the region’s water resources and setting regional priorities for water infrastructure, improve regional water self-reliance, and reduce reliance on the Sacramento-San Joaquin Delta; and

WHEREAS, the California Department of Water Resources (“DWR”) and the Santa Ana Watershed Project Authority (“SAWPA”) entered into that certain Proposition 1 Round 1 Integrated Regional Water Management Implementation Grant Agreement No. 4600013842 (“Grant Agreement”) attached as Exhibit “A,” whereby SAWPA serves as project manager for \$23,091,428 in Proposition 1 Round 1 Integrated Regional Water Management Program (“IRWMP”) grant funds to be disbursed; and

WHEREAS, SAWPA shall disburse a portion of such IRWMP grant funds in a sum not-to-exceed Two Million Seven Hundred Sixty-Seven Thousand Three Hundred Forty-Four dollars (\$2,767,344) to MWDOC as part of SAWPA’s Regional Comprehensive Landscape Rebate Program (“Program”) pursuant to that certain Grant Funding Agreement between SAWPA and MWDOC (“Funding Agreement”), attached as Exhibit “B;” and

WHEREAS, MWDOC and Water Agency will benefit from grant funding for the Program to accomplish a number of permissible intervention goals throughout the Santa Ana River Watershed; and

WHEREAS, MWDOC, as the Program's lead agency, and Water Agency will be participating in Program funding and water savings obligations that are subject to certain benchmarks and reporting obligations, including the terms of this Agreement; and

WHEREAS, MWDOC is bound by the terms of both the Grant Agreement (Exhibit A) and Funding Agreement (Exhibit B), and is required to ensure Water Agency complies with the terms therein to ensure Program activities are reimbursable at the established rates; and

WHEREAS, Water Agency intends to utilize their allocation for permissible Program activities subject to the benchmarks required by MWDOC; and

WHEREAS, MWDOC and its staff are willing to coordinate this process as it relates to the obligations contained within the Grant Agreement and Funding Agreement, provided Water Agency meets its obligations for use of Program funding;

NOW, THEREFORE, in considerations as set forth below and the mutual promises of the Parties hereto, it is agreed:

1. Binding Agreement Documents; Order of Precedence; Water Agency's General Commitment

A. This Agreement incorporates and includes as part of its terms and conditions the Grant Agreement and Funding Agreement, which are incorporated herein by reference. Water Agency shall comply with all terms, provisions, conditions, and commitments of the Grant Agreement and Funding Agreement, to the extent applicable, and this Agreement.

B. In the event of any inconsistency between this Agreement, the Grant Agreement, or Funding Agreement, except as otherwise specifically provided, the inconsistency shall be resolved by giving precedence in the following sequential order: 1) the Grant Agreement, 2) the Funding Agreement, and finally, 3) this Agreement.

C. Such compliance shall include providing MWDOC promptly with all deliverables, data, reports and all other documents in the stated formats as required by this Agreement, including as necessary to meet the requirements in the Work Plan, as set forth and described in both the Grant Agreement and the Funding Agreement ("Work Plan"), see Section 2 herein.

D. On behalf of and for the benefit of MWDOC and Water Agency, to the extent applicable, Water Agency shall comply with all of the obligations and requirements of this Agreement as if Water Agency were the "Grantee" under the terms of the Grant Agreement, or the "Sub-Grantee" under the terms of the Funding Agreement. Such compliance shall be to the fullest extent necessary as may be required by MWDOC, in order to enable MWDOC to comply with all conditions required for Program funding.

2. Work Plan: Scope, Permissible Rebate/Program Activities.

A. Water Agency will be utilizing Program funds subject to the following “Permissible Rebate/Program Activities,” which are included in Section 3 below and in part, from the Grant Agreement. For a specific breakdown of Water Agency’s Program funding allocation and required benchmark obligations, see Exhibit “C” attached hereto.

3. Rebate/Program Implementation Activities.

A. This consumer-based rebate Program targets public agency, residential, commercial, industrial, and institutional landscapes throughout the entire Santa Ana River Watershed by implementing the nine rebates/programs set forth in Section 3.E below (“Implementation Activity” or “Implementation Activities”). Water Agency, through the Program, will promote water-efficient practices and interventions/devices and increase the affordability and accessibility for the public of completing these improvements. Each of the nine components of the Program has its own terms and conditions and/or its own EPA Water Sense labeling or eligible products list that places it on an approved standards list. Prior to receiving any Program funds, Water Agency must agree to follow these terms and conditions and/or select devices from the approved standards list in order to participate.

B. Included in each Implementation Activity described below is the expected range for the respective Implementation Activity rebate amount levels. Water Agency understands it has an expected Match and Water Savings obligation as set forth in Exhibit “C”. Furthermore, Water Agency understands the rebate levels implemented in Water Agency’s Program can affect its Match and Water Savings goals, and as such, will select rebate levels in the range that will help Water Agency best obtain these goals. MWDOC, as lead agency to the Program, reserves the right to meet and request additional information from Water Agency about the rebate levels selected by Water Agency and how Water Agency intends to meet its Match and Water Savings Goals, pursuant to MWDOC’s authority with respect to Program grant funding described in Section 4(A) herein. If MWDOC believes the rebate levels implemented by Water Agency are inappropriate to accomplish Match and Water Savings Goals, MWDOC and Water Agency will confer about how Water Agency intends to meet its Benchmark obligations.

C. “Project costs,” as described below, are defined as the cost of the device with reasonable installation costs included. Water Agency may be required to submit these invoices with its Program reporting to MWDOC. Final rebate paid to Program participants cannot exceed the device’s cost with any verified and reasonable installation costs.

D. Water Agency agrees and acknowledges that rebates/program implementation activity performed after January 1, 2015 is eligible to be counted as local match. Rebates/program implementation activity performed after June 2, 2020, is eligible for grant reimbursement.

E. Rebate/Program Implementation Activities

(1) Turf Removal: This project will facilitate the removal of approximately 3.6 million square feet (82 acres) of turfgrass across the Santa Ana River Watershed, and replace with California native/friendly landscapes. Projects will include stormwater retention features, such as rain gardens, that will capture, retain, and percolate stormwater, and will include a plant density minimum of three plants per 100 square feet.

- The average rebate paid across the entire implementation area is estimated to be approximately \$1.25 per square foot, but could range from \$0.25/square foot to \$5/square foot. Water Agency will work with MWDOC to achieve the average. Rebates paid to Program participants will not exceed the project costs as supported by invoices submitted by Water Agency's Program Participants.
- Water Agency will keep copies of all required project documents, including project invoices, and will provide such project documents to MWDOC upon request and at the time of the initial or Quarterly Progress Reports.
- Approximately 25% of project sites will receive an in-person quality control inspection, and up to 100% will receive photo verification to ensure the project terms and conditions are being followed.

(2) Smart Timers: The project will facilitate the installation of approximately 11,300 smart irrigation timers across the Santa Ana River Watershed, also known as weather-based irrigation controllers (WBICs). These controllers irrigate based on real-time weather data to prevent the common issue of overwatering.

- The rebate for residential WBICs are estimated to range from \$50 to \$250 per residential WBIC, and from \$50 to \$2,500 per commercial WBIC. Total rebates will not exceed the cost for each WBIC.

(3) High-Efficiency Rotating Nozzles: This project aims to install up to 276,000 high-efficiency rotating nozzles across the Santa Ana River Watershed, in residential, commercial, and public landscapes.

- The rebate are estimated to range from \$1 per nozzle to \$4.50 per nozzle. Rebates paid will not exceed the cost for each nozzle.

(4) Landscape Design and Maintenance Assistance: Approximately 240 residential sites will receive a free customized landscape design and/or receive free landscape maintenance plans. Participants wishing to have this service will sign up for approximately four hours of consultation time with a Program-qualified landscape professional and receive the benefit of a professionally designed landscape plan.

- Total funding for each site landscape design or maintenance plan is approximately \$1,500. Total funding cannot exceed the cost of the design,

as provided through invoicing supplied by Program-qualified landscape professional. Water Agency will keep all submitted copies of invoicing.

(5) Spray-to-Drip Irrigation: Approximately 220,000 square feet of landscape irrigated with inefficient spray nozzles will be converted to drip irrigation across the Santa Ana River Watershed, at residential, commercial, and public properties.

- Rebates are estimated to range from \$0.20 to \$0.50 per square foot of landscape transformed. Nearly 100% of sites will receive an installation inspection to ensure project terms and conditions are followed. Rebates paid will not exceed the project cost as supported by project invoices. Water Agency will keep all submitted copies of invoicing.

(6) Industrial Process: Approximately five industrial sites will improve their processes to be more water efficient across the Santa Ana River Watershed.

- Incentives are estimated to range from \$195 per acre-foot of water saved up to the total project costs. The water saving engineering estimates serving as the basis of the rebate value will be verified through project monitoring and actual metered consumption data.

(7) Pressure Regulation Valve (PRV) Replacement: Pressure will be tested/adjusted and, if necessary, failed PRVs will be replaced at approximately 350 residential sites within high-pressure zones, as a free service offered to qualifying customers across the Santa Ana River Watershed.

- Each site visit is estimated to cost from \$150 to \$800 depending on the extent of work performed. Licensed plumbers will first inspect, then replace, failed PRVs where appropriate. Rebates paid will not exceed the project cost as supported by project invoices. Water Agency will keep all submitted copies of invoicing.

(8) Native Plants: This project will facilitate the installation of approximately 960 native plants in place of higher water using plants at residential, commercial, and public sites.

- The rebate will be approximately \$5 per plant. Rebates paid will not exceed the project cost as supported by project invoices. Water Agency will keep all submitted copies of invoicing.

(9) Alternative Irrigation (Rain Barrels): This project will facilitate the installation of approximately 60 rain barrels across the Santa Ana River Watershed, at residential, commercial, and public sites.

- The rebate is estimated to range from \$35 per barrel to \$350 per barrel. Rebates paid will not exceed the cost for each barrel.

F. Water Agency will be required to keep the following Program Activities documentation for a minimum of five (5) years after the Grant Agreement termination date. Water Agency is required to submit to MWDOC upon request of MWDOC and within ten (10) days of receipt of such request, copies of the following Program documentation at any time throughout the term of this Agreement.

- Applicable Application Program Database
- All supported Program invoicing per project
- Water Agency's own Program consultant invoicing
- Program participant applications
- Photo verification, where applicable

4. Grant Funding Disbursement, Retention, Acknowledgement of Accounting Standards.

A. MWDOC shall disburse Program grant funds in its sole discretion, in a sum not-to-exceed Two Million Seven Hundred Sixty-Seven Thousand Three Hundred Forty-Four Dollars (\$2,767,344) across all Program Water Agencies for Permissible Rebate/Program Activities. MWDOC's disbursement of Program grant funds shall not exceed payments MWDOC has received from DWR and SAWPA. MWDOC may withhold Program grant funds or reallocate Program grant funds among Program Water Agencies for any violation of this Agreement, as determined by MWDOC in its sole discretion, including a failure to meet the required Reporting Obligations & Benchmarks pursuant to Section 5 and Exhibit "C."

B. A Grant Funding Retention percentage will be withheld from Program payments made to MWDOC by DWR/SAWPA. Likewise, MWDOC will withhold the same Grant Funding Retention percentage from payments made to Water Agency until such time as DWR/SAWPA forwards the retention payment to MWDOC. MWDOC has no obligation to provide the retention payments until such payments are received by MWDOC.

C. Disbursement for Permissible Rebate/Program Activities is subject to the provisions governing such disbursement within the Grant Agreement, and subject to enforcement by DWR, SAWPA and MWDOC ("Enforcing Agencies"). If any Enforcing Agencies determine that Program activities were completed by Water Agency contrary to Program requirements, MWDOC may withhold funding. If Enforcing Agencies determine any disbursed Program funds require repayment, Water Agency may be required to repay such disbursed funds consistent with terms set forth in the Grant Agreement and Funding Agreement.

D. Water Agency agrees and acknowledges that, at a minimum, its fiscal control and accounting procedures are sufficient to permit tracking of Program grant

funding to a level of expenditure adequate to establish that such funds have not been used in violation of applicable law, this Agreement, or the Grant Agreement or Funding Agreement, incorporated herein by reference. Water Agency shall maintain a separate Program account in accordance with generally accepted accounting principles and practices.

E. Water Agency indemnifies MWDOC pursuant to the terms of Section 11 of this Agreement with respect to the disbursement of Program grant funds, for Permissible Rebate/Program Activities, or any repayment of Program grant funds required pursuant to applicable law, and the Grant Agreement, Funding Agreement, and this Agreement, and any applicable terms incorporated herein.

5. Reporting Obligations & Benchmarks

A. To be eligible for disbursement of Program funds, Water Agency must meet the following three benchmarks (collectively, "Benchmarks"), as described in further detail in Exhibit "C":

- (1) Grant Dollars Spent Benchmark;
- (2) Match Accrued Benchmark; and
- (3) Water Savings Accrued Benchmarks.

The Benchmarks may be updated periodically, in line with any revised Benchmarks that result from reallocation of Program funding as described herein, in which case a revised Exhibit "C" will be dated and provided to Water Agency and incorporated by reference.

B. Water Agency will be responsible for providing MWDOC and its Consultant with an initial Progress Report and then Quarterly Progress Reports based on the templates incorporated herein as Exhibit "D," and which include the following:

- (1) Written prose narrative Quarterly Report template; and
- (2) Excel Quarterly Report template.

The initial and Quarterly Progress Reports shall include sufficient information to enable MWDOC to monitor use of Program funds and to ensure Water Agency is meeting the Benchmarks subject to the terms of this Agreement, the Grant Agreement, and the Funding Agreement. If MWDOC determines that it requires additional information, MWDOC shall follow the notice requirements set forth pursuant to Sections 3.F and 13 herein.

C. The initial Progress Report is due July 1, 2021 for review by MWDOC, with the final Report 1 due on July 20, 2021. Subsequent Quarterly Progress Report shall be due according to the "Due Dates of Reports" Table 1 set forth below.

Table 1. Due Dates of Reports

Report #	Activity Date Range Start	Activity Date Range End	Data due from Water Agency to MWDOC
1	(Match) ≤ 1/1/2015 (Grant) ≥ 6/2/2020	6/30/2021	7/20/2021
2	7/1/2021	9/30/2021	10/20/2021
3	10/1/2021	12/31/2021	1/20/2022
4	1/1/2022	3/31/2022	4/20/2022
5	4/1/2022	6/30/2022	7/20/2022
6	7/1/2022	9/30/2022	10/20/2022
7	10/1/2022	12/31/2022	1/20/2023
8	1/1/2023	3/31/2023	4/20/2023
9	4/1/2023	6/30/2023	7/20/2023
10	7/1/2023	9/30/2023	10/20/2023
11	10/1/2023	12/31/2023	1/20/2024
12	1/1/2024	3/31/2024	4/20/2024
13	4/1/2024	6/30/2024	7/20/2024
14	7/1/2024	9/30/2024	10/20/2024
15	10/1/2024	12/31/2024	1/20/2025
16	1/1/2025	3/31/2025	4/20/2025
17	4/1/2025	6/30/2025	7/20/2025
18	7/1/2025	9/30/2025	10/20/2025
Additional reports may be required beyond #18. If necessary, such additional reports will be due by the 20 th of the month following the end of activity date range.			

Water Agency will also be responsible for submitting any and all data required by MWDOC to show Permissible Program Activities are following the required schedule to ensure disbursement of Program funds and to meet the Benchmarks set forth below.

D. Failure to submit the data required by this Section, or to meet any of the applicable Benchmarks set forth herein and pursuant to Exhibit “C,” shall mean that MWDOC has the right, in its sole discretion, to reallocate Program funding from one Water Agency to another participating Water Agency, or to deny reimbursement to Water Agency. MWDOC will provide written notice to Water Agency thirty (30) days before MWDOC reallocates Program funding in its sole discretion, and will provide an amended, dated Exhibit “C” that sets forth the revised allocation which shall be incorporated herein.

6. Acknowledgement of Credit/Signage Requirements

A. Water Agency shall include appropriate acknowledgement of credit to the State, SAWPA and to all cost-sharing partners for their support when promoting a project or using any data and/or information developed under this Agreement. Signage shall be posted in a prominent location at the project site(s), if applicable, or at Water Agency's headquarters and shall include the following disclosure statement: "Funding for this project has been provided in full or in part from the Water Quality, Supply, and Infrastructure Improvement Act of 2014 and through an agreement with the State Department of Water Resources and by the Santa Ana Watershed Project Authority". The sign shall include the Department of Water Resources logo, One Water One Watershed logo and SAWPA logo (available from SAWPA). Before it is constructed, Water Agency shall provide the draft design layout of the sign to MWDOC for approval. Water Agency shall notify MWDOC that the sign has been erected by providing a site map with the sign location noted and a photograph of the sign.

7. Project Activities and Notification

Water Agency shall immediately notify MWDOC in writing of:

(1) Any substantial changes in work performed on the Project. Water Agency agrees that no substantial changes in the scope of the Project may be undertaken until written notice of the proposed changes has been provided to MWDOC and written approval has been provided by MWDOC, SAWPA and DWR.

(2) Any public or media event publicizing the accomplishments and/or results of this Agreement to provide the opportunity for attendance and participation by MWDOC, SAWPA and/or DWR. Water Agency must notify MWDOC at least 30 calendar days prior to the event.

(3) Unscheduled cessation or reduction in Water Agency rebate implementation work on the Project where such cessation/reduction of work is expected to or does continue for a period of 30 calendar days or more.

(4) Any circumstance, combination of circumstances, or condition which is expected to delay Project completion for a period of 90 calendar days or more beyond the initial estimated date of completion of the Project previously provided to MWDOC.

(5) Completion of the rebate implementation Project by Water Agency to provide MWDOC, SAWPA and DWR the opportunity to participate in any required inspections of participation sites. Water Agency must notify MWDOC at least 30 calendar days prior to any such inspection.

8. Engagement of Consultant and Administration of Consultant Agreement

A. MWDOC has awarded a professional services agreement to Soto Resources ("Consultant"), an independent contractor, for the sole purpose of assisting MWDOC with Program administration. Consultant will assist in coordinating with Water

Agency and MWDOC, including in the submittal of any reporting required for Permissible Program Activities to MWDOC, and the Initial and then Quarterly Progress Reports set forth in Exhibit “D”.

B. Water Agency agrees to cooperate with Consultant to the extent necessary for MWDOC to meet its Program reporting requirements pursuant to the Grant Agreement and Funding Agreement, and shall furnish any and all records necessary pursuant to this Agreement. Said cooperation includes responding to requests and communications within three (3) business days of receipt of such requests and communications from Consultant.

9. Accounting and Audit

A. Upon request by Water Agency, MWDOC will provide copies of the selected Consultant's invoices and MWDOC's payment records.

B. MWDOC may call for an audit with respect to Water Agency's financial information relative to the Program, where MWDOC, SAWPA, or DWR determines that an audit is necessary to assure Program integrity, relevant Benchmarks are being met, or where such an audit becomes necessary because of applicable law, the Grant Agreement or the Funding Agreement. The audit shall be in the form required by MWDOC.

10. Entities Not Employees or Agents of MWDOC

Water Agency, Consultant, and any and all other consultants or subconsultants engaged by either MWDOC or Water Agency in furtherance of this Agreement will not be an employee or agent of MWDOC, either as a result of this Agreement, or as a result of the professional services agreement between MWDOC and the Consultant.

11. Indemnification and Defense

A. Water Agency shall defend, indemnify, and hold and save SAWPA, DWR and MWDOC, and their directors, commissioners, officers, employees, agents and assigns (collectively the “Indemnified Parties”), free and harmless from any and all liabilities for any claims and damages (including inverse condemnation) that may arise out of the Program pursuant to this Agreement, the Grant Agreement or Funding Agreement. Water Agency shall require its contractors or subcontractors to name MWDOC, its officers, agents and employees as additional insureds on their liability insurance for activities undertaken pursuant to this Agreement.

B. Water Agency understands and agrees that it has complied and will comply with CEQA and the State CEQA Guidelines with respect to the Program that is the subject matter of this Agreement. Water Agency understands and agrees that it is ultimately and solely responsible, as the lead agency, for compliance with CEQA and any mitigation measures required for the Program. Water Agency hereby agrees to indemnify, defend, and hold harmless MWDOC, SAWPA and the DWR from any and all claims or actions

related to this Program that may be made by any third party or public agency alleging, among other things, violations of CEQA or the State CEQA Guidelines.

C. MWDOC shall use its best efforts in administering the Program, but makes no representations, guarantees, or warranties to Water Agency as to the quality or timeliness of work product provided by Consultant pursuant to the Consultant Agreement. All losses or liabilities resulting from any and all actions, claims, penalties, obligations, or liabilities, in law or in equity, of every kind or nature whatsoever, that may be asserted or claimed by any person, firm, entity, corporation, political subdivision, or other organization arising out of or in any manner directly or indirectly connected with any work contemplated by this Agreement shall be subject to the indemnification described in this Section.

12. Insurance

Water Agency shall ensure that adequate insurance coverage is provided by Water Agency and/or its contractors and subcontractors on the Program funded, in part, by this Agreement. Such insurance shall include adequate coverage for comprehensive commercial general liability, business auto liability, workers compensation liability, professional and errors and omissions liability, property insurance, including all builders risk insurance. Such insurance coverage shall, at a minimum, insure against injuries to third parties, damage to property owned by third parties, physical damage, theft of physical property, delays in Program completion, delays in Program completion due to strikes and governmental actions, liquidated damages, employee injuries and work-related illnesses, design errors resulting in increased costs, environmental damage caused by construction activities related to the Program, and nonperformance by the contractors and subcontractors. Such insurance coverages shall be provided by admitted insurance companies authorized to do business in the State of California, and with a minimum "Best's Insurance Guide" rating of "A:VII".

13. Notice

Any notice or communication required to be given under this Agreement shall be in writing and effective when deposited, first class postage prepaid, return receipt requested, with the United States Postal Service addressed to the contracting Parties as follows. Notices sent by electronic means will be effective on the date of transmission, which is documented in writing.

Notice to Parties	
If to:	
1. MWDOC	Joseph Berg Municipal Water District of Orange County 18700 Ward St. P.O. Box 20895 Fountain Valley, CA 92728 Email: jberg@mwdoc.com
2. Water Agency	Heather Dyer, CEO/General Manager San Bernardino Valley Municipal Water District 380 E. Vanderbilt Way San Bernardino, CA 92408 Email: heatherd@sbsvmwd.com

14. Jurisdiction and Venue

In all matters concerning the validity, interpretation, performance, or effect of this Agreement, the laws of the State of California shall govern and be applicable. The Parties hereby agree and consent to the exclusive jurisdiction of the courts of the State of California and that venue of any action brought hereunder shall be in Orange County, California.

15. Counterparts and Electronic Means

All parties have participated in the drafting of this Agreement. This Agreement may be executed by the Parties in counterparts, which counterparts shall be construed together and have the same effect as if all the Parties had executed the same instrument. Counterpart signatures may be transmitted by facsimile, email, or other electronic means. The Uniform Electronic Transactions Act, California Civil Code section 1633.1 et seq., authorizes Parties to conduct business electronically. In accordance with California Civil Code section 1633.5, Parties acknowledge, consent and agree that transactions subject to this Agreement may be effectuated by electronic means through the use of electronic and/or digital signatures. For purposes of this section, an electronic signature means an electronic symbol or process logically associated with the intent to sign an electronic record pursuant to Civil Code section 1633(h). A digital signature, which is a type of electronic signature, means an electronic identifier, created by a computer that is intended to have the same force and effect as the use of a manual signature under Government Code 16.5(d). An example of an electronic signature would be a JPG of a manual signature imposed onto this Agreement, an example of a digital signature would be the use of DocuSign or similar provider that requires an encrypted key that certifies the authenticity of the signature.

This consent to conduct transactions by electronic means through the use of electronic and/or digital signatures extends to the execution of this Agreement or any related contract or other document necessary for the performance of this Agreement including, without limitation, any related offers, proposals, bids, amendments, change orders, task orders and notices.

16. Severability

If any provision of this Agreement shall be held illegal, invalid, or unenforceable, in whole or in part, the legality, validity, and enforceability of the remaining provisions shall not be affected thereby.

17. Term

A. This Agreement shall commence upon the date of the earliest execution by Water Agency, and shall extend thereafter through the completion of all Permissible Program Activities. MWDOC shall issue a Notice of Completion to Water Agency upon the disbursement of all Program funds.

B. This Agreement may be terminated earlier by MWDOC in its sole discretion, including upon or after termination of the Grant Agreement or Funding Agreement.

(1) MWDOC may terminate this Agreement at any time upon written notice from the Enforcing Agencies of any violation by Water Agency of Program, and failure of Water Agency to come into compliance within a reasonable time as established by MWDOC.

(2) MWDOC may terminate this Agreement should DWR or SAWPA terminate Project funding, or the Grant Agreement or Funding Agreement are terminated. Upon any DWR or SAWPA initiated termination, MWDOC shall not be liable to Water Agency for any damages, costs or expenses resulting from such termination.

18. Entire Agreement

This Agreement contains the entire agreement of the Parties relating to the subject matter hereof; and the Parties have made no agreements, representations, or warranties, either written or oral, relating to the subject matter hereof that are not set forth herein. Except as provided herein, this Agreement may not be modified or altered without prior written approval from both parties.

IN WITNESS WHEREOF, the Parties have hereunto affixed their names as of the day and year thereafter written, which shall be and is the effective date of This Agreement.

Execution of Agreement by Parties	
Municipal Water District of Orange County	<p>By: _____ Robert J. Hunter, General Manager Municipal Water District of Orange County</p> <p>APPROVED AS TO FORM</p> <p>Date: _____</p> <p>By: _____ Joseph Byrne General Counsel</p>
San Bernardino Valley Municipal Water District	<p>Date: _____</p> <p>By: _____ Heather P. Dyer, CEO/General Manager San Bernardino Valley Municipal Water District</p> <p>APPROVED AS TO FORM</p> <p>Date: _____</p> <p>By: _____ Brendan W. Brandt Varner & Brandt LLP General Counsel</p>

EXHIBIT A

Proposition 1 Round 1 Integrated Regional Water Management
Implementation Grant Agreement No. 4600013842

EXHIBIT B
Grant Funding Agreement between SAWPA and MWDOC

EXHIBIT C

Allocation, Goals and Benchmarks

The table below includes MWDOC's existing allocation method based on Water Agency Goals and Benchmarks. Should Water Agency fail to meet any of the required Benchmarks tied to Program funding, MWDOC may in its discretion reduce Program funding for Water Agency in a proportionate amount to Water Savings within the designated time period shown in the table below.

For example, if Water Agency fails to meet its Benchmarks, and MWDOC reduces Water Agency's Program funding by 10%, MWDOC will also reduce its Match and Water Agency's Water Savings Accrued Benchmarks by 10%.

This Exhibit C will be updated and incorporated herein based on any reallocation in the sole discretion of MWDOC.

Water Agency Goals and Benchmarks

San Bernardino Valley Municipal Water District	
	Goals
Grant Funding:	\$ 298,693
Match Goal:	\$ 314,414
Water Savings Goal:	144 AFY
Benchmark Date	Benchmark (Percent of Goal)
12/31/2021	15%
6/30/2022	25%
12/31/2022	35%
6/30/2023	48%
12/31/2023	60%
6/30/2024	75%
12/31/2024	85%
6/30/2025	95%
9/30/2025	100%

Executed or Amended by MWDOC on the following date: _____.

EXHIBIT D

Quarterly Progress Report Templates



PROJECT 8 – REGIONAL COMPREHENSIVE LANDSCAPE REBATE PROGRAM
Implementing Agency: Municipal Water District of Orange County (MWDOC)

PROJECT PARTNER: _____

PROGRESS REPORT #1

Reporting Period:

Match: 1/1/2015 – 6/30/2021

Grant: 6/2/2020 – 6/30/2021

Due to MWDOC/Soto Resources: 7/20/21

PROJECT INFORMATION

Task 8.5 Construction/Implementation Activities – Rebate Programs

- **Work Accomplished During this Reporting Period:**
(Besides the data as provided in the Data Table, summarize work you would like to highlight.)

- **Work Challenges, Scheduling Concerns &/or Other Issues:**
(Identify anything that has or may delay or inhibit implementation of the program.)

- **Deliverables Submitted this Reporting Period:**
Program Data Tables for PE 6/30/21
Photo Verifications/Documentation with Captions, as applicable

	A	B	C	D	F	G	H	I	J	K	L	O	P	Q	R	S
	program_name	program_type	sub_program	Site19 MET MA	application_tracking_no	Date Rebate Recvd	Account Last Name	Account First Name	Site08 Street Name	Site10 City	Device Type	Report Date	Station Capacity	Final Qty	Amount MET	Amount Member Agency
1																
2																
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DATE: October 14, 2021

TO: Board of Directors Workshop - Policy

FROM: Kristeen Farlow, Strategic Communications Manager
Shavonne Turner, Water Conservation Program Manager

SUBJECT: Discuss 2021 Drought Outreach Campaign

Background

California is experiencing dry conditions with many counties and water agencies officially declaring droughts throughout the state and the Governor asking for voluntary 15% conservation (on July 9, 2021). Hydrology analysis shows that Southern California has been in a drought for 23 years. As a result, Valley District takes necessary steps to prepare for drought every day by securing and managing supplemental water resources for the region, regardless of current weather conditions.

Valley District has developed a 2021 Drought Outreach Campaign with two main objectives. The first objective is to educate the general public about investments the District has made over the years to ensure water supply reliability, and inform our constituents about the efforts we continue to make on behalf of the region.

The second objective is twofold: 1) to recognize the water use efficiency efforts of the community; and 2) to call on water users to conserve even more during these very dry conditions as a crucial component of our long-term water supply. Collectively, the taxpayers have played a major role in helping the region prepare for whatever water supply conditions we encounter.

The 2021 Drought Outreach Campaign will provide background information and timely communication to target audiences. Specific outreach goals include:

- Educate the public about who Valley District is and what we do to ensure water supply reliability regardless of climate and weather conditions.
- Increase customer trust of Valley District and the retail water providers in the region.
- Increase customer understanding of their role as a water-saving partner in achieving our long-term water supply goals.
- Provide information about the investments that the taxpayers have made throughout the region in order to be prepared for this drought.

If supported by the Board, the campaign will be launched immediately. It will include placement of ads in local newspapers and community magazines, and online on the District's website and social media channels, including boosting social media posts to enhance our exposure. Staff will work with the Directors to coordinate presentations by the Directors at city council meetings and retail water agency board meetings (live or via Zoom), as well as to community groups such as Kiwanis, Rotary, Chambers of Commerce, and the Realtors Association.

There are a number of other outreach methods the District may consider using, including community message boards, freeway and main thoroughfare electronic and static billboards, bus tailgate and bus stop advertising, local radio station ads, and television commercials.

Fiscal Impact

The fiscal impact of the 2021 Drought Outreach Campaign is \$15,000. This amount was budgeted in the current fiscal year budget under account numbers 6360 – Consultants and 6645 – External Affairs/Strategic Communications.

Recommended Action

Discuss and provide input to Staff on the 2021 Drought Outreach Campaign.

Attachments

2021 Drought Outreach Campaign

SBVMWD 2021 Drought Outreach Campaign

Fall 2021

Contents

- SBVMWD Drought Update Campaign..... 1
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 - Key Message 1: Our region is prepared for this drought..... 4
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 - Outcome Measure 7
 - Output Measure..... 7
- Budget 7
- Creative Brief 8

BACKGROUND

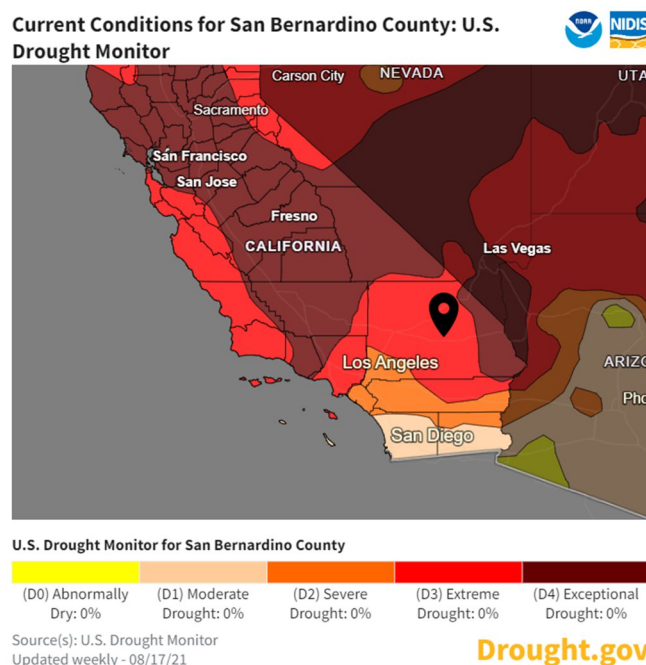
California is experiencing dry conditions with many counties and water agencies officially declaring droughts throughout the state and the Governor asking for voluntary 15% conservation (on July 9, 2021). The region known as the San Bernardino Valley (the I-10 corridor from Fontana eastward to Yucaipa, and the cities in-between) has been in a drought for 23 years. As a result, the San Bernardino Valley Municipal Water District prepares for drought every day by securing and managing water resources for the region, regardless of climate and weather conditions.

Within this region, water supplies are substantial due to the investments of the taxpayers. By taking a proactive position of storing local and imported water supplies in local groundwater basins, Valley District and its retail water agency partners have established a reliable source of supply that is able to withstand several years of drought. Thanks to the capacity of these groundwater basins, the region finds itself in a more favorable position than many other cities, retail water agencies, and wholesale water providers around the state.

This favorable position is also due to the reduction in water waste within the region. However, statewide water conditions and the impacts of climate change require all Californians to be responsible water stewards of our limited and precious water supplies so that we can ensure reliable water supply into the future.

STATEWIDE AND COUNTY DROUGHT CONDITIONS

As of August 23, 2021, San Bernardino County is considered to be under “Extreme” drought conditions. Nonetheless, the drought impact in the Valley District service area is currently low due to the groundwater and state water project investments and actions noted above.



OBJECTIVE

The primary objective of this campaign is to educate the community in the Valley District service area about the investments the District has made on the taxpayer's behalf and the conservation that the taxpayers have achieved that have increased water supply reliability during this drought. Collectively, the taxpayers have committed time and resources to ensuring the region is prepared for any water supply conditions it encounters. Because of this planning, the region is prepared with substantial water in storage to meet the anticipated customer demands during the current drought.

The secondary objective is to call on all water users to continue using water efficiently so the region will remain in a good position during the current drought conditions and be well prepared for future drought conditions.

PARTNER AGENCIES

Valley District will work with its retail water providers (agencies and cities) to convey a consistent message across the region celebrating the investments that have been made throughout the region, the efficient water use by residents and businesses, and the need for continued water efficiency. Each retail water provider may have their own specific call for customers to reduce water use based on their specific water supply circumstances.

- City of Colton
- City of Loma Linda
- City of Redlands
- City of Rialto
- East Valley Water District
- Fontana Water Company
- Marygold Mutual Water Company
- Muscoy Mutual Water Company
- Riverside Highland Water Company
- San Bernardino Municipal Water Department
- South Mesa Water Company
- Terrace Water Company
- Western Heights Water Company
- Yucaipa Valley Water District

GOALS

Using a combination of print and digital tactics, this campaign will provide background information and timely communication to target audiences. Specific outreach goals include:

- Provide information about the investments that the taxpayers have made throughout the region in order to be prepared for this drought.
- Celebrate the region's efforts to reduce water use historically.
- Educate customers and stakeholders about current climate conditions while reinforcing how the region has leveraged planning, action, and investments to promote drought resiliency.
- Correct misinformation about water supply locally versus the rest of the State.
- Increase customer trust of Valley District and the retail water providers in the region.

SBVMWD Drought Update Campaign

- Increase customer understanding of their role as a water-saving partner in achieving water efficiency goals.
- Advocate for a statewide approach that is respectful of regions that have made significant investments in water supply and water use efficiency—a one-size fits-all approach is not the solution for drought response.

TARGET AUDIENCES

The following audiences have been identified as key to this plan's success.

Primary | Directly Supports Objective

- Water customers (potable, non-potable and recycled), especially “large” users
 - Commercial (business, restaurants, schools, etc.)
 - Agricultural
 - Landscape
 - Residential
 - Industrial
- Retail water agencies and cities
- Local media
- Elected officials (at retail water providers and cities served)

Secondary | Indirectly Supports Objective

- County officials
- State and Federal elected delegations
- Retail agency employees
- Chambers of Commerce/Service Clubs

STRATEGIES

- Develop a campaign using web, social media, and print advertising that reaches Valley District's 325 square mile service area, including throughout the 16-retail water provider service areas.
- Assist the retail water providers in telling their story, by telling the regional story of water supply planning and reliability.

KEY MESSAGES

Key Message 1: Our region is prepared for this drought.

- Water use efficiency is a way of life in Southern California, especially in San Bernardino County where we average 13.4 inches of rain per year and 280 sunny days.

SBVMWD Drought Update Campaign

- Although we've had less rain and snow in the last year, Valley District and the retail water providers have been planning and preparing for extreme climate conditions and future droughts each day.
 - As a regional wholesale agency, Valley District is tasked with securing and managing water supply for the region regardless of climate conditions.
- Thanks to sound planning and proactive investments, Valley District is well-prepared to meet customer water supply needs.
 - The Enhanced Recharge Project (ERP) captures stormwater and stores it in groundwater basins to be withdrawn at a later date (can recharge up to 80,000 acre-feet of water in a single year).
 - Valley District has established a regional Groundwater Council to ensure the retail water agency partners have the groundwater they need when they need it.
 - The Citrus Pump Station and Reservoir are able to store 400-acre feet of water at any given time.
 - Valley District has maximized State Water Project imports each year, storing excess water supplies in local groundwater basins to be used in drought years.
- While the region will always be dependent on imported water for some portion of our water supply, we have focused on developing local partnerships, water efficiency programs, and investments in diversified water supplies – such as groundwater, water recycling, stormwater capture, and surface water storage—to reduce reliance on imported water and guarantee that our region can count on their water supply for essential uses such as drinking, bathing and cleaning, even during prolonged, critically dry and drought conditions.
- Investments in recycled water infrastructure have made it possible for water providers to reduce reliance on limited imported water sources. The use of recycled water presents multiple advantages to the region: it is a significant high-quality water supply that can be used for multiple purposes; it is reliable during drought and climate change conditions; and it requires significantly less energy than imported water for deliveries, thus reducing greenhouse gas emissions.
 - Valley District is partnering with two retail water providers – the East Valley Water District and the San Bernardino Municipal Water Department – to enhance our recycled water supply availability through the construction of two wastewater treatment plants.
- Every gallon of water that is recycled and used at least one more time means one more gallon can be left in the ground, or one less gallon that would need to be imported through aqueducts from hundreds of miles away.
- We work to capture water during wet years by storing it in groundwater basins, to be used in dry years and drought scenarios; like a water supply savings account. As a result, Southern California began the year a high level of water in storage, which means that you can count on us to meet your essential water needs.

SBVMWD Drought Update Campaign

Key Message 2: As a region, our customers are responsible water stewards and are encouraged to continue using water efficiently.

- Water efficiency has become a way of life for the region, with the average person using 19 percent less water than ten years ago.
- Thanks to our customers water-saving efforts, water agencies have been able to store more water than ever, which means the region is well-positioned to make it through this year without mandatory conservation requirements for now.
- Our customers have been here before and know what to do! We pride ourselves on partnerships formed with you - our customers - who have embraced water efficiency as a lifestyle and responsibility for the region.
- Residents and businesses can continue to make a big difference in managing water supplies by being as efficient as possible with your water use. Contact your local water agency for water saving rebates and programs.
- From simple steps you can take at your home or school, to swapping out high-water using devices at your business, to updating your yard to a water-wise design, everyone can be part of the water supply solution. Contact your local water agency for water saving rebates and programs.
- Water agencies are offering a variety of water efficiency rebates and resources for residents and businesses—tools that have helped to dramatically drive indoor water use down and in some cases, save customers money. Contact your local water provider to find out what's available in your area.

TACTICS

A number of tactics will be used to achieve the campaign objectives. The focus of the tactics is on general education of water supply, understanding of drought conditions in the region, and customers understanding of their role in being responsible water stewards.

- Printed materials
 - Fact sheets
 - Newspaper advertising
 - Retail agency toolkit
 - Key messages
 - FAQ
 - News Release / Letter
 - Overview of water supply of the region
 - Social media post plans and recommended content
 - Newsletter article(s) / E-Blast
- Social media tools

SBVMWD Drought Update Campaign

- Facebook posts and ads, Instagram, Twitter, YouTube, LinkedIn
 - Cross posting content and tagging retail water providers and regional entities
- Media relations – pitch news to local outlets; provide information about regional preparedness for drought, projects, and what residents can do
 - Presentations to regional stakeholder groups
 - Presentations to regional service clubs and related groups
 - Presentations at retail water provider board/council meetings
 - Coordination of messaging and objectives with government relations teams
- Valley District could also consider more aggressive marketing including billboards, bus advertising, movie theatre advertising, and cable television advertising.

MEASUREMENT AND EVALUATION

Outcome Measure

Monitoring the components of the tactics used for this project will determine the outcomes and will be adjusted as responses are measured.

- Pre-campaign survey to retail agencies about how each retailer is approaching the drought
- Post-campaign survey to retail agencies to gauge how retail customers have responded

Output Measure

In addition to monitoring outcomes, several measures can be used to track community engagement output:

- Website traffic and top key word searches
- Social media and Google analytics
- Collateral shared through lobby and direct mail
- E-blast data
- Earned media publication reprints/articles derived from releases
- Increased participation by the public at District-sponsored events, workshops, classes, etc.

BUDGET

The collective fiscal impact of this campaign will evolve as demanded by water supply conditions and climate outlook. Program budget should support an 8-week campaign.

An initial investment of \$15,000 is anticipated. This investment will support the ongoing efforts of the drought outreach, campaign creative, and campaign assets. It will also support true marketing efforts such as social media ads and boosting, print media placement, and other marketing as identified.

CREATIVE BRIEF

Valley District will develop a simple creative element for this marketing campaign but rely heavily on a message that educates about water supply investments by Valley District and the role of the customer as a partner during the drought. The tagline to be used is "Savings tomorrow's resources today." This tagline was developed recently in relation to our water conservation efforts, and used on the recently created reusable grocery bag that is being distributed.



DATE: October 14, 2021

TO: Board of Directors' Workshop - Policy

FROM: Heather Dyer, CEO/General Manager

SUBJECT: Clarification of policy regarding Directors speaking on behalf of the Board with outside entities

At the request of the Board during the September 14, 2021 Board of Directors Engineering Workshop, Staff has added this item to the agenda to facilitate discussion in compliance with the Brown Act and enable the Board to clarify policy related to individual Directors speaking to outside entities about District interests.

Recommendation:

None. This is a discussion item for the Board of Directors.