



**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. Governor Newsom issued Executive Order N-25-20 (3-12-20) and Executive Order N-29-20 (3-17-20) which temporarily suspend portions of the Brown Act relative to conducting public meetings. Subsequent thereto, Governor Newsom issued Executive Order N-33-20 (3-19-20) ordering all individuals to stay at home or at their place of residence. 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.

**REGULAR MEETING OF THE BOARD OF DIRECTORS
TUESDAY, APRIL 6, 2021 – 2:00 P.M.**

PUBLIC PARTICIPATION

Public participation is welcome and encouraged. You may participate in the April 6, 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: 684 456 030

PASSCODE: 3802020

<https://sbvmwd.zoom.us/j/684456030>

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 Monday, April 5, 2021. All public comments will be provided to the President 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

REGULAR MEETING OF THE BOARD OF DIRECTORS

AGENDA

2:00 PM Tuesday, April 6, 2021

CALL TO ORDER/PLEDGE OF ALLEGIANCE/ROLL CALL

1) PUBLIC COMMENT

Any person may address the Board on matters within its jurisdiction.

2) APPROVAL OF MINUTES

2.1 March 16, 2021, Meeting(Page 3)
[BOD Minutes 031621](#)

3) DISCUSSION AND POSSIBLE ACTION ITEMS

3.1 Update on the Proposed Voluntary Agreements to Enhance Fish and Wildlife Habitat in the Sacramento-San Joaquin Delta and its Tributaries(Page 10)
[Staff Memo - Update on the Proposed Voluntary Agreements](#)
[SWC Factsheet on Voluntary Agreements](#)
[ACWA Roadmap to Achieving the Voluntary Agreements](#)
[SWC Talking Points for CA Incidental Take Permit](#)

3.2 Update on the Waterman Turnout Hydroelectric Project (Page 19)
[Staff Memo - Update on the Waterman Turnout Hydroelectric Project](#)

3.3 Update on District Parcels on Lakeview Road in the City of Yucaipa (Page 21)
[Staff Memo - Update on District Parcels on Lakeview Road in the City of Yucaipa](#)
[Parcel Maps for Lakeview Road as of January 12, 2021](#)
[Acceptance Documents for Offers of Dedication by the District for Lakeview Road](#)
[Updated Map for Lakeview Road on March 1, 2021](#)

4) REPORTS (Discussion and Possible Action)

4.1 CEO/General Manager's Report (Page 31)

Staff Memo - CEO/General Manager's Report
IFS Summary Biden Infrastructure Plan

- 4.2 SAWPA Meeting Report
- 4.3 Director's Primary Representative and Activity Report
- 4.4 Board of Directors' Workshop - Resources - March 4, 2021(Page 36)
[Summary Notes BOD Workshop - Resources 030421](#)
- 4.5 Board of Directors' Workshop - Engineering - March 9, 2021(Page 42)
[Summary Notes BOD Workshop - Engineering 030921](#)
- 4.6 Board of Directors' Workshop - Policy - March 11, 2021(Page 49)
[Summary Notes BOD Workshop - Policy 031121](#)

5) **ANNOUNCEMENTS**

- 5.1 List of Announcements(Page 58)
[List of Announcements 040621](#)

6) **CLOSED SESSION**

- 6.1 Conference with Legal Counsel - Existing Litigation - Pursuant to Gov't Code Â§54956.9(d) (1): San Bernardino Valley Municipal Water District v. California Department of Water Resources (Fresno County Superior Court, filed May 28, 2020).

7) **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.

**MINUTES
OF
THE
REGULAR BOARD MEETING
SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT**

March 16, 2021

Directors Present: T. Milford Harrison, Paul Kielhold, Gil Botello, Susan Longville, and June Hayes

Directors Absent: None

Staff Present:

Heather Dyer, MS, MBA – Chief Executive Officer/General Manager
Wen B. Huang, PE, MS – Chief Engineer/Deputy General Manager
Bob Tincher, PE, MS – Chief Water Resources Officer/Deputy General Manager
Melissa Zoba, MBA, MPA – Chief Information Officer

Brendan Brandt – Varner & Brandt, District Counsel

Kristeen Farlow, MPA – External Affairs Manager
Matthew E. Howard, MS – Water Resources Senior Project Manager
Tom Holcombe – Operations Manager
Aaron Jones, EIT – Associate Engineer
Jose Macedo, ML, CPT-P (USA Retired) – Clerk of the Board/Assistant to the CEO
Adekunle Ojo, MPA – Manager of Water Resources
Kai Palenscar, Ph.D. – Project Manager II, Biological Resources
Shavonne Turner, MPA – Water Conservation Program Manager

Members of the Public in Attendance:

Benjamin Kelly, Western Heights Water District
Chris Fealy, Fontana Water Company
Melody McDonald, San Bernardino Valley Water Conservation District
John Longville, San Bernardino Valley Water Conservation District
Ronald Coats, East Valley Water District
Thomas Crowley, City of Rialto

The regular meeting of the Board of Directors was called to order by President Kielhold at 2:04 p.m. Director Botello led the Pledge of Allegiance. A quorum was noted present by roll call.

President Kielhold stated that the record will reflect that pursuant to the provisions of Executive Order N-29-20 issued by Governor Newsom on March 17, 2020, this meeting will be conducted by teleconference. Please note that all actions taken by the Board at the meeting will be conducted by a roll-call vote.

Agenda Item 1. Public Comment

President Kielhold stated that any member of the public wishing to make any comments to the Board may do so.

Audience attendance will be recorded in the minutes based on registration information generated in the teleconference or by stating their name during this time.

There was no public comment.

Agenda Item 2. Approval of Minutes of the March 2, 2021, Board meeting.

Director Harrison moved to approve the minutes of the February 2, 2021 meeting. Director Botello seconded. The motion was unanimously adopted by a roll-call vote.

Agenda Item 3. Presentations.

3.1) Presentation on a Pilot Project Underway at the Enhanced Recharge Area to Test the Long-term Effectiveness of San Bernardino Kangaroo Rat Habitat Enhancement Treatments. Project Manager II, Biological Resources Kai Palenscar described the historic alluvial fan shrub-dominated habitat ecosystem with open sandy soils. He presented an overview of the Upper Santa Ana River Habitat Conservation Plan (HCP) and noted there are 12 participating entities for the 50-year project over the life of the incidental take permit. The Plan covers more than 70 projects and 22 species, Palenscar said.

Mr. Palenscar noted the HCP planning area is large, and pointed out the alluvial fan preserve unit A on a map. The species of concern rely on the sage scrub-dominated habitat, which has been recently impacted by flooding, he noted. It is now composed of open sands, smaller shrubs, and less shrub cover.

The Pilot Project is located west of the Enhanced Recharge Phase 2b Project Area, Palenscar explained. It has been set up to test different methodologies and habitat restoration techniques. He detailed the restoration treatments including removing non-native plants or adding / amending the soil type, to determine what provides better habitat for the species over time. Other treatment types such as soil extraction, and grazing to remove non-native plants may be tested in the future, he explained.

Mr. Palenscar and staff recently flagged the test area and representatives of the San Diego Zoo performed a habitat survey to establish current, baseline conditions. Efforts will be compared against the control section, he explained.

The pilot project will start now, and data will be gathered for the next year, or potentially several years, Palenscar advised, and the circular plots would be replicated in different soil types and parts of the alluvial fan or different alluvial fans to compare results.

The next steps are monitoring, and establishing long-term restoration plots, Palenscar explained. The pilot project is located on land currently owned by the Water Conservation District and will transfer to the Bureau of Land Management through a land swap. Once the swap is finalized, the District may not be able to continue research there, Palenscar advised.

The study results will help Valley District with the Upper Santa Ana River HCP and the San Bernardino Water Conservation District (SBVWCD) with their wash plan, Palenscar explained, and thanked the SBVWCD.

Director Longville asked if sand extraction was widely used. Mr. Palenscar explained the reasoning and technique. He pointed out that its use in study of the Woolly Star indicated a positive response.

Chief Executive Officer/General Manager Heather Dyer questioned the mounding technique for soil amendment and asked if there were alternatives. Mr. Palenscar noted that the example shown of the soil piling was a small area and noted that the expert recommended patches of 10 centimeters or four inches rather than a 2-foot pile to cover, but not raked into the ground.

Director Longville asked about proximity to the recharge basins. Mr. Palenscar estimated it is a half-mile distance.

Agenda Item 4. Discussion and Possible Action Items.

4.1) Consider Agreement Regarding the City of Rialto Lease of Capacity in the Inland Empire Brine Line. Chief Water Resources Officer/Deputy General Manager Bob Tincher provided background on the Brine Line, which is a pipe that runs from San Bernardino to a treatment plant owned by the Orange County Sanitation District (OCSD). The four member agencies of the Santa Ana Watershed Project Authority (SAWPA) participated in construction of the line, he noted. OCSD accepts the non-reclaimable waste sent via the Brine Line and sets requirements for discharge into the Line, along with federal regulations.

SAWPA runs the Brine Line but asks their member agencies to oversee the Line within their respective service areas, Tincher explained. Therefore, all transactions involving the Brine Line within the Valley District service area must be approved by this Board, he said.

Mr. Tincher explained that the City of Rialto purchased 2.5 million gallons per day (gpd) of capacity in the Brine Line. It has sold 2 million gpd of that capacity and has leased .5 gpd to Rialto Bioenergy. This is the first time a lease agreement has come before the Board, he advised.

Staff worked with house counsel to draft a lease agreement to transfer the liability to Rialto for their tenant and protect Valley District, Tincher said. The industrial process of lessee Rialto Bioenergy will turn waste into energy, he explained.

Mr. Tincher described a previous situation in which an entity in bankruptcy owed the District almost \$300,000 in fees on owned Brine Line capacity and answered a question from Director Longville. Until the entity sold its capacity, the fees continued to accrue, he explained.

Director Longville moved to authorize the CEO/General Manager to execute the Brine Line Capacity Agreement with the City of Rialto, subject to any non-substantive legal changes. Director Botello seconded. The motion was unanimously approved by a roll-call vote.

4.2) Consider Contract Amendment No. 3 Extending the Term of Contract with Western Weather Group for the Weather Station Maintenance Program to include Calendar Years 2021 and 2022. Water Conservation Program Manager Shavonne Turner reminded the Board of discussion on this item at the March 9, 2021 Engineering Workshop and concern about the correct location of the weather stations. She advised that it was confirmed that Bloomington station was relocated to the Rialto Wastewater Treatment Plant. For consistency, she explained, the station is still labeled Bloomington.

The contract is for maintenance of the weather station systems for the 2021 and 2022 calendar years in the amount of \$29,480, Turner said. There is no increase, she noted.

Director Harrison moved to authorize the CEO/General Manager to execute Amendment No. 3 to the consulting services agreement with Western Weather Group to continue maintaining the weather station system during the 2021 and 2022 calendar years at a total cost of \$29,480 spread over two fiscal years. Director Botello seconded. The motion was unanimously approved by a roll-call vote.

4.3) Consider Agreements with Tesla for Participation in a Self-Generation Incentive Program to Provide Megapack Batteries for the Baseline Feeder System.

Associate Engineer Aaron Jones reminded the Board about discussion at the March 9, 2021 Engineering Workshop. He noted the location of the Baseline Feeder facilities and presented the proposal to install the Megapack system at the 9th Street Well Complex.

Mr. Jones described the California Public Utilities Commission Self-Generation Incentive Program called Equity Resiliency that incentivizes batteries for a sub-set of customers. The 9th Street well complex meets the criteria, he said.

Through this program there is no purchase price or installation fees for the batteries, Jones explained. Tesla will offer operation and maintenance of the system for 10 years and will provide a 15-year warranty. The benefit is a reduction in electricity bills of approximately \$78,000 and the provision of emergency backup. The District will own the hardware and the software program, Jones advised.

Director Botello moved to enter into the agreements with Tesla for this renewable energy incentive program and authorize the CEO / General Manager to execute these agreements on the District's behalf. Director Longville seconded. The motion was unanimously approved by a roll-call vote.

Agenda Item 5. Reports (Discussion and Possible Action Items).

5.1) General Manager's Report

Chief Executive Officer/General Manager Heather Dyer reported that executive leaders and managers participated in a one-day workshop on Cultural Intelligence Training as suggested by Vice President Hayes and recommended by the Board. She briefly explained the training and said it was a great team-building experience. The information will be presented to all staff by the end of the fiscal year, she added.

Ms. Dyer explained that the current State Water Project Allocation is at 10 percent although it has been raining and she said she hopes the allocation will be revised. The snowpack is measured to be 60 percent of average, she noted, and stressed continued drought and conservation messaging.

The City of Redlands voted on March 2, 2021 to join the San Bernardino Basin Groundwater Council, and the Board of the Metropolitan Water District approved the Transfer of Water Mutual Aid agreement with Valley District, Dyer reported.

The District was able to do a lot of work on the office during the time of COVID-19, Dyer noted. The audio-visual upgrade for the Board Room is now approximately 90 percent complete, she advised. There are new dais monitors, speakers, cameras, and moveable microphones, she said.

Dyer reported that recently Valley District and the Inland Empire Resources Conservation District co-hosted an online Project WET (Water Education for Teachers) workshop with 16 attendees. This was done in partnership with the Cal State San Bernardino Department of Liberal Studies, she added. In response to Vice President Hayes, External Affairs Manager Kristeen Farlow said the program is available on the District's website and noted there will be a second workshop held in April due to the positive response.

5.2) SAWPA Meeting Report. Vice President Hayes reported on the following items taken at the March 16, 2021 Commission Meeting:

The Commission received presentations on the following:

- FYE 2022 and 2023 One Water, One Watershed (OWOW) and Roundtables Fund Draft Budgets
- Proposition 84 Round 2 Implementation Grant and Proposition 1 Round 1 Implementation Grant Status Update
- Disadvantaged Community Involvement (DCI) Program Status

5.3) Director's Primary Representative and Activity Report.

Vice President Hayes reported that she attended a meeting at the West Valley Water District, a Water Advisory Committee of Orange County meeting, the Santa Ana Watershed Project Authority (SAWPA) meeting on March 16 and accompanied General Manager Dyer and Ms. Farlow to a meeting with three legislative aides and state lobbyists on March 15.

Director Botello had no report.

Director Longville reported that she attended a USGS NOAA webinar on climate change ecological impacts on March 3, the Infrastructure Funding Alliance meeting on water policy on March 5, the San Bernardino Valley Water Conservation District meeting on March 10, and the Association of San Bernardino County Special Districts on March 15.

Director Harrison reported that he attended the Legislative Committee meeting of the California Special Districts Association on March 5 and the Association of San Bernardino County Special Districts Board meeting on March 8, the San Bernardino Valley Water Conservation District Board meeting on March 10, and the Association of San Bernardino County Special Districts full membership meeting on March 15.

President Kielhold reported that he attended the teleconferences with the legislators, the San Gorgonio Pass Water Agency meeting, and a meeting of the Recycled Water Pipeline Committee.

5.4) Operations Report. Water Resources Senior Project Manager Matt Howard presented the Report. In February 2021, 621 acre-feet of State Water Project water was delivered to the District, he noted.

5.5) Treasurer’s Report. Director Harrison reported that the District is not receiving the type of return on investment traditionally seen. He moved approval of the following expenses for the month of February 2021: The State Water Contract Fund \$2,215,102.02, Devil Canyon / Castaic Fund \$104,812.00, and General Fund \$1,094,803.47. Vice President Hayes seconded. The motion was unanimously adopted by a roll-call vote.

5.6) Directors’ Fees and Expenses for February 2021. No oral report was given as a written report was included in the Board packet.

Agenda Item 6. Announcements.

6.1) List of Announcements. President Kielhold pointed out the list of announcements.

Agenda Item 7. Adjournment.

The meeting was adjourned at 3:06 p.m.

<p>APPROVAL CERTIFICATION</p> <p>I hereby certify to approval of the foregoing Minutes of San Bernardino Valley Municipal Water District.</p> <p>_____</p> <p>Secretary</p> <p>Date _____</p>

Respectfully submitted,

Lynda J. Kerney
Contract Assistant



DATE: April 6, 2021

TO: Board of Directors

FROM: Bob Tincher, Chief Water Resources Officer/Deputy General Manager

SUBJECT: Presentation on the Proposed Voluntary Agreements to Enhance Fish and Wildlife Habitat in the Sacramento-San Joaquin Delta and its Tributaries

At the Board meeting, staff will provide a presentation on the proposed Voluntary Agreements (VAs) that would enhance fish and wildlife habitat in the Sacramento-San Joaquin Delta and its tributaries. Water agencies, and others, up and down the State of California believe that the VAs provide a more effective approach than the proposed “unimpaired flow” concept recommended by State Water Resources Control Board (SWRCB) staff.

Background:

The SWRCB is tasked with protecting beneficial uses of water and is reviewing the environmental needs of all Northern California rivers including the Sacramento-San Joaquin Delta (Bay Delta). The Bay Delta review, known as the Bay Delta Water Quality Control Plan Update, has proposed new regulations that would require 2 million acre-feet of water (about the size of San Luis Reservoir) to flow down river channels through the Delta and into the Pacific Ocean. Public water agencies and many other stakeholders do not believe this approach will be effective and will result in decades of lawsuits.

The VAs approach offers a collaborative alternative that recognizes the need for more than just additional reservoir releases to improve conditions for native fish species such as salmon and smelt. The VAs would integrate both flow and non-flow assets and include a stakeholder governance structure that would use science-based decision-making and adaptive management to enhance fish and wildlife habitat. The VAs could also eliminate the current litigation Valley District, and others, have filed against the State of California for its recent Incidental Take Permit for long-term operations of the State Water Project (SWP) that is believed to impose flow requirements far beyond legal standards and reduces SWP exports

by about 200,000 acre-feet per year.

Fiscal Impact:

None.

Staff Recommendation:

Receive and file.

Attachments:

1. State Water Contractor Factsheet on Voluntary Agreements
2. Association of California Water Agencies Road Map to Achieving the Voluntary Agreements
3. State Water Contractors, Inc., Objections to CA Endangered Species Act Permitting [Incidental Take Permit] for Long-Term Operations of the State Water Project, April 13, 2020

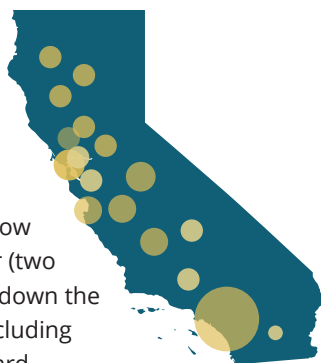
Improving the Bay-Delta Watershed Providing Reliable Water

The Newsom Administration has led a coalition of federal, state and local agencies, conservation groups and other stakeholders to develop a collaborative approach to enhance fish and wildlife habitat in the Sacramento-San Joaquin Delta and its tributaries. Public water agencies that deliver water to about 75 percent of all Californians and some of our most productive farmland and wildlife refuges are proposing a voluntary plan to provide water, money, and non-flow measures, including habitat restoration managed through a collaborative science-based approach to improve the health of Northern California rivers and the Bay-Delta. The plan is an alternative to a regulatory approach proposed by the State Water Resources Control Board staff to update the Bay Delta Water Quality Control Plan. Implementing new flow regulations, as proposed by the State Water Board staff, would result in excessive reservoir releases, water shortages, and years of litigation. Updating Northern California rivers and Delta management through a voluntary plan, rather than the Board imposing new flow regulations, is essential to advancing a comprehensive approach of flow and non-flow measures to improve the health of the rivers and to provide reliable water supplies for years to come.

Photo Courtesy of CA Dept. of Water Resources

The Board: A Key Update

The State Water Resources Control Board, the agency tasked with protecting beneficial uses of water, is reviewing the environmental needs of all Northern California rivers and the Sacramento-San Joaquin Delta. The Board staff via this process, known as the Bay Delta Water Quality Control Plan Update, has proposed new flow regulations that would direct 2 million acre-feet of water (two times the size of Folsom Reservoir, possibly even more) down the river channels through the Delta. Many stakeholders, including public water agencies believe there is a better way forward.



Most of California Impacted:

The San Francisco Bay-Peninsula, East Bay, North Bay, Sacramento River Basin, Silicon Valley, Southern California, and San Joaquin Valley farms and communities are all impacted by the decision of the Board. Water reallocated by the Board would result in less surface water for cities, farms, and wildlife refuges, and decrease water for groundwater recharge with severe impacts to California's economy.

Proposed: A Comprehensive Approach to Restoration

It takes more than just reservoir releases to improve conditions for native fish species such as salmon and smelt. Water agencies are proposing a historic suite of integrated actions that is far broader than a flow-only approach to benefit fisheries. This approach will integrate flow and non-flow assets that will be governed through a stakeholder governance structure, using science-based decision-making and measures to improve fish and wildlife.

Science

Additional studies, monitoring and evaluation to advance implementation of flow and non-flow measures that will help guide structured decision-making to better meet the needs of fish



Flows

Dedicated block of water (initially up to 750 thousand acre-feet above existing Board requirements) adaptively managed for habitats



Funding

\$425 million in new funding for additional flows; an additional \$262 million for habitat and collaborative science



Restoration

Improved access to food and habitats through increased floodplain access, and breaches, and habitat improvements throughout the basin.





Conflict or Collaboration? A Comparison

SWRCB Staff Approach

Comprehensive Approach

New Flows

Imposes drastic reduction in public water supplies

Voluntarily provides additional flows within the Sacramento and San Joaquin River watersheds and the Delta

Timing

Will likely result in decades of lawsuits, and no timely action

Promotes 15-year partnership among stakeholders and immediate implementation

Restoration

None

Dozens of new improvements throughout the Central Valley and Delta, and protection of terrestrial species

New Science

None

Collaborative governance to incorporate science into decision-making and adjustments over time to improve management actions

New Funding

None

At least \$687 million provided by water users for new flows, habitat, science

Cities, Farms, and Rural Communities

Potentially severe economic and land use impacts due to lost supplies

Supply reliability for 75 percent of all Californians, and appropriate balance for other uses

A Historic California Water Partnership

The following water agencies and organizations are among those supporting a collaborative solution to managing Sierra supplies for the good of the rivers, the Bay-Delta, the state economy and urge the Board to adopt the proposed voluntary approach.



A Roadmap To Achieving the Voluntary Agreements

October 2020

URGENT CALL TO ACTION

State Must Re-Engage on the Voluntary Agreements

Public water agencies across California call on Governor Newsom and his administration to re-engage in negotiations with the federal administration and stakeholders to successfully complete the Voluntary Agreements (VAs). To implement this modern water management approach, we ask the state to take the following actions:

ACTION

1

Resolve the litigation between the state, federal government, public water agencies and NGOs regarding the Incidental Take Permit and the Biological Opinion.

ACTION

2

Convene all parties to complete the VAs and the related efforts to advance the implementation of the Water Quality Control Plan through the Voluntary Agreements.

ACTION

3

Support and assist water agencies that have proposed early implementation projects to accelerate improvements for fish and wildlife, including with funding and streamlined permitting processes.

A Watershed-Wide Approach



The VAs would encompass the Sacramento-San Joaquin Delta and each of the following tributaries to improve reliability for the 35 million people and nearly 8 million acres of farmland dependent on the Delta watershed and its water supply.

- American River
- Feather River
- Mokelumne River
- Putah Creek
- Sacramento River
- San Joaquin River Settlement Upstream of the Merced River (Friant Diversion)
- Tuolumne River
- Yuba River

Background

The Voluntary Agreements (VAs) represent a collaborative, modern and holistic approach to improving the Bay-Delta ecosystem and water supply reliability. Through the VAs, a group of public water agencies are proposing a comprehensive suite of actions that will improve habitat and flows in the Delta and its tributaries to help native fish and wildlife species. This integrated approach presents a historic opportunity to protect and restore the Bay-Delta ecosystem, while improving habitat for native species and water reliability for the 35 million people, nearly 8 million acres of farmland, and remaining California wetlands dependent on the Delta watershed and its water supply.

Governor Gavin Newsom's recently released *Water Resilience Portfolio* recognizes the VAs as an alternative to the State Water Resources Control Board staff's unimpaired flows approach to updating the Bay-Delta Water Quality Control Plan and that the VAs hold "the promise to adaptively manage enhanced flows and habitat to improve conditions for fish and wildlife." The *Water Resilience Portfolio* is intended to provide a

blueprint to meet the water needs of California's communities, economy, and the environment through the 21st century. It includes several actions to support the VAs to meet the goal of protecting and enhancing natural ecosystems, including to "bring together regulators, tribes, water users, public water agencies, non-governmental organizations, and other stakeholders to develop innovative, voluntary solutions to water supply, water quality, and ecosystem protection" [Action 9.3], to "identify opportunities to meet legal standards in creative, collaborative ways, such as through voluntary agreements that enhance flows and habitat" [Action 13.7], and to "complete the update to the Bay-Delta Water Quality Control Plan for San Francisco Bay and the Delta, as required by law, and implement the Plan, potentially through voluntary agreements" [Action 18.2].

ACWA embraces this new path forward to support a "California for All" and the coequal goals of protecting, restoring and enhancing the Delta ecosystem and providing more reliable water supplies for California. Public water agencies are actively implementing progressive and innovative 21st century water management.

The decades old regulatory approach has not served any interests well. Species have continued to decline, and water supplies have continued to diminish. The state cannot afford to adhere to a regulatory and operational framework solely based on additional flows which will result in years of protracted litigation, while at-risk fish populations continue to decline, and California's water supply becomes less resilient to the increasing effects of climate change. Now is the time to complete the VAs to put California on a path of success for the environment, the public, farms and businesses.

Commitment of Public Water Agencies at the VAs Table

ACWA and its member agencies recognize the VAs as the superior approach to achieving the coequal goals of protecting, restoring and enhancing the Delta ecosystem and increasing water supply reliability throughout the state. ACWA's water agencies together serve water for millions of Californians, the safest and most productive agricultural economy in the world, the wildlife refuges and ricelands that serve birds and wildlife along the Pacific Flyway, salmon and many other fish, hydro-electric generation, and recreation. The public water agencies participating in the VAs stand ready to begin the implementation of the VAs, pledging to contribute hundreds of millions of dollars and an extensive series of restoration projects to enhance fish and wildlife habitat. ACWA and its members recognize that more can be accomplished for California when the state, federal and local agencies work together. The public water agencies which have been at the VAs table are eager to continue working with state and federal agencies, conservation groups, and other stakeholders in an open and transparent process to achieve the VAs and advance California on a path toward water resilience.

- **Early Implementation** - As part of the VAs, the group of public water agencies is committed to the immediate implementation of a list of "no-regrets" habitat restoration and creation projects and related flow actions. Some of these actions could begin or otherwise be implemented within the next 12 to 18 months. The VAs have the added co-benefit of immediately injecting tens of millions of dollars into the state's economy at this critical time.

- **Integrated Actions** - The group of public water agencies commit to the implementation of a broad spectrum of tools, coordinated to maximize benefits to the Delta ecosystem and native fish and wildlife species. These tools include improving targeted tributary flows and Delta outflows, restoration projects and the collection of funds from these water agencies to begin building the accounts necessary to implement the long-term program.
- **NGO Participation in the Governance Framework** - Water agencies remain committed to a collaborative decision-making approach that includes non-governmental organization participation in the governance structure.

Essential Elements of a Watershed-Wide Agreement

The VAs hold the potential to achieve meaningful solutions that comprehensively manage the Delta watershed as a whole. A Delta watershed-wide agreement should incorporate the following essential elements.

- **Watershed-Wide Coordination** - A solution must encompass a Delta watershed-wide approach with coordinated operations to efficiently and effectively protect native fish and wildlife species. The VAs would facilitate coordination of restoration, operations, and research across all participating tributaries and Delta operations to provide improved ecosystem functions across major California waterways.
- **Collaborative Approach** - Partnership among diverse stakeholders must be the cornerstone of this durable solution. The VAs would establish a 15-year framework that includes participation from state and federal agencies, public water agencies, and conservation groups to help guide funding and management actions to improve water supply and environmental conditions in the Delta. A path of continued litigation would negatively affect water reliability and ratepayers across the state, while delaying vital investments to restore and enhance the Delta ecosystem.

- **Integrated Solutions** - A Delta watershed-wide solution should provide a substantial “budget” of water for the environment, coupled with significant new habitat, an integrated science program, and adaptive management to provide a more comprehensive framework to recover fish populations, as opposed to a flows-only approach.
- **Coequal Goals** - A Delta watershed-wide solution must recognize the coequal goals of increasing water supply in California and improving the Delta ecosystem for hundreds of native fish and wildlife species.
- **Expedited Implementation** - The VAs commitment of functional flows and habitat can help fish populations recover more quickly, holistically and with fewer negative social and economic impacts than traditional regulatory requirements. As water agencies stand ready to implement a comprehensive series of ecological restoration and stewardship projects, state agencies must also work to increase permitting effectiveness, expedite project review and approval, and improve cross-jurisdictional collaboration.
- **Governance** - Consistent with the VAs, a structured decision-making process that informs the implementation of flow and non-flow measures to achieve outcomes should be



the foundation of any solution. This process should be collaborative and informed by a robust science program. To the extent possible, the governance structure should coordinate with and be implemented through any existing management structures in the Delta tributaries.

- **Science and Adaptive Management** - A Delta watershed-wide agreement should include the development of a sound, shared, modern science program that explores all assets available to manage the Delta and monitors and evaluates their success in achieving the biological and environmental outcomes. This will serve as the basis for adaptive management decision-making. The VAs would establish both a Science Program and Independent Science Advisory Team to address uncertainties in current science using testable hypotheses to refine management solutions over time.
- **Funding Portfolio** - A Delta watershed-wide agreement should pool resources from a variety of sources for a large sustained investment for fish and wildlife funding, habitat restoration projects and science programs. Under the VAs approach, the total estimated contributions from the group of water agencies to a Water Revolving Fund are projected to be \$1 billion.



State Water Contractors, Inc.
Objections to CA Endangered Species Act Permitting
for Long-Term Operations of the State Water Project
April 13, 2020

On March 31, the California Department of Fish and Wildlife (CDFW) issued an Incidental Take Permit (ITP) for the long-term operation of the State Water Project (SWP). The ITP is required under state law to protect endangered and threatened fish species like Longfin Smelt, Delta Smelt, Sacramento River Winter-run Chinook Salmon and Central Valley Spring-run Chinook Salmon. The State Water Contractors (SWC) object to the SWP California Endangered Species Act (CESA) permit because the Department of Water Resources (DWR) agreed to changes in the project description that were in excess of CESA requirements. In addition to the changes in the project description, CDFW imposed significant permit conditions that far exceed legal standards.

While the SWC continue to support adaptive management activities that help better understand and manage the Delta ecosystem and water supplies, including testing Delta outflow hypotheses, the ITP imposes requirements in excess of existing law and conditions unrelated to the magnitude and nature of the impacts associated with the SWP, such as:

- Requirement that the SWP mitigate for purported effects that are upstream of the SWP and that occur at the Central Valley Project's diversion facilities. Mitigation for these non-SWP effects result in more than \$20 million dollars of new actions, in addition to SWP export delivery reductions.
- Assertion that the ITP provides benefits to SWP water users and the environment in wet years. In fact, the ITP only allows for relaxing SWP operational requirements under extreme wet conditions, when flows are above 44,500 cfs. In other wet years, CDFW may also relax export restrictions, but the SWP is required to pay that water back (up to 150,000 acre-feet) in the following year, thus negating any export benefits of the wet hydrology.
- Requirement that is unrelated to the "take" and unrelated to mitigation for an effect of the SWP. For example, the SWP and federal Central Valley Project (CVP) already supplement Delta flows through reservoir releases during the summer to meet in-Delta water quality requirements. The Project does not affect summer flows so there is no degradation, yet the SWP is required to provide an additional 100,000 acre-feet in summer outflow.
- Imposition of further cuts to Delta exports even when multiple levels of operational controls have not been triggered, thereby giving CDFW full authority over real-time operational decision-making resulting in even further export reductions than required to meet legal obligations.
- Requirement for an additional \$22 million annually, above the \$54 million annually to meet current obligations, some of which is outside the SWP impact area.

Although still assessing options, the SWC and its member agencies are disappointed DWR is moving forward with a project that fails to incorporate best available science, burdens ratepayers with obligations far exceeding the impacts of water operations and that will make compliance with the Sustainable Groundwater Management Act and climate change adaptation substantially more difficult.



DATE: April 6, 2021
TO: Board of Directors
FROM: Brent Adair, Project Manager II
Wen Huang, Chief Engineer/ Deputy General Manager
SUBJECT: Update on Waterman Turnout Hydroelectric Project

The purpose of this memorandum is to provide an update on the Waterman Turnout Hydroelectric Project (Project). Staff will provide a detailed presentation with construction photos during the Board Meeting.

Background:

The Board of Directors approved a design and engineering service contract with NLine Energy at its meeting on May 6, 2014. The intent of the Project is to design and construct a 1 Megawatt (MW) electric generation facility and provide modifications and upgrades at the Waterman Turnout site. Subsequently, the Board of Directors approved the procurement of the turbine, generator, switchgear, programmable logic control systems, meters and valves for the Project.

At the Joint Board Meeting with the City of San Bernardino Municipal Water Department (SBMWD) on January 30, 2019, the Board agreed to partner with SBMWD for the development of the Project. In accordance with the Partnership Agreement, Valley District and SBMWD each will pay 50% of the design and capital costs and ongoing O&M and improvements for the hydroelectric generation part of Project. SBMWD has completed the three (3) annual installment payments in accordance with the approved agreement. The cost will be trued up upon completion of the Project.

The Board awarded the Project contract to Borden Excavating, Inc. (BEI) at the September 15, 2020 meeting. BEI mobilized to the site in early 2021 to begin construction. The construction work is progressing as planned and is approximately 15% complete through March 2021. An

update on the construction activities and the project budget and expenditures will be presented during the Board Meeting.

Recommendations:

Receive and File



DATE: April 6, 2021
TO: Board of Directors
FROM: Wen Huang, Chief Engineer/Deputy General Manager
SUBJECT: Update on District Parcels on Lakeview Road in the City of Yucaipa

Due to the needs of facilities and habitat conservation in support of District projects, Valley District has acquired a number of properties over the years. At the Board of Directors' Workshop on January 12, 2021, Staff provided an overview of District-owned parcels throughout its service area and recommended an appropriate action for each parcel for consideration by the Board of Directors. Of the 108 District-owned parcels as of January 8, 2021, four (4) parcels on Lakeview Road were being identified as District's properties.

Following the direction provided by the Board of Directors, Staff conducted additional research with the County and the City of Yucaipa and located acceptance records to correct a mapping error that was previously unknown. These parcels are now shown as the public right-of-way, not as District's properties any more.

Background:

According to the County's records, the District owned a total of 108 parcels as of January 8, 2021, with the majority of the parcels located in the Cities of San Bernardino, Highland, Redlands, and Yucaipa, and the unincorporated areas in the County of San Bernardino.

At the Board of Directors' Workshop on January 12, 2021, Staff provided an overview of District-owned parcels throughout its service area and recommended an appropriate action for each parcel for consideration by the Board of Directors. It was noted that there are four (4) parcels along Lakeview Road were being identified as District's properties. These parcels were

purchased by the District during the construction of the Yucaipa Regional Park including the Yucaipa Lakes in the 1970's and were offered to and acknowledged by the County as public right-of-way in 1980. However, no acceptance documents could be located by reviewing the District records.

Following the direction provided by the Board of Directors, Staff reached out to the City of Yucaipa and the County, respectively, to research this further. Through the collaborative efforts, the acceptance documents for the offers of dedication, executed in early 1990's by the County Board of Supervisors, were located. With the acceptance documents, Staff was able to work with the County Assessor's Office to correct the mapping errors. These parcels have since been updated and are now shown as public right-of-way, not as District's properties in the public record.

Fiscal Impact:

There is no fiscal impact for correcting this mapping error. In fact, in absence of the recently located acceptance documents, the City of Yucaipa may have required complete street reconstruction before the City would accept the offers of dedication by the District, which could have potentially cost the District a couple of million dollars for the required improvements.

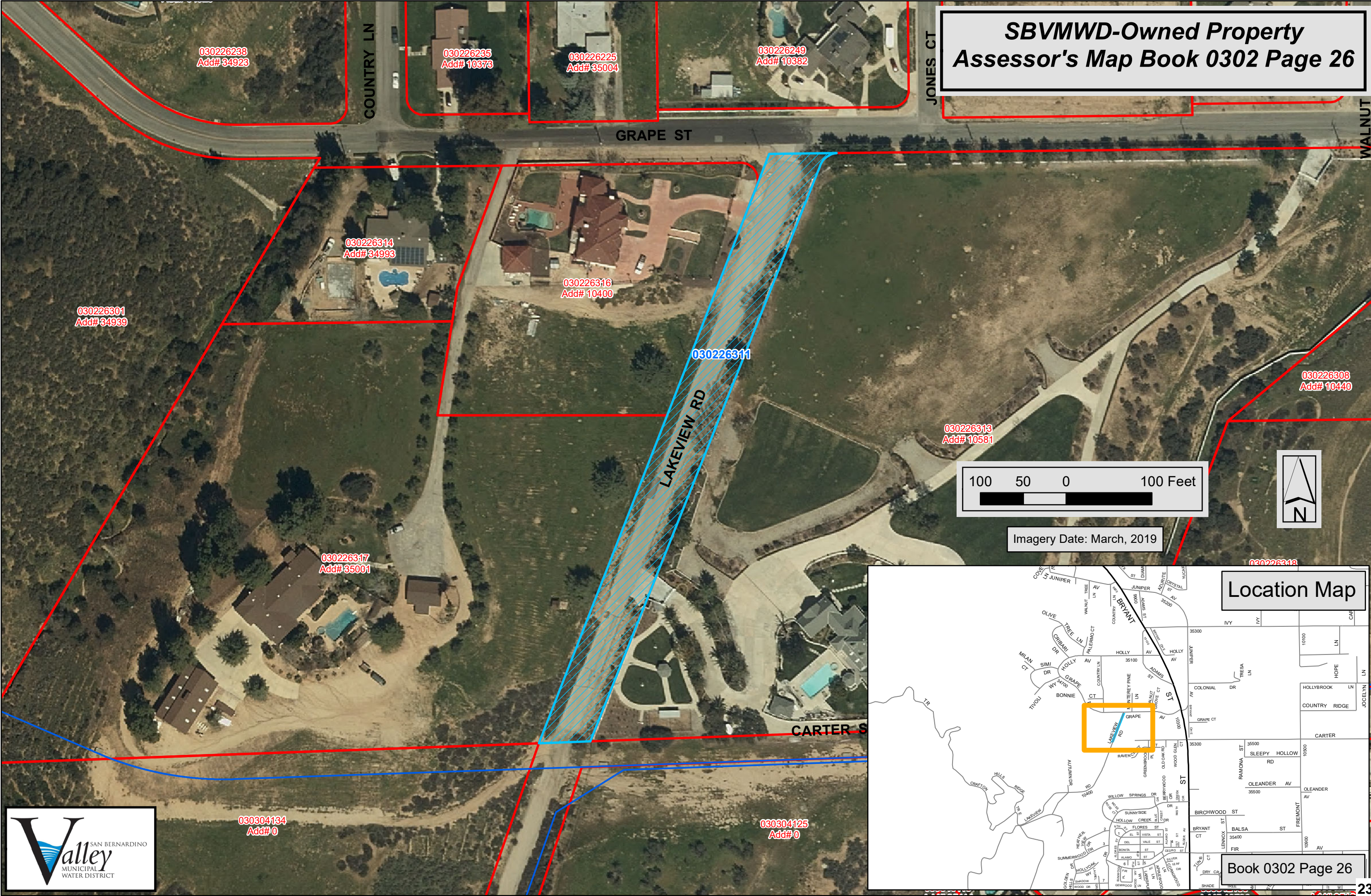
Staff Recommendation:

Receive and file.

Attachments:

1. Parcel Maps for Lakeview Road as of January 12, 2021
2. Acceptance Documents for Offers of Dedication by the District for Lakeview Road
3. Updated Map for Lakeview Road on March 1, 2021

SBVMWD-Owned Property Assessor's Map Book 0302 Page 26



030226238
Add# 34923

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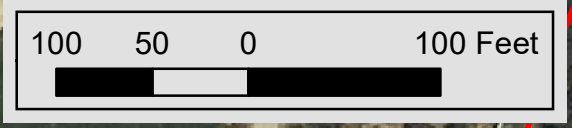
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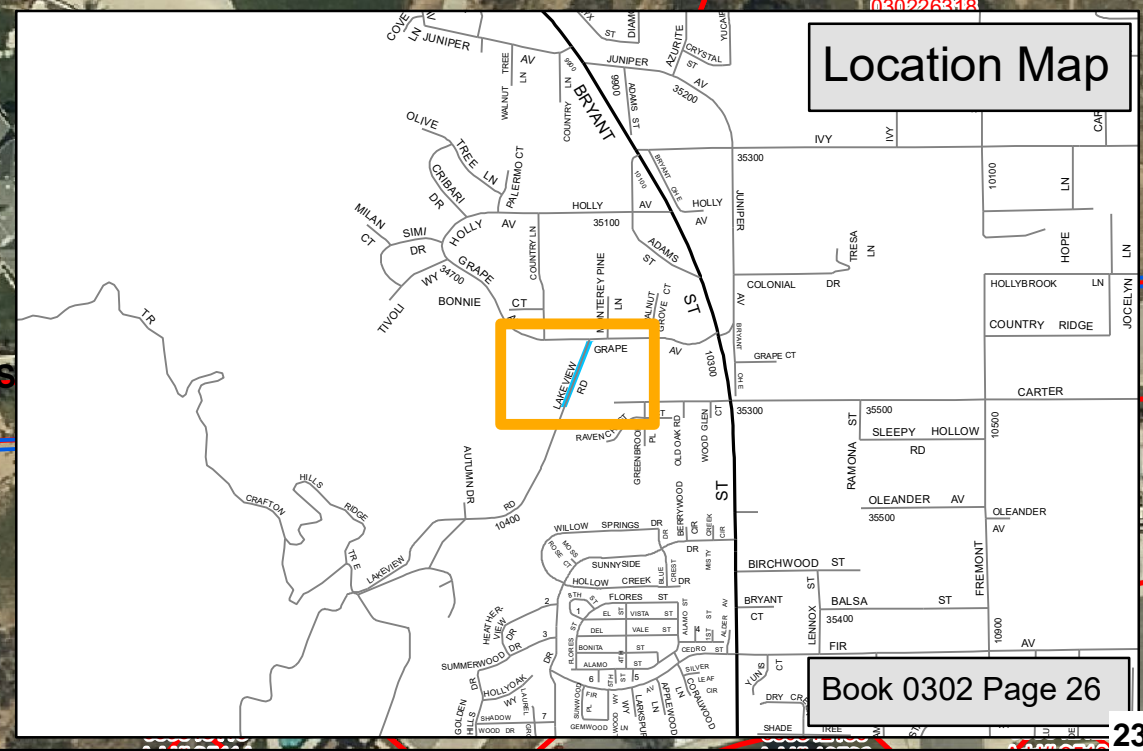
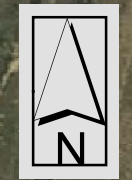
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Imagery Date: March, 2019



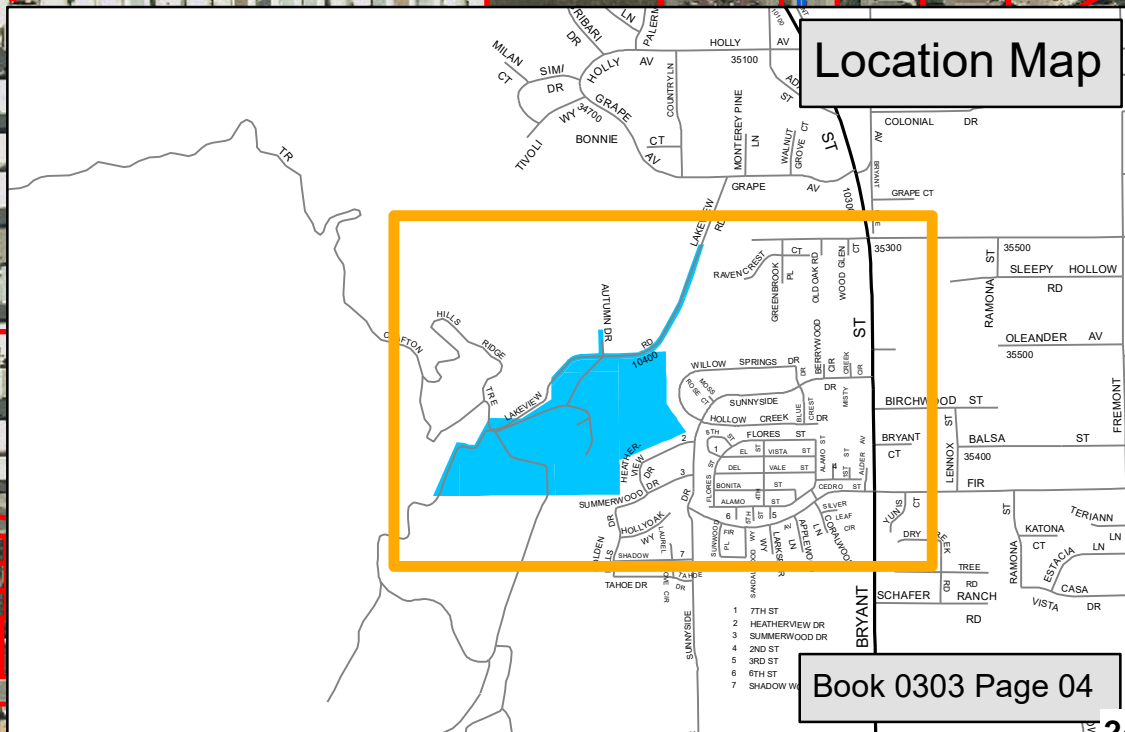
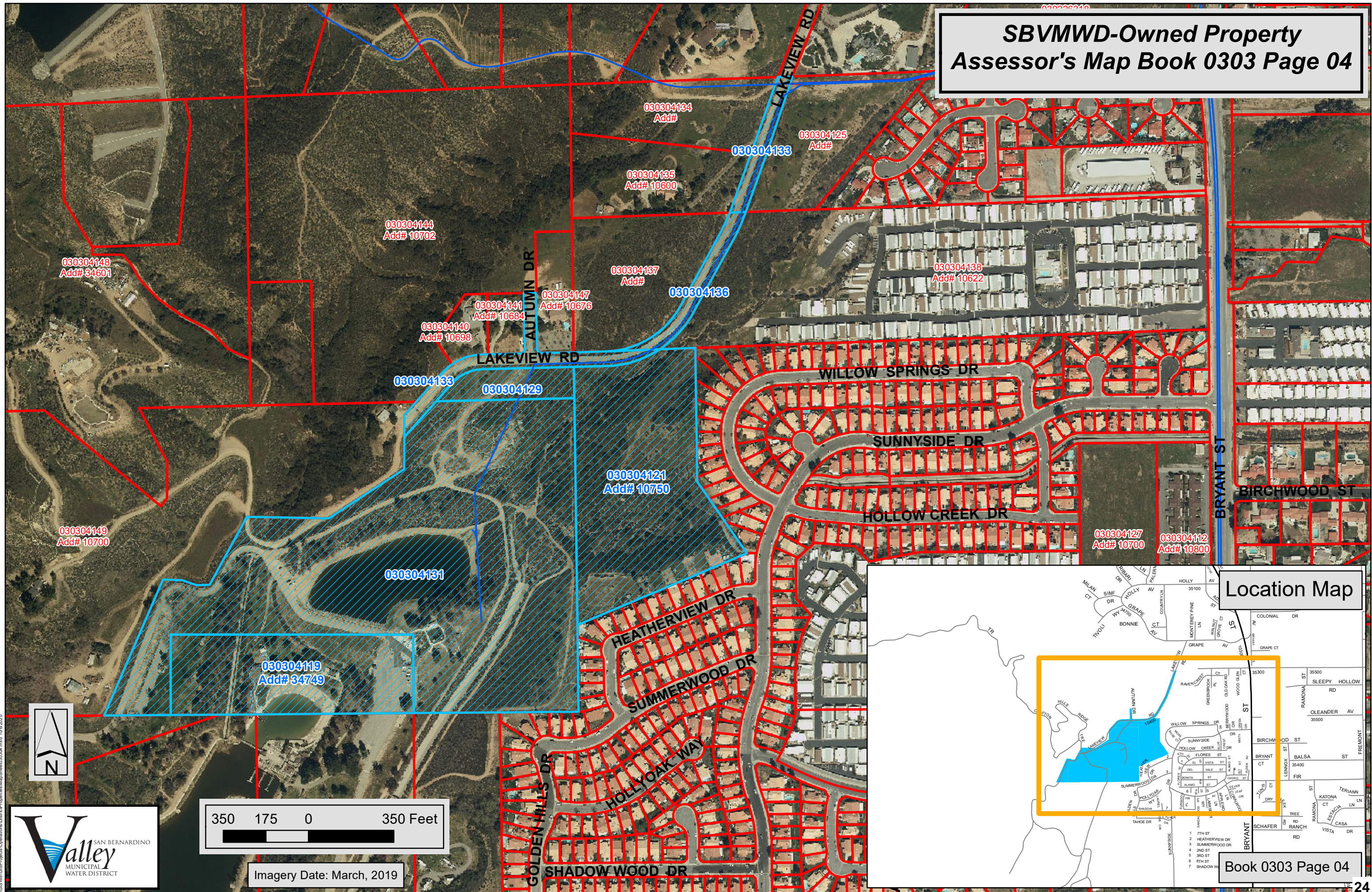
Location Map

Book 0302 Page 26



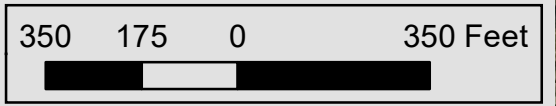
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SBVMWD-Owned Property Assessor's Map Book 0303 Page 04



Location Map

Book 0303 Page 04



Imagery Date: March, 2019



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RECORDED IN
OFFICIAL RECORDS
92 FEB 26 PM 1:47
SAN BERNARDINO
COUNTY, CALIF.

1 FEE	6
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3 CORR	8 NO FEE
4 INT	9 ST FEE
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92-069316

For Recorder's Use

UNINCORPORATED AREA
Township 1S Range 2W Sec 25 SBM
Road Name: LAKEVIEW ROAD

RECORDING REQUESTED BY THE BOARD OF
SUPERVISORS PURSUANT TO GOVERNMENT
CODE SECTION 6103

Orig. 303-041-04(Ptn)
Exist.

4019
4822

WHEN RECORDED RETURN TO:
REAL ESTATE SERVICES DEPT.
825 E. 3rd Street
San Bernardino, CA. 92415-0832

22 090

CERTIFICATE OF ACCEPTANCE OF OFFER OF DEDICATION
OF EASEMENT(S) FOR PUBLIC ROADS

This is to certify that, pursuant to Section 27281 of the Government
Code, the easement(s) for public roads conveyed by deed or grant dated
7-11-80 by Instrument No. 80-156095, Official Records
of the County of San Bernardino, State of California, from
SAN BERNARDINO VALLEY MUNICIPAL WATER DISTRICT

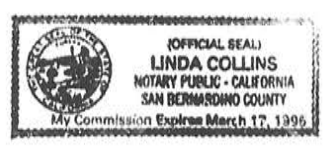
to the County of San Bernardino, a body corporate and politic, is hereby
accepted by the undersigned officer or agent on behalf of the Board of
Supervisors of the County of San Bernardino, State of California,
pursuant to authority conferred by resolution of said Board which was
adopted on August 15, 1988, and the grantee consents to recordation of
this acceptance by its duly authorized officer or agent.

COUNTY OF SAN BERNARDINO

DATE: Feb 19, 1992

BY: Thomas B. Sharpe
AGENT

STATE OF CALIFORNIA)
) SS.
COUNTY OF SAN BERNARDINO)



On this 19th day of February, in the year 1992, before me,
Linda Collins, a Notary Public in and for the State of California,
personally appeared Thomas B. Sharpe, personally known to me to be the
person who executed this instrument as Officer/Agent of the County of
San Bernardino and acknowledged to me that the County of San Bernardino
executed it.

Linda Collins

THIS MAP IS FOR THE PURPOSE OF AD VALOREM TAXATION ONLY.

N.1/2 Sec.25, T.1S.,R.2W., S.B.B.&M.

City of Yucaipa
Tax Rate Area
22002

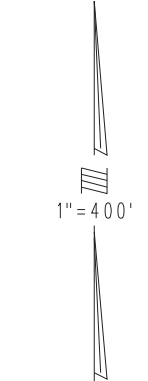
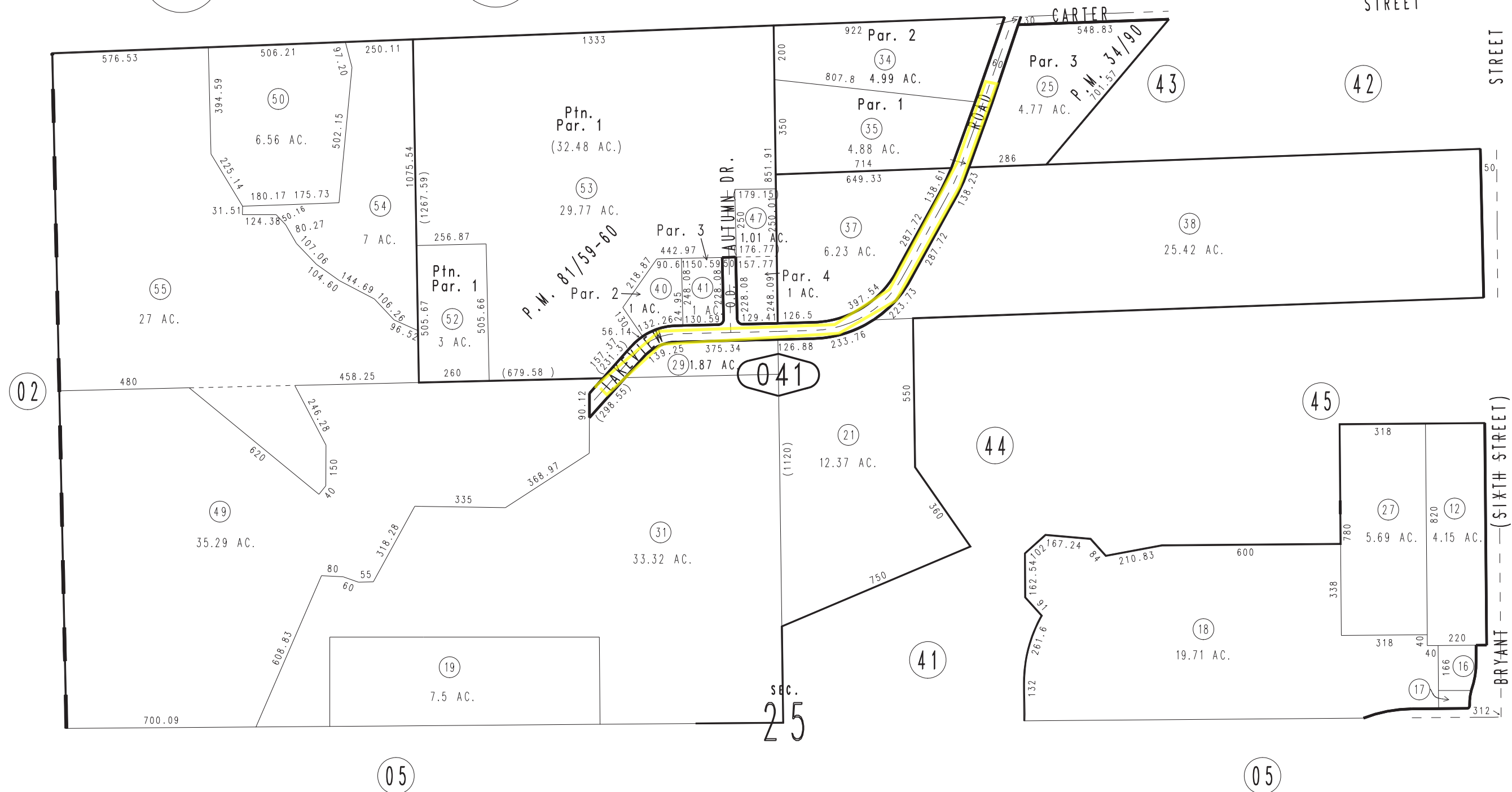
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DATE: April 6, 2021
TO: Board of Directors
FROM: Heather Dyer, CEO/General Manager
SUBJECT: CEO/General Manager's Report

The following is an update from the CEO/General Manager on the status of a number of items at the District.

I. Update on District Roofing and Solar Panel Installation

Following the contract award for solar panel installation and approval for the re-roofing of the Admin Building by the Board in late 2020, the Contractor completed installation of the new roof in February and also sealed the parapet walls. Installation of the solar panels is pending the City's review and issuance of permits due to revisions and modifications made to the original plans. It is anticipated the review process will be completed and permits will be issued within a week or two at which point the installation of solar panels will begin.

II. Update on Biden Administration Infrastructure & Climate Plan

President Joe Biden unveiled the first portions of his wide-ranging infrastructure plan on March 31st, calling on Congress to spend more than \$2 trillion. The White House proposed \$621 billion for transportation, \$400 billion for elder and disability care, and \$300 billion for manufacturing. Additional funds would be invested in housing, research and development, schools, water, broadband, and the electric grid, among other projects. Several key areas of particular interest to the District include water infrastructure and climate resilience.

President Biden makes it a priority to ensure clean, safe drinking water in all communities. His plan notes that across the country, pipes and treatment plants are aging and polluted drinking water is endangering public health. An estimated six to ten million homes still receive drinking water through lead pipes and service lines. The Administration believes the investments in improving water infrastructure and replacing lead service lines will create good jobs, including union and prevailing wage jobs. In order to eliminate all lead pipes and service lines in the country, the President is calling on Congress to invest \$45 billion in the Environmental Protection Agency's Drinking Water State Revolving Fund and in Water Infrastructure Improvements for the Nation Act (WIIN) grants.

The President also calls for upgrade and modernization of America’s drinking water, wastewater, and stormwater systems, addressing new contaminants, and supporting clean water infrastructure across rural America. The Plan discusses how aging water systems threaten public health in thousands of communities nationwide and the President’s goal to modernize these systems by scaling up existing, successful programs by providing \$56 billion in grants and low-cost flexible loans to states, Tribes, territories, and disadvantaged communities across the country. President Biden also proposes \$10 billion in funding to monitor and remediate PFAS (per- and polyfluoroalkyl substances) in drinking water and to invest in rural small water systems and household well and wastewater systems, including drainage fields.

Climate change is a major focus of the Infrastructure Plan noting that millions of Americans feel the effects of climate change each year when their roads wash out, airport power goes down, or schools get flooded. The Plan details how last year alone, the United States faced 22 extreme weather and climate-related disaster events with losses exceeding \$1 billion each – a cumulative price tag of nearly \$100 billion. Chronic underinvestment has harmed American transportation infrastructure, disrupting service, making travel conditions unsafe, causing severe damage, and increasing maintenance and operating costs. The President calls for investment in underserved, disadvantaged, and vulnerable communities through a range of programs, including FEMA’s Building Resilient Infrastructure and Communities program, HUD’s Community Development Block Grant program, new initiatives at the Department of Transportation, a bipartisan tax credit to provide incentives to low- and middle-income families and to small businesses to invest in disaster resilience.

Another area of interest to the District is the Plan’s commitment to investing in the health of our natural resources and open spaces, maximizing the resilience of land and water resources to protect communities and the environment. President Biden’s plan will protect and, where necessary, restore nature-based infrastructure – our lands, forests, wetlands, watersheds, and coastal and ocean resources. President Biden is calling on Congress to invest in protection from extreme wildfires, coastal resilience to sea-level rise and hurricanes, support for agricultural resources management, climate-smart technologies, the protection and restoration of major land and water resources. Additionally, the President’s plan provides funding for the western drought crisis by investing in water efficiency and recycling programs, Tribal Water Settlements, and dam safety. President Biden aims to empower local leaders to shape these restorations and resilience project funds in line with the Outdoor Restoration Force Act.

A summary of the Infrastructure and Climate Plan was prepared by Innovative Federal Strategies and is attached to this report. As always, staff will continue to work with the IFS team to better understand the proposed elements of the plan and any opportunities that may be available should infrastructure legislation be passed.

Staff Recommendation

Receive and file.

Attachment

Innovative Federal Strategies Summary

Biden Infrastructure & Climate Plan Overview March 31, 2021

The White House lifted its embargo this morning on the “American Jobs Plan” and the “Made in America Tax Plan” that the Administration has called an “investment in America that will create millions of good jobs, rebuild our country’s infrastructure, and position the United States to out-compete China.”

The White House says the roughly 8-year, \$2.5 trillion plan will be fully paid for over a period of 15 years through the Made in America Tax Plan by raising the corporate tax rate from 21% to 28%, imposing a 21% global minimum tax, making inversions more difficult, eliminating tax breaks for companies that shift assets abroad, imposing a 15% minimum on the income that corporations report to shareholders, eliminating tax incentives for the fossil fuel industry, and increasing IRS audits of large corporations. But to score it -- to calculate the scope of the bill -- the White House is using the unusual 15-year projection. Scoring legislation is done on a 10-year window, so the Biden administration seems to want to assume tax revenue with a longer tail, which would—on paper—hold down the fiscal impact on the deficit. They are also using dynamic scoring, meaning the White House is going to make budgetary assumptions about the how the infrastructure spending will boost the U.S. economy and what that means for governmental revenue.

President Biden is scheduled to travel to Pittsburgh on Wednesday, March 31st, to officially unveil this proposal. The infrastructure package proposed by the Biden Administration falls outside the traditional surface transportation authorization, providing funding in the following categories.

“American Jobs Plan”

Transportation

- \$620 billion for transportation. That will include:
 - \$115 billion to improve bridges, highways, roads and \$20 billion for road safety. The White House indicates this will modernize 20,000 miles of highways, roads, and main streets.
 - \$85 billion to modernize public transportation systems and \$80 billion for Amtrak. The White House cites the Department of Transportation’s estimates that a repair backlog of over \$105 billion, representing more than 24,000 buses, 5,000 rail cars, 200 stations, and thousands of miles of track, signals, and power systems are in need of replacement.
 - \$25 billion for airports and \$17 billion for ports, inland waterways and ferries.
 - \$20 billion for transportation projects for disadvantaged communities to “reconnect neighborhoods cut off by historic investments and ensure new projects increase opportunity.”

Electric Vehicles

- Direct \$174 billion to electric vehicles, including sale rebates and tax incentives for consumers to buy American-made cars. It also would provide grants to state and local governments and the private sector for 500,000 charging stations by 2030. It includes funds to electrify school buses and federal vehicles such as Postal Service trucks.

Innovative Federal Strategies Summary

Research and Development

- \$180 billion to upgrade the country's research infrastructure and labs at universities and federal agencies. The funding would also be directed toward climate-science research and addressing gender and racial inequalities in the science, math and technology fields.

Manufacturing Boost

- Invest \$50 billion in semiconductor manufacturing and research -- as envisioned by the CHIPS Act.
- \$50 billion for the National Science Foundation to create a technology directorate, modeled after the Endless Frontiers Act.
- \$50 billion to create a new office at the Department of Commerce dedicated to monitoring domestic industrial capacity and funding investments to support production of critical goods.

Workforce Development / Unions

- \$100 billion for workforce-development programs, including training for those who have lost their jobs, as well as apprenticeship initiatives.
 - \$40 billion for a new Dislocated Worker Program and sector-based training
 - \$12 billion for targeted workforce development in underserved communities.
- The plan calls for high labor standards and allowing workers on the projects to join unions and bargain collectively.
 - Encourages passage of the Protecting the Right to Organize Act (PRO Act).
- Calls for increased penalties when employers violate workplace safety and health rules.

Electric Grid

- \$100 billion to build a more resilient electric grid. He is also proposing a 10-year extension and phase-down of an expanded, refundable investment tax credit and production tax credit for renewable energy generation and storage.
- The goal is to move toward 100% carbon-pollution free power by 2035.
- Directs \$16 billion to clean up abandoned mines and gas wells.

Carbon Capture

- Create 10 carbon-capture facilities retrofitted in large steel, cement and chemical production facilities.
- Expands the Section 45Q tax credit for carbon capture, making it refundable and easier to claim.
- \$10 billion would be spent on a Civilian Climate Corps that employs Americans in conservation work on public lands and waters.

Clean Water

- \$45 billion to eliminate lead pipes nationwide through the Drinking Water State Revolving Fund.
- \$56 billion in grants and low-cost loans to states, tribes, territories and disadvantaged communities to improve water systems.
- \$10 billion to bolster rural-well and waste-water systems.
- \$10 billion in funding to monitor and remediate PFAS in drinking water.

Innovative Federal Strategies Summary

Broadband Internet

- \$100 billion to bring high-speed broadband internet to all Americans. The plan also includes measures to make pricing more transparent and competitive and includes short-term subsidies for low-income households.

Housing

- \$213 billion to build and renovate more than two million affordable homes. The plan includes tax credits to build housing for low-income families and \$40 billion for public housing.

Schools, Child Care

- \$100 billion to improve public school buildings, with \$50 billion in direct grants and an additional \$50 billion leveraged through bonds.
- \$12 billion for community-college facilities and technology
- \$25 billion to upgrade child-care facilities and provide incentives for employers to offer on-site child care.

Elder Care, VA Hospitals

- \$400 billion for housing and care for the elderly and people with disabilities.
- \$18 billion for the modernization of Veterans Affairs hospitals and clinics.

“Made in America Tax Plan”

Corporate Taxes

- Raises the corporate tax to 28% from 21%, which the White House says will return the rate to the 21st century average from before the Tax Cuts and Jobs Act.
- Institutes a 15% minimum tax on a corporation’s profits for financial-reporting purposes. This would prevent companies from taking tax breaks reduce their tax bill below the 15%.

International Taxes

- Imposes a minimum tax on the profits U.S. corporations earn overseas, increasing the rate to 21% from the roughly 13%. It also includes several measures that would penalize companies that move assets and jobs offshore and eliminates current preferences to book profits overseas.

Eliminate Oil, Gas Tax Breaks

- Eliminates all tax preferences for the oil and gas industry and would also require companies that pollute to pay into the Superfund Trust Fund to cover the cost of fuel-related cleanup.

IRS Audits

- Calls for additional funding for the Internal Revenue Service to increase audits on corporations. The White House says it will release additional details about tax examinations on individuals in the coming weeks.



DATE: April 6, 2021
TO: Board of Directors
FROM: Staff
SUBJECT: Summary of March 4, 2021 Board of Directors Workshop – Resources

The Resources Workshop convened on March 4, 2021. Vice President Hayes chaired the meeting via video conference.

Directors Present: President Kielhold, Vice President Hayes, Director Botello, Director Harrison, and Director Longville.

Staff Present:

Wen B. Huang, PE, MS – Chief Engineer/Deputy General Manager
Cindy Saks, CPA – Chief Financial Officer/Deputy General Manager
Bob Tincher, PE, MS – Chief Water Resources Officer/Deputy General Manager
Melissa Zoba, MBA, MPA – Chief Information Officer

Anthony Flordelis – Systems Analyst
Kristeen Farlow, MPA – External Affairs Manager
Matthew E. Howard, MS – Water Resources Senior Project Manager
Jose Macedo, ML, CPT-P (USA Retired) – Clerk of the Board/Assistant to the CEO
Adekunle Ojo, MPA – Manager of Water Resources
Shavonne Turner, MPA – Water Conservation Program Manager

Members of the Public Present:

Chris Palmer, California Special Districts Association
Melody McDonald, San Bernardino Valley Water Conservation District
David Raley, San Bernardino Valley Water Conservation District

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.

3. Summary of Previous Meeting

The meeting notes from the February 4, 2021 meeting were reviewed with no comments.

4.1 Presentation by Chris Palmer, California Special Districts Association

External Affairs Manager Kristeen Farlow explained SBVMWD is an active member of the California Special Districts Association (CSDA) and introduced CSDA Senior Public Affairs Coordinator Chris Palmer, regional representative for the Southern Network.

Mr. Palmer gave an overview of federal legislation. He noted that special districts were not included in the Cares Act passed in 2020 so were excluded from COVID-19 funding sources. To overcome this, H.R. 535, and S. 91 "Special Districts Provide Essential Services Act" were introduced and are moving forward but are still not part of the new funding bill. Some districts are impacted by non-paying customers, he noted, and explained that CSDA is doing a national push as statewide, special districts have a growing revenue shortfall.

In response to Vice President Hayes, Palmer explained that language in H.R. 535 would define special districts as a local form of government and would allocate up to 5 percent of any federal funds coming to the state directly to special districts. He said that an infrastructure package is expected in the summer and CSDA is working to make sure that special districts are included.

Mr. Palmer detailed some state bills including on remote meetings (AB 361 and AB 703), and ACR 17 designating Special Districts Week May 16 to 22, 2021. CSDA offers professional development webinars, both live and on demand, and are free for CSDA members in 2021, Palmer advised. He pointed out upcoming events.

Mr. Palmer explained the Special Districts Leadership Foundation, its programs, and available scholarships. He pointed to resources on the CSDA website and gave an overview of the CSDA Communities pages. Vice President Hayes pointed out that regular CSDA emails contain good information.

In response to Director Botello, Mr. Palmer indicated that AB 703 was derived from the Paradise Fire tragedy and resulting Brown Act compliance challenges where the districts were not allowed to meet outside their boundaries and or to do virtual meetings. The

COVID-19 situation will not be the last emergency for the state, Palmer noted, so this would provide flexibility for virtual meetings where constituents can still participate.

Director Botello asked about CSDA fees and benefits, and Mr. Palmer explained that fees are based on annual operating revenue. Chief Financial Officer/Deputy General Manager Cindy Saks confirmed the cost this year was \$7,800. He explained the benefits of legislative advocacy, professional development, member services, and a local representative. Botello suggested communication with Congressman Pete Aguilar to advocate for the special districts' position. Mr. Palmer confirmed that Congressman Aguilar is supportive.

Director Harrison advised that the agenda for the CSDA Legislative Committee meeting on March 5 was 260 pages. Vice President Hayes indicated that the Santa Ana River Watershed Project Authority (SAWPA) had concerns about overreach in AB 377 and asked Mr. Palmer to look at it.

Action Item(s): Receive and file.

5.1 Update on the Sites Reservoir Project

Chief Water Resources Officer/Deputy General Manager Bob Tincher reminded the Board about its support of the development of the Sites Reservoir in Northern California. The Sites Project Authority Annual Report 2020 is included in the Board packet, he noted.

Tincher highlighted the new leadership of Executive Director Jerry Brown, and addition of two new partners which will reduce the cost of unsubscribed participation. Of the 232,000 acre-feet (af) of water anticipated from the reservoir, Valley District's portion is between 12,000 and 17,000 af per year, approximately 8 to 10 percent. This changes as partners change, but it is getting down to the agencies that really want to build the project.

He explained the working of the off-stream reservoir and its right-sizing, cutting about \$2 billion from the original proposal. He gave an overview of the 2020 highlights and milestones and said work continues on obtaining Prop. 1 and WIIN Act funding to cut the costs. Work is ongoing on state and federal permits for the project including water rights. He pointed out that the project was named in the Governor's Water Resilience Portfolio.

Mr. Tincher advised that the project has a strategic plan and shared the plan's vision: "Affordable water sustainably managed for California's farms, cities, and environment for generations to come," and its mission: "The Authority will build and operate a climate-resilient, 21st Century water storage system to responsibly manage and deliver water, improve the environment, and provide flood control and recreational benefits."

Project construction could begin around 2024, Tincher reported. He pointed out that Valley District General Manager Heather Dyer was quoted in the report. He also advised that better financial reporting was coming out. Collectively, Tincher noted, the project participants have invested \$37 million which is a great signal that there are dedicated partners.

Action Item(s): Receive and file.

5.2 Discuss Water Use Efficiency and Education Program Update

Water Conservation Program Manager Shavonne Turner advised that on February 12, the District was welcomed by the U.S. Environmental Protection Agency as a WaterSense EPA promotional partner and will participate in hosted campaigns throughout the year, such as Fix a Leak Week in March. Promotions will include the value and importance of water via outreach, marketing efforts and cross-promotion. Although participation is at no cost, the District will be required to submit an annual report, Ms. Turner advised.

Ms. Turner provided data on reimbursement requests for turf removal and low water use plants totaling \$14,856 since July 1, 2020. She noted that the District also funds 50 percent of retrofit costs for large water users specific to the weather-based irrigation controller program. Ms. Turner provided additional detail at the request of Director Botello, who advocated for added transparency. Ms. Saks described the invoices from the retail agencies and verification process. Director Longville pointed out that there will be improvements when the new water efficiency plan is implemented.

Director Botello acknowledged Ms. Turner's work and said he looked forward to working with her. Mr. Tincher reminded the Board that at a prior workshop, Manager of Water Resources Adekunle Ojo had detailed the significant water savings achieved and advised that staff is working on new reporting that will focus on water savings. Director Harrison noted that all agencies have been given this offer, but most have not taken advantage of it; however, those that have are well documented.

Vice President Hayes indicated that this is a snapshot in time, and other entities such as East Valley and San Bernardino Municipal water districts have participated in the past. Mr. Ojo pointed out that many agencies wait until the end of the fiscal year to submit for their reimbursements.

President Kielhold asked if the retailers were responsible for validation of the claims. Ms. Turner said she examines invoices and reaches out to the agencies with any questions. Director Longville indicated that some retailers have validation processes, and some do not, and some retailers have no programs at all. Kielhold stated that if the retailer is not providing verification, then Valley District should do so. Director Botello posited that the process should be standardized across the District.

Ms. Farlow pointed out that Valley District does site inspections for the weather-based irrigation controller program and the turf rebate program because the funding is going directly to the end-use customer from the District; whereas the District relies on the retailers to perform inspections for the devices eligible for the cash they are distributing directly to their customers.

Vice President Hayes said she was confident these comments would come back to the Board in the policies to be implemented as the program improves and evolves.

In response to Vice President Hayes, Ms. Farlow noted that the amount reimbursed in the last fiscal year was \$489,000 related to the agreement with San Bernardino.

Ms. Turner continued. She presented the outreach and education program and upcoming workshops, website hits and social media. She presented social media videos and Vice President Hayes commented.

Ms. Turner concluded her presentation and advised that the implementation of water efficiency programs will take some time, but all will be beneficial. Mr. Ojo pointed out that the emphasis is on incentives but there are many other things that can be done for retailers and partners to manage demand, but education and outreach are a foundational aspect. Director Longville pointed out that the Valley District Water Demand diagram is holistic and said that if there is activity in all those areas, the District is going in the right direction.

Mr. Huang advised that the Water Use Efficiency Assessment is still in progress.

Action Item(s): Receive and file.

6. Future Business

Director Longville requested an update on the following items at a future workshop:

- Status of reusable shopping bag design and distribution
- Update on potential partnership or collaboration opportunities with Kimbark Elementary

7. Adjournment

Staff Recommendation

Receive and file.



DATE: April 6, 2021

TO: Board of Directors

FROM: Staff

SUBJECT: Summary of March 9, 2021 Board of Directors Workshop – Engineering

The Engineering Workshop convened on March 9, 2021, via Zoom video-teleconference. Director Harrison chaired the meeting.

Directors Present: President Kielhold, Vice President Hayes, Director Botello, Director Harrison, and Director Longville.

Staff Present:

Heather Dyer, MS, MBA – Chief Executive Officer/General Manager
Wen B. Huang, PE, MS – Chief Engineer/Deputy General Manager
Cindy Saks, CPA – Chief Financial Officer/Deputy General Manager
Bob Tincher, PE, MS – Chief Water Resources Officer/Deputy General Manager
Melissa Zoba, MBA, MPA – Chief Information Officer

Kristeen Farlow, MPA – External Affairs Manager
Anthony Flordelis – Systems Analyst
Joanna Gibson, MS – Habitat Conservation Program Manager
Matthew E. Howard, MS – Water Resources Senior Project Manager
Aaron Jones, EIT – Associate Engineer
Chris Jones, MESM – Project Manager II, Biological Resources
Jose Macedo, ML, CPT-P (USA Retired) – Clerk of the Board/Assistant to the CEO
Adekunle Ojo, MPA – Manager of Water Resources
Shavonne Turner, MPA – Water Conservation Program Manager

Members of the Public Present:

David Raley, San Bernardino Valley Water Conservation District
Melody McDonald, San Bernardino Valley Water Conservation District
Drew Tatum, Innovative Federal Strategies
Letitia White, Innovative Federal Strategies
Ryan Glanville, Tesla
Evan Forbes, Tesla

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.

2. Public Comment

Director Harrison invited public comment. There was none.

3. Summary of Previous Meeting

The meeting notes from the February 9, 2021 Board of Directors Workshop – Engineering were accepted.

4.1 Federal Legislative Update Presentation by Innovative Federal Strategies

Director Harrison acknowledged the success of External Affairs Manager Kristeen Farlow in recent placement of three prominent news articles. Ms. Farlow introduced representatives Letitia White and Drew Tatum.

Mr. Tatum reviewed the work of 2020 regarding appropriations and authorizations related to Seven Oaks Dam and the directive to the U.S. Army Corps of Engineers to work with Valley District.

Ms. White described the slow organization and the new makeup, staffing and committee appointments of the 117th Congress, and Mr. Tatum spoke about Senate nominations and confirmations. He explained the Budget Resolution Reconciliation process which allows the passage of a limited measure with a simple majority in the Senate.

Mr. Tatum detailed parts of the \$1.9 trillion spending bill which \$350 billion for state and local support. There is no direct aid to special districts, he said, but there is transfer authority that allows county governments to transfer a portion of the funds to another special purpose unit of state or local government. He encouraged Valley District to communicate and work with the county, as one of the uses defined for those funds is to make necessary investments in water, sewer, or broadband infrastructure. The bill is expected to be signed into law by the end of the week, Tatum noted.

Each Congress (every two years) begins with a clean slate, Tatum explained, as legislation expires and is reintroduced. Notable reintroductions are the Water Infrastructure Improvements for the Nation (WIIN) Act, and the Special Districts Provide Essential Services Act, he advised.

Ms. White advised that earmarks would return as “community-based funding” and that Innovative Federal Strategies has been working with Valley District staff to identify top potential projects with a regional appeal to be more attractive. House members will be limited to ten special projects, but Senate members are not being limited, she said. The next major legislation that the House will turn to is the infrastructure bill, which will be focused on COVID recovery – getting people back to work and stimulating the economy, she noted.

Director Longville indicated interest in the community-based funding and said she looked forward to staff’s report. Director Harrison thanked the representatives.

Action Item(s): Receive and file.

5.1 Update on Seven Oaks Dam Water Conservation and Proposed Strategy for Engagement with the U.S. Army Corps of Engineers

Chief Executive Officer/General Manager Heather Dyer reminded the Board that President Kielhold had requested an update and reported that staff traveled to Washington D.C. last year in an effort to re-engage the U.S. Army Corps of Engineers (Corps) in discussion regarding the importance of water conservation being an officially authorized use of the Seven Oaks Dam. The current authorized use is for flood control, Dyer said, and detailed issues with dam operations that have harmed the Santa Ana Sucker breeding habitat. She provided history including the concept of water conservation back to the Water Supply Act of 1958.

After conversations with Congressional representatives, language included in the Water Resources Development Act (WRDA) bill and the Energy and Water Appropriations bill directs the Corps to work on the issue with Valley District, Dyer advised. The biological opinion which dictates how the dam is operated would include the District’s intended purpose, for water released from the dam would be diverted and put in the ground, she

explained. The goal is to complete the feasibility study and work toward planning, engineering and full permitting of water conservation, Dyer said.

The District is looking for an opportunity to re-open the conversation with the Corps regarding the study, which already states that water conservation is feasible, Dyer continued, to establish a dual-purpose dam. She detailed her plan for collaboration and indicated that the Corps was responsive, likely due to the encouragement of Congress and the language in the WRDA bill, and the offering of solutions. An appointment with the Division Chief of Planning and the Colonel has been set for April 13 to discuss how to work together, Dyer advised.

Ms. White and Mr. Tatum commended staff and acknowledged the progress made.

Director Longville said she was encouraged and recognized the hurdles to come. Director Botello acknowledged the steps taken and staff's role. Director Harrison and Director Hayes acknowledged staff.

President Kielhold asked about the language in the WRDA bill. Ms. Dyer explained that the water control manual will likely need to be revised.

5.2 Consider Agreement with Tesla for an Energy Incentive Program to Provide Megapack Batteries for the Baseline Feeder System

Chief Engineer/Deputy General Manager Wen Huang explained the operation of the Baseline Feeder 48-inch pipeline drinking water system and reviewed some history of the system.

Mr. Huang pointed to the 9th Street Well Complex with two new wells pumping to the reservoir and boosted into the Baseline Feeder System, which is the location at which the Tesla Megapack battery is being proposed. Huang noted that Valley District will not get any direct benefit of cost savings, as the District is not a user of the system; however, given its leadership role this will be a good project to move forward. He advised the project was presented to the stakeholders who requested that the Valley District Board consider approval of the agreement to benefit their constituents.

Associate Engineer Aaron Jones explained the Self-Generation Incentive Program (SGIP) established by the California Public Utilities Commission (CPUC) and the Equity Resiliency (ER) which incentivizes batteries for low income or disadvantaged communities, those at risk of or have experienced Public Safety Power Shutoffs and are considered critical. The 9th Street Well Complex meets the criteria, he advised. There is no purchase cost for the

batteries and no installation fees, Jones stated and explained the Tesla offer, which includes operation and maintenance for 10 years, and a 15-year warranty on the batteries.

Mr. Jones listed benefits to the Baseline Feeder System stakeholders such as a reduction of around \$78,000 per year in electric bills, additional emergency backup during outages, ownership of the hardware, and Tesla's operation and maintenance of the system.

Staff is working with counsel to review the agreements, Jones reported.

Director Harrison asked how the project creates savings. Mr. Jones explained that during times of high use, power would be drawn from the battery instead of off the grid. Mr. Huang added that the greatest cost for the Baseline Feeder is electricity. With Southern California Edison's time of use schedule, very high rates are charged during certain times of the day, he said. Shifting demand to other off-peak times saves money. Batteries would be charged from the grid when the rates are low, and discharged to power equipment during peak times, Huang explained.

In response to Director Harrison, Mr. Ryan Glanville, Project Manager at Tesla advised that the hardware cost would be about \$2.2 million, plus with installation, operation and maintenance costs would total about \$2.8 million which is for free under the SGIP. He explained the Tesla proprietary software designed to optimize energy bill savings.

In response to President Kielhold, Mr. Huang provided detail on the SGIP grant program. Director Botello thanked staff for being innovative and asked about eligibility criteria. Mr. Glanville detailed the state's designation of critical facility that serves a low-income community. Botello acknowledged the partnership with Tesla and thanked Mr. Glanville and Tesla.

In response to Director Harrison, Mr. Glanville noted that under average circumstances, the Megapack would provide about 2.4 hours of power and have no emissions, as opposed to a diesel generator.

Director Longville noted her interest in green energy and credited the CPUC for creating the program with use of the Greenhouse Gas funding. She said she was pleased the District will get in on this early.

Director Hayes opined that 2.4 hours does not seem long, and asked who would be monitoring to determine the outage and operate the battery. Mr. Glanville noted everything is controlled autonomously; the battery will turn on within 200 milliseconds of detecting an outage. He noted that the sizing of the battery is determined by peak demand over the past 12 months. Mr. Huang noted that in the event of a planned outage by SCE, the reservoirs

will be topped off beforehand so customers can draw from reservoir storage to meet demands. Director Harrison asked why the site has no backup generators. Mr. Huang advised that in order to power all equipment, it takes a large generator and with plenty of storage capacity, it is better to top off the reservoir rather than make investments in generators. Harrison noted that portable generators can be obtained if needed; Mr. Huang concurred.

Director Hayes pointed out that East Valley has portable generators they may be willing to rent if they are not affected by the same outage. Mr. Huang noted that the mutual aid arrangement can be activated if needed, and generators requested.

Action Item(s): Forward the consideration of entering into an agreement with Tesla for this renewable energy incentive program to the next Board of Directors meeting.

5.3 Consider Weather Station Maintenance Program – Meteorological Services for the 2021 and 2022 Calendar Years

Water Conservation Program Manager Shavonne Turner reminded the Board of a contract with Western Weather Group signed in August 2015 to cover the maintenance for six weather stations within the District's service area. The stations provide data to support the efficiency of weather-based irrigation controllers, she added. Director Hayes noted that the Bloomington station was relocated to the Rialto Wastewater Treatment Plant and requested it be corrected on the presentation and on the quote from Western.

Ms. Turner detailed the services of Western Weather Group and shared the quote of \$29,490 for the 2021 and 2022 calendar years. She noted that the service provided has been above and beyond, and that Western has many years of experience and offers competitive pricing which has not changed from the previous two years.

Ms. Dyer added that when Western was selected, they were one of the only groups that have a meteorologist on staff for quality control of the data. The maintenance program was started to assure the weather stations are reading accurately, she added.

Action Item(s): Forward the consideration of the contract extension to the next Board of Directors meeting.

6. Future Business

None.

7. Adjournment

Staff Recommendation

Receive and File



DATE: April 6, 2021
TO: Board of Directors
FROM: Staff
SUBJECT: Summary of March 11, 2021 Board of Directors Workshop – Policy

The Policy Workshop convened on March 11, 2021, via Zoom teleconference. Director Longville chaired the meeting.

Directors Present: President Kielhold, Vice President Hayes, and Director Botello, Director Harrison, and Director Longville.

Staff Present:

Heather Dyer, MS, MBA – Chief Executive Officer/General Manager
Cindy Saks, CPA – Chief Financial Officer/Deputy General Manager
Bob Tincher, PE, MS – Chief Water Resources Officer/Deputy General Manager
Melissa Zoba, MBA, MPA – Chief Information Officer

Kristeen Farlow, MPA – External Affairs Manager
Anthony Flordelis – Systems Analyst
Matthew E. Howard, MS – Water Resources Senior Project Manager
Jose Macedo, ML, CPT-P (USA Retired) – Clerk of the Board/Assistant to the CEO
Adekunle Ojo, MPA – Manager of Water Resources
Shavonne Turner, MPA – Water Conservation Program Manager

Members of the Public Present:

Darcy Austin, State Water Contractors
David Raley, San Bernardino Valley Water Conservation District
Melody McDonald, San Bernardino Valley Water Conservation District
Elizabeth Touns, Jewish Vocational Services

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.

2. Public Comment

Chair Longville invited public comment.

Chair Longville reported that she attended a meeting of the San Bernardino Valley Water Conservation District and was impressed with the meeting.

3. Summary of Previous Meeting

The meeting notes from the February 11, 2021, Board of Directors Workshop – Policy were accepted with no changes noted.

4.1 Overview of State Water Contractors Science Program

Chief Water Resources Officer/Deputy General Manager Bob Tincher shared a chart of all regulations placed on State Water Project and Central Valley Project deliveries through the Delta. All restrictions are based on scientific hypotheses, but to date, none of these restrictions have helped the fish populations, he explained.

The State Water Contractors (SWC) invest \$2 million annually into a science program committed to trying to figure out the challenges, and to make an improvement. As a member of the SWC, the Valley District Board helps fund these efforts, Tincher noted. He introduced Darcy Austin of the SWC.

Ms. Austin explained her background, described the organization, and gave a brief overview of the scientific process. She detailed the complexity in the Delta and emphasized species declines. The State Water Project (SWP) is required to provide water to offset the impacts of pumping, she explained. She noted additional drivers of change in the Delta such as contaminants, changes in the landscape, lack of food, lack of sediment, and invasive species in addition to the major stressor of climate change, she stated.

The SWC Science Program is trying to evaluate and reduce uncertainties, Austin continued. She explained the Department of Water Resources, Bureau of Reclamation, California Department of Fish and Wildlife, the state and federal water projects, State Water Resources Control Board, and the federal fish agencies all have varied opinions. Austin noted, it is important for all to work together to reduce uncertainties and find balance between water supply and the ecosystem.

Ms. Austin indicated that the SWC is more nimble than other entities, including with funding. The organization is collaborative and focused on answering management questions, she added. She explained the elements of a science program and said a vision, a mission, science objectives, and management questions work together as a Science Plan to get information into the community and into the hands of decision makers.

Ms. Austin reviewed the short term (first year), and the mid-term goals of the program.

In response to Director Hayes, Ms. Austin explained that the peer-reviewed publications are in “science-speak,” as the findings must be documented in that format, but part of the communications strategy is translation of the findings for policy and decision-makers. Director Longville pointed out that oftentimes, scientific abstracts are written for laypersons’ understanding. Part of the communications strategy is inclusion of the relevance of the study, Austin noted.

Since 2018, the SWC has been doing well but has a way to go, Austin explained. She shared milestones of the effort, and emphasized metrics of success to be defined with input of member agencies’ technical staff and policy advisors. An additional goal is collaboration and partnership for science, she stated.

Ms. Austin provided detail on the SWC science objectives and described its efforts. She responded to questions regarding scientific techniques and controls from Director Hayes. Director Longville asked about the organization’s interfacing with the Delta Conveyance Project independent science panel. Ms. Austin replied that currently she is not doing so, but studies are beginning to factor in to the Delta Conveyance and said she believes that there will be communication in the future. She explained a “firewall” that insulates her from regulatory, advocacy or legal interests; staying on the side of science to assure objectivity and no perception of bias in the science program.

Ms. Austin shared examples of the management questions, which are the key to focusing funding and efforts. Director Botello asked about projects in progress and the procurement process. Ms. Austin answered that there are currently approximately 40 projects being funded and managed and advised that a solicitation process is in development. Director Botello suggested inclusion of a final report and executive summary.

Chair Longville pointed out that the SWC have been motivated to do more science since the height of Delta pumping and problems of entrainment becoming visible. Ms. Austin noted that she was with Cal FED during the era of “combat science” which was when the SWC began to invest more, and the science program became legitimate and unbiased.

Ms. Austin pointed out the SWC rating sheet for funding priorities and noted that priorities of member agencies would usually be addressed. She shared the SWC Fiscal Year 2019-2020 Annual Report and the funding breakdown which showed a focus on collaborative science but also reflected the organization's early priorities. It will change as the Science Program evolves, she noted.

In response to Director Longville, Ms. Austin detailed the Management Tools, explaining examples.

Some early findings include results of entrainment studies, understanding of habitat and ecology and impacts from the SWP, and identification of non-operational stressors such as chemical contaminants in the water, Ms. Austin stated. She noted collaborative funding efforts and listed some goals of the program moving forward.

Director Harrison noted there are varying opinions about the problem in the Delta that do not come from scientific backgrounds and need to be addressed moving forward with the Sites Reservoir and the Delta Conveyance. Director Longville noted the contribution of \$2 million from the SWC to its science program and said it seems the District is getting good value.

Action Item(s): Receive and file.

5.1 Discuss State Legislative Update

Manager of External Affairs Kristeen Farlow reminded the Board about the presentation from Innovative Federal Strategies. She reported that there were 1,560 Assembly bills and 808 Senate bills introduced by the due date last month and noted that due to COVID-19, the Senate waived the rule requiring bills to be in print for 30 days prior to any amendment or assignment to a committee. Director Longville pointed out that many of these bills were pulled back last year.

Ms. Farlow noted there are many SPOT bills, which are placeholders awaiting future language.

Ms. Farlow briefed the Board on the following bills of interest:

- **AB 377:** the California Clean Water Act. There are concerns that this could jeopardize the use of offsets and other alternatives for compliance in the Santa Ana region. The West Valley Water District has expressed interest in a coalition letter of opposition should Valley District choose to oppose the bill. Director Harrison advised that the California Special Districts Association (CSDA) will also request opposition.

- AB 1434: Urban Water Use Objectives would amend the state Water Code and reduce indoor residential water use over from the current 55 gallons per day (gpd) to 40 gpd in 2030. It would also eliminate requirements to conduct studies and recommend standards. It is also contrary to the indoor water use standards that were carefully negotiated in 2018.
- SB 323: Local Government Water or Sewer Service would provide protections to public agency water and sewer rates, giving water providers more financial certainty by setting time limits for lawsuits that challenge rates and charges, and ensure compliance with Prop. 218. The Association of California Water Agencies (ACWA) has authored a letter in support.
- AB 1500: Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022. This would authorize bonds in the amount of \$6.7 billion to finance projects.
- SB 45: Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2002. This would authorize bonds in the amount of \$5.5 billion to finance projects. The SWC have suggested amendments.
- SB 369: Yolo Bypass Partnership
- SB 564: Biodiversity Protection and Restoration Act. SPOT bill expected to be similar to the 30 x 2030 proposal from the Governor last year.
- SB 222: Water Affordability Assistance Program would potentially impact retailers. The State Board would be required to create a water and wastewater affordability program for low-income customers and those experiencing hardship.
- SB 223: Discontinuation of Residential Water Service would require water agencies to forgive the entire balance of a customer's unpaid water debt if the customer enters an arrearage payment plan. It would also rewrite restrictions on discontinuation of service that were put in place in 2018.
- Both above bills have potential Prop. 218 implications.
- AB 703: Open Meetings / Teleconferences would remove the requirements of the Brown Act specific to teleconferencing and allow public agencies post-pandemic to hold meetings via teleconference without the need to publicly post the listening location and allow the public access to the location.
- AB 361: Would allow agencies to continue to operate and conduct business during formally declared local or state emergencies. This is how agencies are operating now, and this would get the law on the books.
- SB 456: Climate Resiliency SPOT bill

- SB 463: Water SPOT bill
- SB 559: State Water Resilience Act of 2021. This bill originally pertained to the Friant-Kern Canal but has been expanded to include maintenance of the SWP California aqueduct. It is to repair and restore infrastructure and would establish up to \$785 million for a ten-year Canal restoration fund. The Gualco Group has reached out to determine if local agencies would be willing to encourage local legislators to sign on to be part of the legislation.

Director Longville said she believes the individual voice of the District is stronger when the agency does not jump on board with all requests. She suggested that between ACWA, SAWPA, CSDA, and the SWC that the issues of concern to Valley District are those of common interest and recommended allowing the official feedback to come from those institutions.

Director Hayes said that it appears SAWPA will oppose and believes a collaborative effort may be stronger. She said she would like to see Valley District take a position on AB 377.

Director Botello concurred with Director Longville about dilution of influence and recommended being strategic and allowing the organizations to take the lead, taking a closer look as the bills emerge from committees.

Director Harrison indicated that the CSDA Legislative Committee is taking a position that they would like as many individual districts to sign on in opposition to AB 377 as possible because they feel it makes their position stronger. It is an onerous bill and can cause a lot of problems for a lot of water projects including some of Valley District's, he advised. This is an important one, he said, and said it is appropriate to take a position of opposition.

General Manager Heather Dyer clarified the direction of the Board to be that the District would wait, watch, and be in communication with other agencies. If something should arise it will come back to the Board for direction regarding a letter.

Action Item(s): Receive and file.

5.2 Discuss Opportunity to Become a Charter Member of the Inland Empire Water Wastewater Apprenticeship Pathways Collaborative

Manager of External Affairs Kristeen Farlow briefed the Board on the issue of workforce challenges. She explained the BAYWORK program which is a consortium of 40 water and wastewater utilities which work together to assure a reliable workforce for the future.

Farlow advised that the West Valley Water District (WVWD) received a \$1.1 million grant to work with BAYWORK and Jewish Vocational Services (JVS) to re-create the program in the inland empire, Farlow explained. Local water and wastewater agencies are being sought to participate in the Inland Empire Water Wastewater Apprenticeship Pathways Collaborative (IEWorks) program development and implementation, which is seeking to increase the number of qualified candidates in Riverside and San Bernardino Counties to fill future job vacancies.

Education partners are also being sought, Farlow noted. The program will offer apprenticeships, internships, high school programs and career awareness opportunities, she noted. Ms. Elizabeth Toups of JVS provided detail on apprenticeships and operator-in-training positions. To fuel the pipeline of applicants, she continued, pre-apprenticeship programs will be developed, focused on under-represented groups.

Farlow explained opportunities for involvement and stressed the need for apprenticeship programs, and for hosting apprentices and interns paid through the WVWD grant. The potential fiscal impact to Valley District would be \$765 per year to be a charter member of IEWorks.

Ms. Toups added that the funding from the U.S. Department of Education through the state Workforce Development Board will also provide a full-time staff that will serve as liaison between the water agencies, colleges, and community.

Ms. Farlow pointed out the sample charter article for Board consideration.

Director Botello reminded the Board of his background in workforce and said he had met with Ms. Farlow on this item and reached out to the City of San Bernardino Municipal Water Department. He pointed out that the \$1.1 million is a one-time grant and spoke about sustainability of the program and the insufficiency of one staff member. He indicated support and requested a meeting with JVS to discuss BAYWORK program details.

In response to Director Harrison, Ms. Toups gave background on JVS and explained that the water industry focus came about from working with the San Francisco Public Utilities Commission on high school programs and regional collaboration. Harrison posited that this

effort is sorely needed and noted that Valley District is in a position of leadership and should be involved.

President Kielhold indicated support and asked about outreach to retailers. Ms. Toups said the goal is to get six or eight agencies to sign the charter within 60 to 90 days. They are working closely with grant partner WVWD, she said, and noted that other agencies participated in the launch event on March 1. The goal is to build a consortium of a strong, geographically diverse array of agencies, she said. Ms. Dyer added that communication among agencies has been progressing organically.

Vice President Hayes referenced the STEM program started by Veolia in Rialto as an indicator of interest. She acknowledged the need for the program, voiced concern about assuring it is a true regional program and suggested setting a budget to sustain the program.

Director Botello added that the District is not in the business of, and does not fund vocational training programs, but agreed that the District should be part of the consortium. He noted that the retailers look at Valley District for leadership and said due diligence must be done for the Board approve it. There is funding available for such things and creative partnerships are needed, he said. Ms. Toups indicated that it will be critical for the industry consortium, IEWorks, to continue focusing on the function of the agencies to provide drinking water or wastewater services and to partner with an inland empire group similar to JVS that can be the workforce training experts, such as community colleges.

Director Longville pointed out the relationship to the District's objectives and asked whether the partnership would give tangible value. She asked about staff's recommendation and Ms. Dyer clarified that it is recommended to become a charter member.

Action Item(s): The Board directed staff to move forward with charter membership in the Inland Empire Water Wastewater Apprenticeship Pathways Collaborative (IEWorks).

5.3 Discuss Update on Purchase of Reusable Grocery Bags

Water Conservation Program Manager Shavonne Turner reminded the Board that a bag design was presented in December and the Board provided feedback. Staff has refined the design and messaging on the bag, she advised. The new design goals include elements to promote education, efficiency, tips, resources, new branding, and ways to access more information. The idea is to be a constant reminder for additional ways to save on outdoor water use, she said, and presented the new design.

The directors indicated support and directed staff to move forward.

Action Item(s): Move forward with the production and distribution of the bags under the signing authority of the General Manager.

6. Future Business

Additional information regarding the participation of East Valley Water District on involvement in the IEWorks program.

7. Adjournment

Staff Recommendation

Receive and file.



DATE: April 6, 2021

TO: Board of Directors

SUBJECT: List of Announcements

- A. April 6, 2021, 8:30 a.m. – SAWPA PA 23 Meeting
- B. April 6, 2021, 9:30 a.m. – SAWPA Commission Meeting
- C. April 6, 2021, 10:00 a.m. – SAWPA PA 24 Meeting
- D. April 6, 2021, 2 p.m. – Regular Board Meeting by Teleconference
- E. April 8, 2021, 2 p.m. – Board Workshop – Policy by Teleconference
- F. April 8, 2021, 6:30 p.m. – Advisory Commission Meeting by Teleconference
- G. April 13, 2021, 8:30 a.m. – SAWPA PA 22 Meeting
- H. April 13, 2021, 2 p.m. – Board Workshop – Engineering by Teleconference
- I. April 14, 2021, 1:30 p.m. – San Bernardino Valley Water Conservation District Board Meeting
- J. April 15, 2021, 2 p.m. – Special Board Workshop – Valley District Demand Management Program
- K. April 20, 2021, 9:30 a.m. – SAWPA Commission Meeting
- L. April 20, 2021, 2 p.m. – Regular Board Meeting by Teleconference
- M. April 28, 2021, 1:30 p.m. – San Bernardino Valley Water Conservation District Board Meeting
- N. May 4, 2021, 9:30 a.m. – SAWPA Commission Meeting
- O. May 4, 2021, 10:00 a.m. – SAWPA PA 24 Meeting
- P. May 4, 2021, 2 p.m. – Regular Board Meeting by Teleconference
- Q. May 6, 2021, 2 p.m. – Board Workshop – Resources by Teleconference