



**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, JANUARY 12, 2023 – 2:00 P.M.**

PUBLIC PARTICIPATION

Public participation is welcome and encouraged. You may participate in the January 12, 2023, 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, January 11, 2023. 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, January 12, 2023

CALL TO ORDER

Chairperson: Director Botello

Vice-Chair: Director Kielhold

1) INTRODUCTIONS

2) PUBLIC COMMENT

Members of the public may address the Board regarding any item within the subject matter jurisdiction of the Board; however, no action may be taken on off-agenda items except as authorized by law. Each speaker is limited to a maximum of three (3) minutes.

3) DISCUSSION AND POSSIBLE ACTION ITEMS

3.1 Discuss State and Federal Legislative Update (10 min) - Page 3

[Staff Memo - State and Federal Legislative Update](#)

[Federal Legislative Matrix-December 2022](#)

3.2 Consider Approval of Resolution 1169 authorizing the submittal of a grant application to DWR, in the amount of \$7 million, for its 2022 Urban Community Drought Relief Grant (20 min) - Page 8

[Staff Memo - Consider Approval of Resolution 1169 authorizing submittal of a grant application to DWR, in the amount of \\$7 million, for its 2022 Urban Community Drought Relief Grant](#)

[Resolution 1169](#)

4) FUTURE BUSINESS

5) ADJOURNMENT

PLEASE NOTE:

Materials related to an item on this Agenda submitted to the Board after distribution of the agenda packet are available for public inspection in the District's office located at 380 E. Vanderbilt Way, San Bernardino, during normal business hours. Also, such documents are available on the District's website at www.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: January 12, 2023
TO: Board of Directors' Workshop – Policy
FROM: Kristeen Farlow, Strategic Communications Manager
SUBJECT: State and Federal Legislative Update

Staff Recommendation

Receive and file.

Summary

Staff is providing the Board of Directors with an update on current significant legislation and activities 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. The Gualco Group, Inc., will participate in this month's workshop to provide an update on current activities of the state legislature.

State Legislative Update

The California legislature reconvened on January 3, 2023. Governor Newsom must present his FY23-24 budget by January 10 and it is expected to look different from last year's budget, which experienced a surplus. It is possible California will face a deficit of up to \$24 billion in FY23-24. Lawmakers have until February 17 to introduce bills for consideration this session.

Weather forecasts call for another dry winter and environmental bills are already on the table for legislative consideration. In December, state officials at the Air Resources Board passed a major milestone by approving California's latest scoping plan that lays out how the state will reach carbon neutrality by 2045. California will need to quadruple wind and solar power by 2045 to meet its renewable energy goals.

Federal Legislative Update

The opening session for the 118th Congress kicked off on January 3, 2023. The only activity in the Senate was the swearing in of new members; they are now on recess until January 23.

The first order of business for the House of Representatives was to elect a new speaker. As of January 4th, the House of Representatives had adjourned for a second day without electing a House speaker. The House cannot conduct any business until a new speaker is elected by a majority of members. Once the speaker is selected, new members can be sworn in and leaders elected. The House then begins to work on their Rules Package for adoption, which sets rules for how votes and decisions are made within the House.

An \$858 billion defense authorization bill was signed by President Biden on December 23. This bill, formerly known as the National Defense Authorization Act (NDAA), contains a number of authorizations, including the Water Resources Development Act (WRDA), which provides funding and authority for US Army Corps of Engineers water-related projects. The bill allocates \$817 billion to the Department of Defense and \$30 billion to the Department of Energy.

On December 29, President Biden signed a \$1.7 trillion omnibus package, which includes nondefense discretionary spending and defense funding. Within the approved omnibus package is the District's Community Project Funding request for \$2.5 million for our Enhanced Recharge Project Phase 1B, a stormwater capture project. This funding was requested by Representative Aguilar and supported by Senators Feinstein and Padilla.

Fourteen Senators from Western states signed a letter urging the Department of Agriculture Secretary to help Western states survive what they have called a 22-year megadrought. The letter is a sign of the growing economic pressure posed by the changing climate conditions and the need for federal funding to assist communities across the country as they address extreme drought conditions. The Senators who signed onto the letter are specifically asking the Department of Agriculture to use its authority to help Western farmers and ranchers conserve water, improve water infrastructure, and protect lands plagued by drought. Signatories to the letter include California Senators Dianne Feinstein and Alex Padilla.

District Strategic Plan Application

The District's state and federal legislation program aligns with the District's mission of *working collaboratively to provide a reliable and sustainable water supply to support the changing needs of our region's people and environment*. By staying active and engaged in legislative issues, the District can establish a presence and build relationships with our State and Federal legislators that will best represent our region on key issues.

Fiscal Impact

There is no fiscal impact related to this update.

Attachments

Federal Legislative Matrix-December 2022

Bill Number	Sponsors	Title and/or Summary	Summary/Status	Latest Action
Recently Enacted Legislation				
H.R.2617	Rep. Gerald Connolly (D-VA)	Consolidated Appropriations Act, 2023	<p>The Consolidated Appropriations Act, 2023, provides \$1.7 trillion in discretionary resources across the fiscal year 2023 appropriations bills.</p> <p>In total, the regular 12 appropriations bills include \$800 billion in non-defense funding. This is the highest level for non-defense funding ever and a larger increase in both dollar and percentage than fiscal year 2022. The bills also provides \$858 billion in defense funding, which is also the largest-ever level for defense spending.</p>	<p>The Consolidated Appropriations bill was introduced on December 20 and H.R.2617, which had already passed the House and Senate in different forms, was used as a legislative vehicle for procedural purposes.</p> <p>The Senate amended and passed the legislation on December 22 by a vote of 68-29.</p> <p>The House passed the legislation on December 23 by a vote of 225-201 with 1 member voting present.</p> <p>President Biden signed the legislation on December 29, providing funding for all federal agencies through September 30, 2023.</p>
H.R.7776	Rep. Peter DeFazio (D-OR)	James M. Inhofe National Defense Authorization Act for Fiscal Year 2023 (also contained the text of the Water Resources Development Act)	<p>The National Defense Authorization Act authorizes appropriations for the Department of Defense and Defense-related programs at the Department of Energy.</p> <p>The Water Resources Development Act section of the bill authorizes the U.S. Army Corps of Engineers to carry out activities concerning water resources development projects, water supply and wastewater infrastructure, flood control, navigation, hydropower, or ecosystem restoration, such as shoreline restoration. In addition, it modifies the process used to deauthorize certain inactive water resources development projects.</p>	<p>The House used the previously passed Water Resources Development Act, which had already passed the House and Senate in different forms, as the legislative vehicle for a number of bills, including the NDAA and WRDA bill. It passed the final legislation on December 8, 2022 by a vote of 350-80.</p> <p>The Senate passed it on December 15, 2022 by a vote of 83-11.</p> <p>President Biden signed the legislation on December 23, 2022.</p>

H.R.4373	Rep. Barbara Lee (D-CA)	Further Additional Continuing Appropriations and Extensions Act, 2023	The House and Senate used this legislative vehicle to pass a week-long continuing resolution. This CR allowed the House and Senate time to enroll the omnibus appropriations bill and send it to the White House for President Biden's signature.	<p>The Senate passed the legislation with a substitute amendment containing the week-long continuing resolution on December 22 by unanimous consent.</p> <p>The House adopted the Senate amendment when it adopted a rule for consideration of other legislation on December 23.</p> <p>President Biden signed it on December 23.</p>
H.R.6833	Rep. Angie Craig (D-MN)	Continuing Appropriations and Ukraine Supplemental Appropriations Act, 2023	This legislation extends government funding through December 16, 2022 and provides additional funding to assist Ukraine in response to the Russian invasion. The legislation extends certain authorities and provides funding for FEMA to respond to recent disasters.	<p>The substitute amendment was introduced on Tuesday, September 27. Changes to the amendment to drop the text of Sen. Manchin's permitting reform were released later in the Day.</p> <p>The Senate passed the legislation on Thursday, September 29 and the House passed it on September 30. The legislation was signed into law on September 30.</p>

All legislation that was not enacted prior to the end of the 117th Congress expired and will have to be reintroduced.



DATE: January 12, 2023

TO: Board of Directors' Workshop - Policy

FROM: Heather Dyer, CEO/General Manager
Shavonne Turner, Water Conservation Program Manager

SUBJECT: Consider Approval of Resolution 1169 authorizing the submittal of a grant application to DWR, in the amount of \$7 million, for its 2022 Urban Community Drought Relief Grant

Staff Recommendation

Consider approval of Resolution 1169 authorizing San Bernardino Valley to submit a grant application to the State of California for a Water Conservation Rebates and Direct Install program and two new wells to support our Conjunctive Use Projects.

Summary

The California Department of Water Resources (DWR) is accepting applications for its 2022 Urban Community Drought Relief Grant. The resolution for approval today, will authorize San Bernardino Valley to submit the grant application to DWR and if the grant is awarded, complete administration requirements for grant reporting.

Background

The Urban Community Drought Relief Program provides funding to underrepresented communities for projects and programs that provide benefit to communities. Approximately 36% of the San Bernardino Valley service area qualifies as an underrepresented community. If approved and awarded, San Bernardino Valley plans to structure the Water Conservation Rebates and Direct Install projects and programs so that more than 50% of the benefit is attributed to an underrepresented community, as this will allow for the cost share to be waived. As a result, San Bernardino Valley can offer the rebate and direct install programs without seeking additional funding from retail agencies. This program would be administered through the retail agencies and District staff would facilitate program tracking and grant reporting. Shavonne Turner has been working extensively with the BTAC Water Conservation subcommittee who is in support of this

grant application and excited about the opportunity. Shavonne will provide a brief summary of various projects the retail agencies envision being part of this program. We are requesting \$3 million in grant funding for the program which would be used for both regional and local efforts. As noted above, there is no match requirement due to the proposed structure of our program.

As part of this grant application, we are also requesting funding for two new wells to support our regional Conjunctive Use Projects (CUP), SARCCUP and Bunker Hill CUP, which will provide San Bernardino Valley with additional capacity and flexibility to pump and deliver previously stored water to our customers in dry years. Conjunctive Use is a “put and take” strategy that draws water from the groundwater basin that was previously recharged in upstream facilities such as the Weaver Basins and Enhanced Recharge 1B projects. Mike Esquer of staff will present a brief overview of the project during the workshop. These wells have been envisioned for many years as part of our overall water supply resilience strategy and the facilities are included in the Wash Plan Habitat Conservation Plan. Staff believes this grant is an excellent opportunity to secure outside funding to offset some of the infrastructure costs, especially as this project is designed to mitigate the challenges associated with extreme hydrologic cycles. We estimate that two wells and a pipeline connecting to our delivery system will cost approximately \$10 million. The grant application requests \$4 million for the CUP wells and pipeline.

In sum, we propose to request a total of \$7 million in funding from the 2022 Urban Community Drought Relief Grant. Staff requests approval of Resolution 1169 authorizing submittal of this grant application to DWR.

District Strategic Plan Application

This is consistent with San Bernardino Valley’s mission, vision, and values to develop innovative projects and programs that will provide a reliable, resilient, and sustainable water supply that contributes to a healthy watershed for future generations.

Fiscal Impact

Funds for on-call grant services are included in the approved FY 2022-2023 General Fund Budget under line item 6360 Consultants. Kennedy Jenks is preparing the grant application at a cost of \$14,715.

Attachment

Resolution No. 1169

RESOLUTION NO. 1169

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE
SAN BERNARDINO VALLEY MUNICIPAL WATER
DISTRICT AUTHORIZING THE GRANT APPLICATION TO,
AND IF AWARDED ACCEPTANCE AND EXECUTION OF, A
FUNDING AGREEMENT WITH THE STATE OF
CALIFORNIA FOR THE WATER CONSERVATION
REBATES AND DIRECT INSTALL, AND TWO NEW
CONJUNCTIVE USE WELL PROJECTS**

WHEREAS, the San Bernardino Valley Municipal Water District proposes to implement the Water Conservation Rebates and Direct Install and Conjunctive Use Wells projects as part of the San Bernardino Valley Drought Response Actions; and,

WHEREAS, the San Bernardino Valley Municipal Water District has the legal authority and is authorized to enter into a funding agreement with the State of California; and,

WHEREAS, the San Bernardino Valley Municipal Water District intends to apply for grant funding from the California Department of Water Resources for the Water Conservation Rebates and Direct Install and Conjunctive Use Wells projects; and,

NOW THEREFORE BE IT RESOLVED, by the Board of Directors of the San Bernardino Valley Municipal Water District as follows:

1. The above Recitals are true and correct.
2. That pursuant and subject to all of the terms and provisions of Budget Act of 2021 (Stats. 2021, ch. 240, § 80) as amended (Stats. 2022, ch. 44, § 25), the San Bernardino Valley Municipal Water District General Manager, or designee is hereby authorized and directed to prepare and file an application for funding with the Department of Water Resources and take such other actions necessary or appropriate to obtain grant funding.
3. The San Bernardino Valley Municipal Water District General Manager, or designee is hereby authorized and directed to submit any required documents, invoices, and reports required to obtain grant funding.
4. The CEO/General Manager of San Bernardino Valley Municipal Water District, or designee, is hereby authorized and directed to prepare the necessary data, conduct investigations, file such application, and execute a grant agreement and any future amendments (if required), submit invoices, and submit any reporting requirements with the California Department of Water Resources.

PASSED, APPROVED AND ADOPTED on this 12th day of January, 2023.

Paul R. Kielhold, President

ATTEST:

Heather P. Dyer, Secretary

CERTIFICATION

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Board of Directors of San Bernardino Valley Municipal Water District held on January 12, 2023.

Jose Macedo, Clerk of the Board