



BIGHORN-DESERT VIEW WATER AGENCY

Our Mission - "To provide a high quality supply of water and reliable service to all customers at a fair and reasonable rate."

Planning/Legislative/Engineering Grant & Security Standing Committee SPECIAL Meeting Agenda

Committee Members: President Burkhart & Director Close-Dees

BOARD MEETING OFFICE
1720 N. CHEROKEE TR.
LANDERS, CALIFORNIA 92285

October 21, 2021
Time – 9:15 A.M.

PUBLIC WISHING TO PARTICIPATE REMOTELY
****TELECONFERENCE LINE THRU ZOOM 669-900-6833****
OR
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<https://us02web.zoom.us/j/85092801369?pwd=MGdPLzJGQjB0alF0SURta244MDNidz09>

Passcode: 662861

Or Dial:

1-669-900-6833

Webinar ID: 850 9280 1369

Passcode: 662861

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF AGENDA

Discussion and Action Items - The Committee will discuss the following items, and the Committee will consider taking action, if so inclined. The Public is invited to comment on any item on the agenda during discussion of that item. When giving your public comment, please have your information prepared. If you wish to be identified for the record, then please state your name. Due to time constraints, each member of the public will be allotted three minutes to provide their public comment.

1. Review Conference Call with Mojave Water Agency's Legal/Legislative and Public Information Committee Held October 19, 2021 (Audio Recording)

Committee to participate via teleconference for an update by the State Advocate of Issues at the State Level, as well as an update by the Federal Advocate of Issues at the Federal Level.

- 2. Community Water Systems Alliance Update**
- 3. Review Fiscal Year 2020/21 Ames-Reche Annual Report**
- 4. Status Update Proposition 1 Planning Grant**
- 5. Status Update Goat Mountain Replacement Well, Destruction of GM Well 2 and Up to Three Additional Borings/Monitoring Wells**
- 6. Review New Guidelines for Remote Attendance of Directors at Future Board Meetings**
- 7. Consent Items** – The following items are expected to be routine and non-controversial and will be acted on by the Committee at one time without discussion, unless a member of the Public or member of the Committee requests that the item be held for discussion or further action.
 - a. PLEGS Committee Meeting Minutes, **August 17, 2021**

Recommended Action:

Approve as presented (Item a):

8. Public Comment Period

Any person may address the Committee on any matter within the Agency's jurisdiction on items not appearing on this agenda. When giving your public comment, please have your information prepared. If you wish to be identified for the record, then please state your name. Due to time constraints, each member of the public will be allotted three minutes to provide their public comment. State Law prohibits the Committee from discussing or taking action on items not included on the agenda.

9. Verbal Reports - Including Reports on Courses/Conferences/Meetings

1. Committee Members' Comments/Reports
2. General Manager's Report

10. Adjournment

In accordance with the requirements of California Government Code Section 54954.2, this agenda has been posted in the main lobby of the Bighorn-Desert View Water Agency, 622 S. Jemez Trail, Yucca Valley, CA not less than 72 hours if prior to a Regular meeting, date and time above; or in accordance with California Government Code Section 54956 this agenda has been posted not less than 24 hours if prior to a Special meeting, date and time above.

As a general rule, agenda reports or other written documentation have been prepared or organized with respect to each item of business listed on the agenda.

Copies of these materials and other disclosable public records in connection with an open session agenda item, are also on file with and available for inspection at the Office of the Agency Secretary, 622 S. Jemez Trail, Yucca Valley, California, during regular business hours, 8:00 A.M. to 4:30 P.M., Monday through Friday. If such writings are distributed to members of the Board of Directors on the day of a Board meeting, the writings will be available at the entrance to the Board of Directors meeting room at the Bighorn-Desert View Water Agency.

Internet: Once uploaded, agenda materials can also be viewed at www.bdvwa.org

Public Comments: You may wish to submit your comments in writing to assure that you are able to express yourself adequately. Per Government Code Section 54954.2, any person with a disability who requires a modification or accommodation, including auxiliary aids or services, in order to participate in the meeting, should contact the Board's Secretary at 760-364-2315 during Agency business hours.

Item # 1

Review Conference Call with Mojave Water
Agency's Legal/Legislative and Public
Information Committee Held October 19, 2021
(Audio Recording)

Attachments from MWA Agenda Packet



LEGAL, LEGISLATIVE,
AND PUBLIC INFORMATION
COMMITTEE MEETING

AGENDA

Mojave Water Agency
Board Room
13846 Conference Center Drive
Apple Valley, CA 92307

October 19, 2021
9:30 a.m.

REMOTE ACCESS ONLY - See Attached Instructions

**Pursuant to the provisions of Assembly Bill 361, and in response to the COVID-19 outbreak and as a precaution to our Board of Directors, Agency staff, and the public, this meeting will be held via teleconference. The physical attendance of the public is not allowed. The public may participate in the meeting by following the attached teleconferencing instructions*

NO ACTION WILL BE TAKEN – STUDY SESSION ONLY

1. Roll Call
2. Approve Agenda
3. Approve Meeting Summary from the Legal, Legislative, and Public Information Committee Meeting of September 21, 2021
4. Update by State Advocate of Issues at the State Level (teleconference)
5. Update by Federal Advocate of Issues at the Federal Level (teleconference)
6. Public Information Update
7. Public Participation
8. General Manager's Report
9. Comments/Discussion Items for Next or Future Agendas
10. Adjournment

Pursuant to Government Code Section 54954.2(a), any request for a disability-related modification or accommodation, including auxiliary aids or services, that is sought in order to participate in the above-agendized public meeting, should be directed to the Agency's General Manager's office at (760) 946-7000 at least 24 hours prior to said meeting.

A complete agenda packet is available through the Agency's website at: www.mojavewater.org.



LEGAL, LEGISLATIVE, AND PUBLIC INFORMATION COMMITTEE MEETING

APPROVED MEETING SUMMARY September 21, 2021

REMOTE PUBLIC ACCESS AVAILABLE

**Please note that all requirements of the Brown Act requiring the physical presence of the Board or staff have been waived per Executive order N-29-20 and any amendments or modifications thereto.*

- CALL TO ORDER:** Chairperson Rick Roelle called the meeting to order at 9:30 a.m.
- PRESENT:** Chairperson Rick Roelle, Director Jeanette Hayhurst and Director Ken Anderson
- ABSENT:** None
- STAFF:** Director of Community Outreach and Cultural Relations Yvonne Cox, Senior Legislative and Conservation Manager Nicholas Schneider, and Administrative Assistant Arlynn Caasi
- CONSULTANTS:** State Advocates Carolyn Jensen and Ed Manning, KP Public Affairs; and Federal Advocates Letitia White, Drew Tatum, Jean Denton and Sarah Persichetti, Innovative Federal Strategies LLC joined by tele-conference
- VISITORS:** 1 person was in attendance and 10 people virtually participated in this meeting

1. **ROLL CALL**
All members of the Committee were present.
2. **APPROVAL OF AGENDA**
The Committee approved the agenda as presented.
3. **APPROVE MEETING SUMMARY FROM THE LEGAL, LEGISLATIVE, AND PUBLIC INFORMATION COMMITTEE MEETING OF August 17, 2021**
The Committee approved the meeting summary as presented.
4. **UPDATE BY STATE ADVOCATE KP PUBLIC AFFAIRS OF ISSUES AT THE FEDERAL LEVEL**
Carolyn Jensen provided information on the legislative calendar and bill updates. Ed Manning provided updates on the state budget.
5. **UPDATE BY FEDERAL ADVOCATE INNOVATIVE FEDERAL STRATEGIES LLC OF ISSUES AT THE FEDERAL LEVEL**

Letitia White provided updates on the House budget and bills. Drew Tatum provided updates on the infrastructure bills.

Questions from the Committee were addressed.

6. **PUBLIC INFORMATION UPDATE**

Yvonne Cox provided updates on this item in a PowerPoint presentation. Two videos were shown. The first video was on the reveal of the Problem Solvers “problem” and second on the Innovative High Desert Water Summit promo video featuring our 2021 summer intern Elle Lavichant.

7. **LOCAL LEGISLATIVE AND REGULATORY ACTIVITIES REPORT**

Nicholas Schneider provided updates on this item in a PowerPoint presentation.

8. **GENERAL MANAGER’S REPORT**

None.

9. **PUBLIC PARTICIPATION**

None.

10. **COMMENTS/DISCUSSION ITEMS FOR NEXT OR FUTURE AGENDAS**

None.

11. **ADJOURNMENT**

Chairperson Roelle adjourned the meeting at 10:36 a.m.

Submitted by: _____
Arlynn Caasi
Administrative Assistant

Attachments on-file:

Item No. 6 – PowerPoint Presentation: Monthly Activity Report

Item No. 7 – PowerPoint Presentation: Local Legislative and Regulatory Report

Sign-in sheet



TO: Legal, Legislative and Public Information Committee
FROM: Ed Manning and Carolyn Jensen
RE: KP Public Affairs Agenda
DATE: October 12, 2021

1. Legislative Calendar:

- October 10th - Last day for the Governor to sign or veto bills
- January 3rd - Legislature reconvenes

2. Legislative Update (Bill list attached):

- AB 1138 (Rubio) Unlawful Cannabis Activity: Civil Enforcement
 - Signed by the Governor
- SB 626 (Dodd) DWR: Procurement Methods
 - Signed by the Governor

3. 2021 Legislative Session in Numbers:

- 2,421 Bills Introduced - 828 Senate Bills and 1,593 Assembly Bills
- 770 Bills Signed by the Governor - 292 Senate Bills and 478 Assembly Bills
- 66 Bills Vetoed by the Governor - 21 Senate Bills and 45 Assembly Bills

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Comprehensive Government Relations

MEMORANDUM

To: Mojave Legal, Legislative, and Public Information Committee

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

Date: October 1, 2021

Re: September Monthly Legislative Update

Congress Passes Continuing Resolution to Keep Government Open

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

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

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

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

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

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

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

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

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

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

House Votes on Debt Limit

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

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

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

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

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

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

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

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

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

Congress Debates Infrastructure, Reconciliation as Disagreements Remain

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The plan outlines several rules the agency will propose.

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

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

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

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

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

Interior Announces BLM Headquarters Move Back to DC

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Many Republicans, meanwhile, blasted the decision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reconciliation Package Highlights

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

Below are highlights of the approved measures.

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

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

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

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

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

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

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

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

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

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

The measure would also:

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

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

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

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

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

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

Child Care: The measure would provide:

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

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

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

Education and Labor (Target: \$779.5 billion)

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

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

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

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

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

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

Labor: The measure would provide:

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

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

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

Energy and Commerce (Target \$486.5 billion)

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

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

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

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

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

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

Other Health Programs: The measure would provide:

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

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

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

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

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

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

Communications: The measure would provide:

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

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

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

Financial Services (Target: \$339 billion)

Housing: The measure would provide:

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

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

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

Judiciary (Target: \$107.5 billion)

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

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

Other Programs: The measure also would provide:

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

Agriculture (Target: \$89.1 billion)

The measure would provide:

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

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

Transportation and Infrastructure (Target: \$60 billion)

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

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

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

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

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

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

Natural Resources (Target: \$25.6 billion)

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

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

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

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

Veterans' Affairs (Target: \$18.0 billion)

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

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

Small Business (Target: \$17.5 billion)

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

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

Oversight and Reform (Target: \$7.5 billion)

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

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

Item # 2

Community Water
Systems Alliance Update



Joint Meeting

Steering Committee
and
Policy Committee

September 8, 2021
8:00 am

Zoom Meeting

<https://us06web.zoom.us/j/96929922266?pwd=eTF2WVVo4SVQwSmpiTy8xVXloNit4UT09>

Meeting ID: 969 2992 2266

Passcode: 585511

Joint Steering and Policy Committee Meeting

September 8, 2021

8:00 – 9:30 am



Zoom Meeting https://us06web.zoom.us/j/96929922266?pwd=eTF2WVo4SVQwSmpiTy8xVXI0Nit4UT09 Meeting ID: 969 2992 2266 Passcode: 585511
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AGENDA

1.	Call to order	Pg.	Marina / Dan
2.	Roll call		Tim
3.	Changes or additions to the agenda		Marina / Dan
4.	Approval of minutes of August 11, 2021 meeting	2	Marina / Dan
5.	Policy Committee Business		Marina
	a) Comments on draft Public Health Goals for PFOA and PFOS	6	
	b) Update on cannabis campaign		
	i. White Paper for Senator Grove	8	
	ii. Meeting with Sean Maguire and Yvonne West (SWRCB)		
	c) Legislative report	17	
	d) Oral report on Hwy 62-247 Initiative project funding		
	e) Oral report on MWD Underserved Communities Caucus and Local Empowerment Initiative		
6.	Steering Committee Business		Dan
	a) Membership Report		
	b) Approve Demands	30	
	c) Receive and File Financial Report	31	
7.	Meeting schedule		
8.	Other business		

Remember to mark your calendar to attend the CalMutuals (+ CWSA) Annual Meeting

- **October 18-19, 2021**
- **Pechanga Resort and Casino, Temecula, CA**



MINUTES

Joint meeting of CWSA Steering Committee and Policy Committee, August 11, 2021.

Call to Order

Marina West called the meeting to order at 8:02 am. -

Roll Call

Committee Members Present

Ray Kolisz, Twentynine Palms Water District, Steering Com. Co-chair
Marina West, Bighorn-Desert View Water Agency, Policy Com. Chair
Victoria Llort, Coachella Valley Water District
Jackie McCloud, City of Watsonville
Castulo Estrada, Coachella Valley Water District
David Pedersen, Las Virgenes Municipal Water District
Jim Byerrum, CalMutuals
Nicholas Schneider, Mojave Water Agency
Matt Shragge, Twentynine Palms Water District
Alex Rojas, Central Basin Municipal Water District
Stacy Taylor, Mesa Water District

Staff and Others Present

Tim Worley, CWSA Managing Director
Adán Ortega, CalMutuals Exec. Director
Logan Largent, OSG Public Affairs Associate
Madeline Chen, OSG Public Affairs Associate
Susan Allen, Admin. and Org. Devel. Director
Jesús Silva, Regional Issues and Policy Director
Jim Ciampa, Lagerlof, LLP

Changes or Additions to the Agenda

A discussion of the CalMutuals annual meeting was added to the agenda under “other business.”

Approval of Minutes of July 14 Meeting

The minutes of the July 14, 2021 meeting were accepted by unanimous consent after noting that there was a misspelling of Kimberly Cox’s name.

Policy Committee Business

Cannabis Campaign.

- a. Policy Committee Vice Chair West provided a brief update on the cannabis effort, reporting that SB 427 (Eggman) passed, which may be of assistance on this issue. She added that San Bernardino County has passed an emergency ordinance to empower them to fine landowners for overuse or misuse of water. Managing Director Worley reported that a lot of the current focus has been on communications and outreach, and CWSA has heard an interest from the water community. There is

a need for a common direction for proposing legislation. Nicholas Schneider added, as a member of the ACWA State Legislative Committee, that they are working to find additional support.

- b. *Consider Call for Special Legislative Session:* Worley asked the committee about how to approach the idea of a special session and what it may look like. West said she understands that Senator Grove would be our ally in writing a bill. Schneider suggested that CWSA reach out to the Dept. of Fish and Wildlife, as well as local legislators Smith, Wilk, and Grove. Schneider believes that ACWA would support a legislative approach based on water theft, but not on felony reform. Worley echoed Schneider's thoughts on felony reform from the perspective of CA-NV AWWA and stated that there are three perspectives where CWSA should retain their focus: water quality, well monitoring, and water meters.
- c. *Meeting with Water Board Member Sean McGuire:* Worley reported that he is setting up a meeting with State Water Board Member Sean McGuire, and he had expressed concern but uncertainty about what the Water Board could do on the cannabis issue.
- d. *Coalition letter to Agency Heads:* Worley reported that CWSA has been circulating a coalition letter which will be sent to the head of the EPA, as well as the head of the Department of Food and Agriculture as well as other notable leaders. Worley also noted that CWSA has submitted an article to The Desert Report in hopes of driving more support from environmentalists and mentioned the need to broaden the coalition of support. To be successful the initiative needs support from a broad range of agencies; not just the water industry.

Highway 62-247 Meeting Report. CWSA held the first meeting of its regional initiative to bring together water purveyors of the Highway 62 and 247 corridor, to highlight their needs and raise awareness of their common problems. Those issues include illegal cannabis cultivation, drought and conservation messaging, and the potential for project funding aimed at regional water resilience.

Legislative Update. Worley provided a brief overview of pieces of legislation on which the committee has taken positions. Due to the current environment, many of the bills that CWSA has been monitoring are now two-year bills. The current exception is SB 222 (Dodd).

SB 222 (Dodd): Tim Worley informed the group that ACWA staff is recommending to drop their opposition and transition to a 'watch' position. With the amendments made to the bill, it deserves reconsideration. Schneider explained that it has received six amendments but still does not have a funding source. However, they have stated that a water tax will not be pursued, which was a large concern for much of the industry. Ortega reported that he had been meeting with San Fernando city officials since the last meeting and that San Fernando is considering an assessment for turf that is installed in nonproductive areas, as they would like to allocate the water needed for such irrigation towards water resiliency efforts. Ortega noted its similarity to AB 401 (Dodd) from 2015 and Schneider confirmed that it is essentially a remake of that previous legislation. Worley noted that it is likely to pass, and looked to the group for feedback on whether CWSA should alter its position. The committee concluded that unless CWSA is going to actively work to oppose the bill, the best course of action is to modify the group's position to 'watch', as ACWA has. After discussion about developing CWSA's own proposal for a funding source, the committee added that CWSA will discuss Ortega's ideas about working with the Nature Conservancy and others at a future meeting. The committee decision, approved by consensus, was to draft a letter to the bill's author with a notice that we are dropping our opposition and switching to a watch position, but that we still have questions and/or suggestions about the bill.

Meetings with local leaders: Ortega reported that previously CWSA staff had been meeting with local leaders regarding our legislative efforts for bills such as AB588 that CWSA has been supporting, which

would allow for compliance periods to allow water systems a timeframe to develop treatment systems, and we are now seeing hexavalent chromium and PFAS standards for which we will need to advocate. In January the legislature will be able to act on AB588, and CWSA will need to prepare to be part of the process. An MCL for hexavalent chromium was expected by this summer, and CWSA would then want AB 588 to be enacted as an urgency measure, but the regulation has been delayed. Outreach to our regional members is being conducted with new assistance from Fullerton Councilmember Silva, to mobilize local representatives on key issues. Ortega reported that OCWD covers 17 disadvantaged communities, and we will be putting together a network of such systems to enhance our advocacy. After these initial meetings, CWSA will need assistance from its member agencies in providing comments on the SWRCB's MCL proceedings and any other related hearings.

Bill Roster: Worley reported that there are no changes to the bill roster at this time.

PFAS Public Health Goals: Ortega reported on the recent release of OEHHA's Public Health Goal for PFOS and PFOA. He noted that OEHHA only looks at scientific public health data, so we must point out the importance of economic and technological feasibility. CalMutuals will be submitting a comment letter. Ortega stressed that the response levels have the effect of enforceable standards due to recent PFAS legislation, putting agencies in a hard position. Finally, he noted that a comment letter can serve as a placeholder in the event that one of our agencies wants to litigate a responsible party. The policy committee agreed to draft a comment letter by unanimous decision.

Operator Training Update

Regional Effort with IEWorks: Worley updated the group with more information about Inland Empire Works (IEWorks). The team at IEWorks is currently recruiting local agencies, with plans to provide subsidized internships for water systems and education for students to build a competent workforce. There are slightly different approaches to the operator training issue that the group could take, if interested. For example, Alex Rojas with Central Basin is considering using CBMWD's contract operator to share their manpower with other local agencies. CWSA will participate in an introductory meeting on August 12.

Steering Committee Business Annual Meeting: Allen reported on the upcoming annual meeting, scheduled for October in Temecula. CWSA member agencies are invited to join, especially for the second day of the meeting, where there will be a focus on large systems helping small systems. Allen also mentioned an upcoming workshop to be held by SWRCB on August 19th regarding arrearages. CWSA staff will attend and distribute the information from this meeting.

She relayed information from DDW Deputy Director Darrin Polhemus that electronic annual report (EAR) information will be used in calculating arrearages, stressing the importance of submitting their information. She reported that one-time disbursements will begin in October, and funds may be subject to state and federal taxes. Disbursements of \$600 or more could require issuance of a 1099 tax form. Members contemplated making multiple payments just below \$600, but it would be the cumulative amount. Allen recounted Polhemus' explanation that systems may begin issuing shut off notices September 1, but it would have to be restarted after receiving arrearages funding, so it is recommended to wait for the SB 998 process. Schneider will reach out to federal advocates with contacts at the IRS for further clarification.

- a. *Demand sheet.* Allen reported on CWSA's demand sheet. This month the demand sheet is \$10,585 with \$585 for Lagerlof and \$10,000 for OSG. The demand sheet was moved by Stacy Taylor, seconded by Jackie McCloud and approved.
- b. *Financial Statement.* Allen also reported that in July there was \$22,750 in income, including \$7,500 from an anchor sponsor and new members. We are anticipating expenses of \$432 to renew software licenses. CWSA is expecting to end the year with \$30,581, or more as new members are still

expected to join. The financial report was received and filed with unanimous approval.

- c. *Membership Report.* Staff reported that the CalMutuals annual meeting will be held on October 18-19 at Pechanga Resort and Casino. October 19th will feature a session focusing on large systems helping smaller systems and we would like to have members of the CWSA committees to participate on a panel to showcase actions we have been taking. Other water industry leaders and legislators will be invited to attend. Allen noted that we have set aside rooms for anyone who would like to attend both days. Ferons asked for cooperation from large agencies at the meeting.

Other Business

No other business was brought before the Committees; and the next meeting will be held on September 8th.

Meeting Adjournment

The meeting was adjourned at 9:15.



September 8, 2021

Lauren Zeise, PhD
Director
Office of Environmental Health Hazard Assessment
1001 I Street
Sacramento, CA 95814
Submitted by e-mail: PHG.Program@oehha.ca.gov

Re: Proposed PHGs for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS)

Dear Dr. Zeise:

The Community Water Systems Alliance (CWSA) appreciates the opportunity to submit these comments on the proposed Public Health Goals (PHGs) for perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS). CWSA represents municipal utilities, special districts and mutual water companies that serve disadvantaged communities as well as regional water systems that help them. We work in the interest of safe drinking water and viable water systems for public health and sustainable communities.

Our first comment concerns the drinking water regulatory process followed in California and the paradoxically negative public health consequences that flow from state agencies functioning in silos. In theory, a regulatory process should follow a pure, scientifically sound procedure with abundant, peer-reviewed and universally accepted data, resulting in a clear message that is understood and trusted by the regulated community and the public. This outcome is not achieved in California, but instead the process confuses the public, undermines confidence in the drinking water supply, and imposes an impossible burden on communities least capable of meeting the regulations. Public Health Goals, or how they are misused and mischaracterized, are partially to blame for this. The PHGs for these two PFAS will perpetuate this cycle.

The preface to the First Public Review Draft describes the relationship of PHGs to the rest of the regulatory process.

PHGs published by OEHHA are for use by the State Water Resources Control Board (SWRCB) in establishing primary drinking water standards (California Maximum Contaminant Levels, or CA MCLs). Whereas PHGs are to be based solely on scientific and public health considerations without regard to economic cost considerations, MCLs adopted by SWRCB consider economic factors and

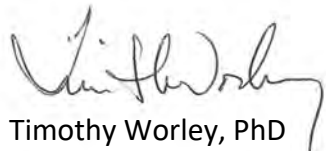
technological feasibility. State law requires that MCLs be set at a level that is as close as feasible to the corresponding PHG, placing emphasis on the protection of public health. PHGs established by OEHHA are not regulatory and represent only non-mandatory goals.

PHGs “represent only non-mandatory goals,” and “provide estimates of the levels of contaminants in drinking water that would pose no significant health risk to individuals consuming the water on a daily basis over a lifetime” (PHG Draft, p. 2). CWSA wants the best available science to be used as the basis for regulating drinking water, yet what is lost in the 630-page document is the fundamental fact of what the PHG represents: a theoretical level at which the substance would pose no significant health risk over a lifetime.

While the Maximum Contaminant Level to be set by the State Water Board takes economic and technological feasibility into consideration, as noted in the PHG First Public Review Draft, water agencies are required to report exceedance of PHGs, and to hold public hearings.¹ This in turn is often misconstrued to raise alarm in an unwitting public, undermining trust in the public drinking water supply.² Low-income populations, typically with lower educational attainment, are most harmed by the loss of trust in the safety of tap water.³

Finally, in the case of PFOA: analytical methods are still developing, they are not widely available, the tests are difficult to perform, and expensive to purchase. We question the relevance and appropriateness of a PHG set at 0.007 parts per trillion, as opposed to zero. Setting a PHG at such an infinitesimal quantity implies that such measurements are routine and widely available, but they are not. OEHHA should justify the decision to set this extremely low, but highly specific PHG level, as opposed to a level of zero. OEHHA should also consider the real-world consequences of setting this numerical level, which is beyond the analytical capability of all but a very few laboratories, and then with uneven reliability as the analytical technique continues to develop.

Sincerely,



Timothy Worley, PhD
Managing Director
Community Water Systems Alliance

¹ https://www.waterboards.ca.gov/drinking_water/certlic/drinkingwater/CCR.html accessed 8/31/21.

² Sydney Evans, David Andrews, Ph.D., Tasha Stoiber, Ph.D., and Olga Naidenko, Ph.D., “PFAS Contamination of Drinking Water Far More Prevalent Than Previously Reported,” <https://www.ewg.org/research/national-pfas-testing/>

³ Leila Family, PhD, MPH, Guili Zheng, PhD, MPH, Maritza Cabezas, DDS, MPH, Jennifer Cloud, MPH, Shelly Hsu, MPH, Elizabeth Rubin, MPH, Lisa V. Smith, MS, DrPH, Tony Kuo, MD, MSHS, “Reasons why low-income people in urban areas do not drink tap water.” <https://doi.org/10.1016/j.adaj.2018.12.005>

August 28, 2021 - White Paper – Illegal Surface Water, Groundwater & Groundwater Under the Influence of Surface Water Diversions for Distribution to Illegal Cannabis Cultivation Sites Along the Mojave River and Threats to Water Quality from Carbofuran Insecticide, Herbicide and Rodenticide Use on All Water Supplies, San Bernardino County, CA

Authors: Kimberly Cox, DPA, Helendale Community Services District and Marina West, PG, Bighorn-Desert View Water Agency, San Bernardino County, CA.

The influx of illegal Cannabis cultivation in San Bernardino County has infiltrated numerous rural, severely disadvantaged communities over the past several years. The expansion of these grows is predicated on the availability of water resources some of which constitute illegal diversions and represent a “least beneficial use” of such critical hi-desert groundwater supplies. San Bernardino County has inventoried over 1,000 sites and regularly serves search warrants to eradicate them. They now report to have “seen an increase in the use of Carbofuran/Qufuran/Furadan, a carbamate pesticide, highest acute toxicities to humans of any insecticide”¹. Additional photographic evidence is provided in Figures 1 through 11 herein.

Local water agencies, private individual and commercial groundwater producers and the community-at-large are extremely concerned about water use and illegal water diversions, water theft and the potential for significant impact to the quality of these water supplies². With the now factual knowledge of carbamate insecticide use at these locations and the haphazard application processed documented to date combined with high percolation potential of dry desert soils, those concerns have only been elevated. The \$500 misdemeanor penalty for this activity is not an adequate deterrent. Significant damage to the environment is directly related to these operations and environmental regulations are routinely violated.

Two specific examples are provided herein: Case No. 1 exemplifying illegal diversions of groundwater under the influence of surface water along the Mojave River, San Bernardino County, CA which threatens surface water quality and Case No. 2 outlining the argument that the pristine quality of local groundwater resources could suffer adverse impacts resulting from chemical use practices observed in the field.

Case No. 1: The Mojave River, San Bernardino County, CA is threatened by both illegal water diversions and the potential for adverse water quality impacts from the use of pesticides, herbicides and rodenticides used at illegal Cannabis cultivation sites (Figures 1 and 2). An excessive amount of water is being pumped out of un-adjudicated wells near the river, impacting adjacent riparian habitat in the Mojave River corridor between National Trails Highway and Helendale, San Bernardino County, CA (Figure 3).

Case No. 2: The proximity of the illegal Cannabis cultivation sites to municipal groundwater extraction wells threatens water quality. Case No. 2 demonstrates that a number of illegal Cannabis cultivation sites are within 1-mile of groundwater production wells. Improper chemical use as well as spilled fuel used for generators pose a threat to water quality that might not be revealed for many years into the future.

*Under the backdrop of Joshua Tree National Park
Illegal Cannabis Activities “pop-up” in rural,
severely disadvantaged neighborhoods disrupting
the environment and exploiting community
groundwater & surface water resources*



Case No. 1 - Information and Direct Evidence Supporting Concerns of Illegal Diversions and Threats to Water Quality Along the Mojave River, San Bernardino County, CA

Figures 1, 2 and 3 are examples of both illegal diversion and threat to water quality on private property along the Mojave River bed/bank. The shallow depression in the Figure 1 photo is filled with groundwater which actually exists as submerged river flow (i.e. the river discharges to this depression creating this water filled “pond”). This is an obvious illegal surface water/ groundwater diversion. We are unaware of any such permits have been issued on the Mojave River. It is evident that any chemical discharges to land surface within the greenhouses are dangerously close to this regional water supply source. Furthermore, these locations are just upriver of the Palisades Ranch, a Mojave River project, funded by the state and local government and implemented by the Mojave Desert Land Trust for the specific protection of threatened and endangered species habitat as well as riparian and floodplain habitat protection. Of additional concern, is the impact contaminants would also have on the operations of the Victor Valley Waste Water Reclamation (VWVRA) facility. A VWVRA’s sampling point, upstream of their treatment plant, is noted by a star on Figure 1.

The unfettered use of water being pumped outside the regulatory oversight of a Groundwater Sustainability Agency (GSA) or Adjudication will lead to an imperiled and contaminated water supply for many of the desert’s inhabitants. Rural communities are by and large disadvantaged. Are these communities’ expendable? Do we want another Hinkley? At least in the PG&E/Hinkley issue there is a responsible party to fund clean-up operations. In this case, the illegal operations are functioning outside the law and operating nefarious businesses at the detriment of those who call the Mojave Desert home.

Figure 1 - Illegal Cannabis Cultivation Sites along 3+ Miles of Mojave River, San Bernardino County, CA

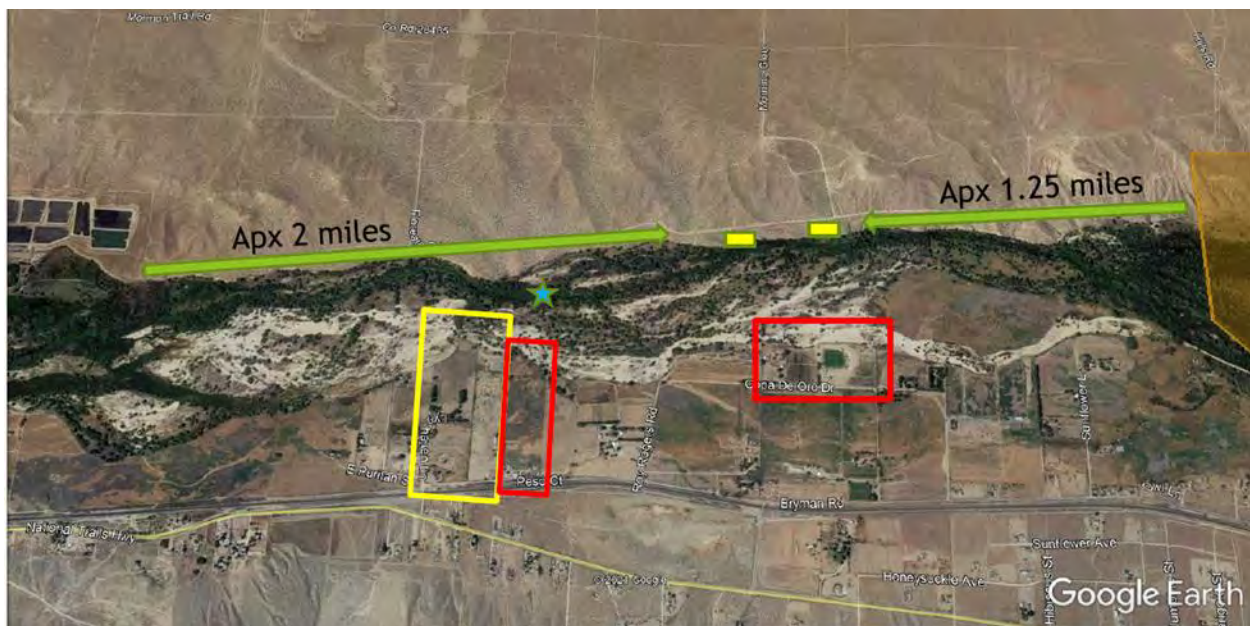


Photo taken April 2021

Figure 2 – Close up of Illegal Cannabis Cultivation Site (Reference - red block at the right of Figure 1)



Photo take April 2021

During a prior storm event this property was flooded and incised by a raging Mojave River, San Bernardino County, CA. The property owner has now dug a hole next to the river bed. The pond will fill naturally with groundwater from the river source which is submerged under the “dry” riverbed at this location. Water is routinely pumped out of the pond into awaiting truck mounted tanks for transportation off-site. Note the greenhouses where crops are planted directly in the ground.

Figure 3 – Illegal Water Hauling Activities



Photo taken April 2021

Just a few hundred feet from the Mojave River, San Bernardino County, CA, water trucks line up, around the clock, to steal groundwater from a well that has no adjudicated water rights for off-site transportation to illegal Cannabis cultivation sites throughout the area.

Additional Examples of Illegal Cannabis Activities Along the Mojave River, San Bernardino County, CA

Figure 4 – Mojave River, San Bernardino County, CA



In this heavily vegetated area of the Mojave River between Indian Trails and Hinkley Road, in the Helendale area of San Bernardino County, CA, illegal Cannabis plants are interspersed amongst the rivers vegetation. This area is cordoned off with caution tape to keep unsuspecting recreational users from venturing into these hidden Cannabis grows while enjoying publicly designated desert trails. This area has been described by locals as very threatening.

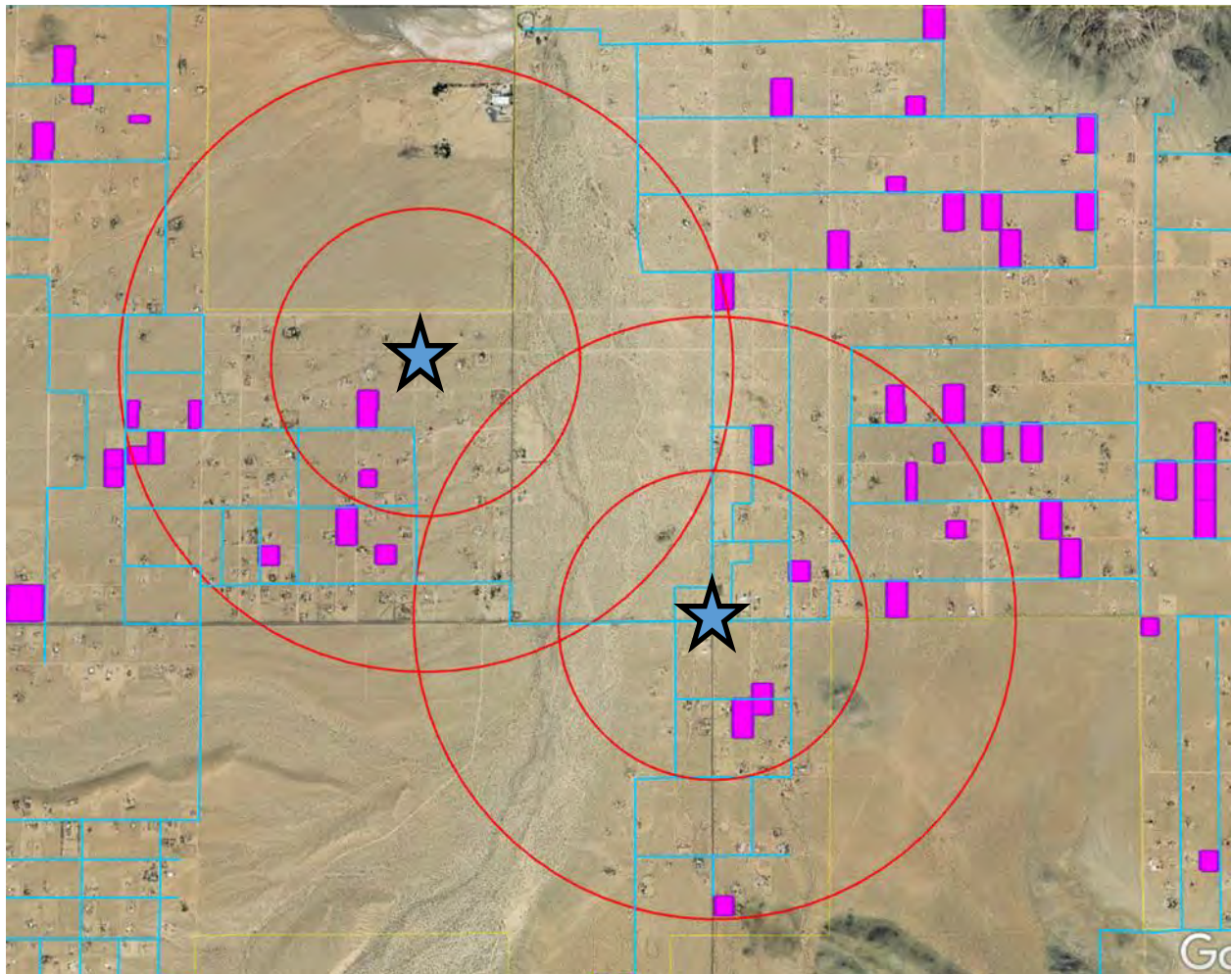
Case No. 2 - Information and Direct Evidence Supporting Concerns of Threats to Water Quality

Figure 5 is a Google Earth image which shows the proximity of illegal Cannabis cultivation sites (magenta rectangles) existing within a one-half to one-mile radius of active municipal groundwater production supply wells serving over 4,000 disadvantaged residents in a rural hi desert community. In the figure, the wellfields are located with a “star” symbol and the red circles represent the one-half and one-mile radius’ from the wellfields.

The obvious concern is the impact that illegal (e.g. banned in the USA) chemicals such as Carbofuran/ Qufuran/ Furadan and others, commonly found at illegal Cannabis sites, would have on the groundwater quality. Furthermore, that such impacts may not be realized until sometime in the future.

Carbofuran is classified by the Environmental Protection Agency as Toxicity Category I, the highest toxicity category, based upon its lethal potency from absorption by ingestion, contact with skin, and inhalation. The use of these chemicals pose a danger to humans and wildlife that might come in contact with them, as well as Cannabis users who ingest products treated with them. Moreover, these chemicals are known to have injured law enforcement officers engaged in the eradication of illegal marijuana cultivation sites in California¹.

Figure 5 – Illegal Cannabis cultivation sites spread throughout the service area of a municipal water agency



Illegal Cannabis cultivation sites (magenta rectangles) which are proximate to municipal groundwater production supply wells. The red circles are 0.5-mile and 1.0-mile radius’ from wellfields (blue stars).

Additional Examples of the Proliferation of Illegal Cannabis Cultivation in San Bernardino County, CA

Figure 6 – “Pop-up” Cannabis Cultivation Sites in San Bernardino County, CA



Scattered throughout the Mojave Desert area are illegal grows that destroy fragile habitat and protected species such as the Desert Tortoise, a state and federally listed Threatened Species and the Burrowing Owl, a CA Species of Special Concern. These sites use dangerous chemicals, store gasoline to power portable generators, amass piles of trash and dump raw sewage. Whenever possible the plastic sheeting and other debris blow off across the open desert.

Figure 7 – Burrowing Owls, a CA Species of Special Concern Live Within Rural Desert Communities



Figure 8 – Developing Illegal Cannabis Cultivation Site in San Bernardino County, CA



This enormous site in the desert has clear-cut and constructed earthen berms in preparation for expansion of Cannabis grow houses. This site can accommodate well over 100 grow houses or hoop houses.

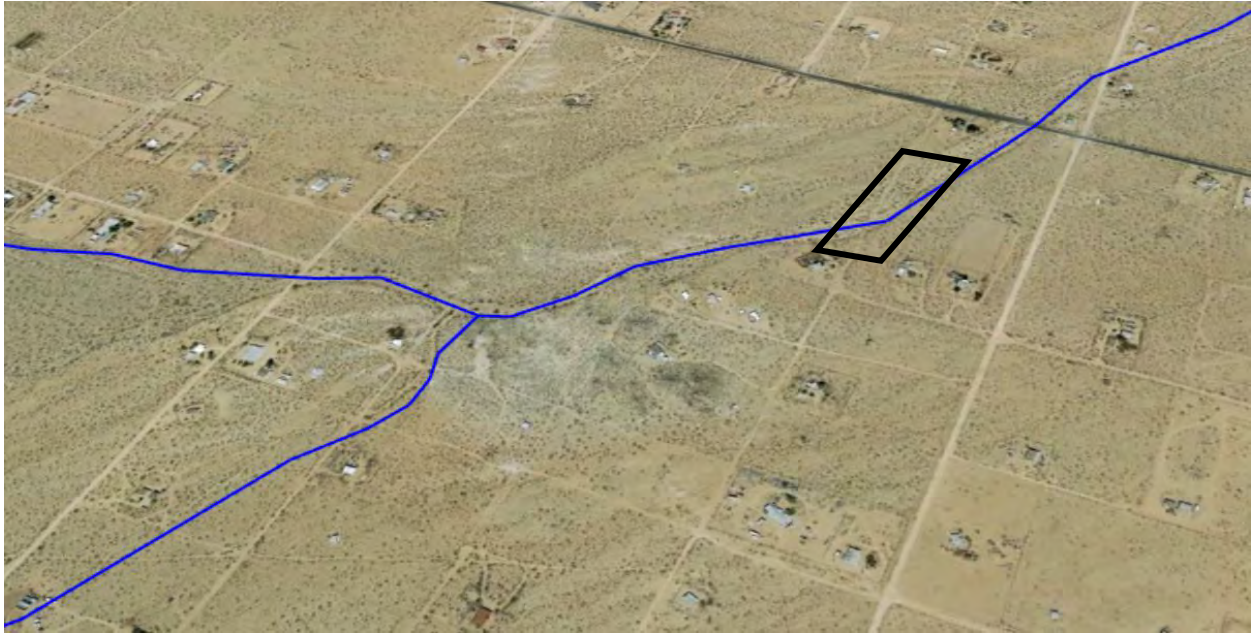
A typical grow house can grow hundreds of Cannabis plants valued at approximately \$1,000 per plant. In the desert environment Cannabis sites can cultivate at least 4 crops per year utilizing an estimated 4.3 acre-feet of water per acre of Cannabis cultivation¹.

Figure 9 – Activities at Illegal Cannabis Sites Come to Life at Night



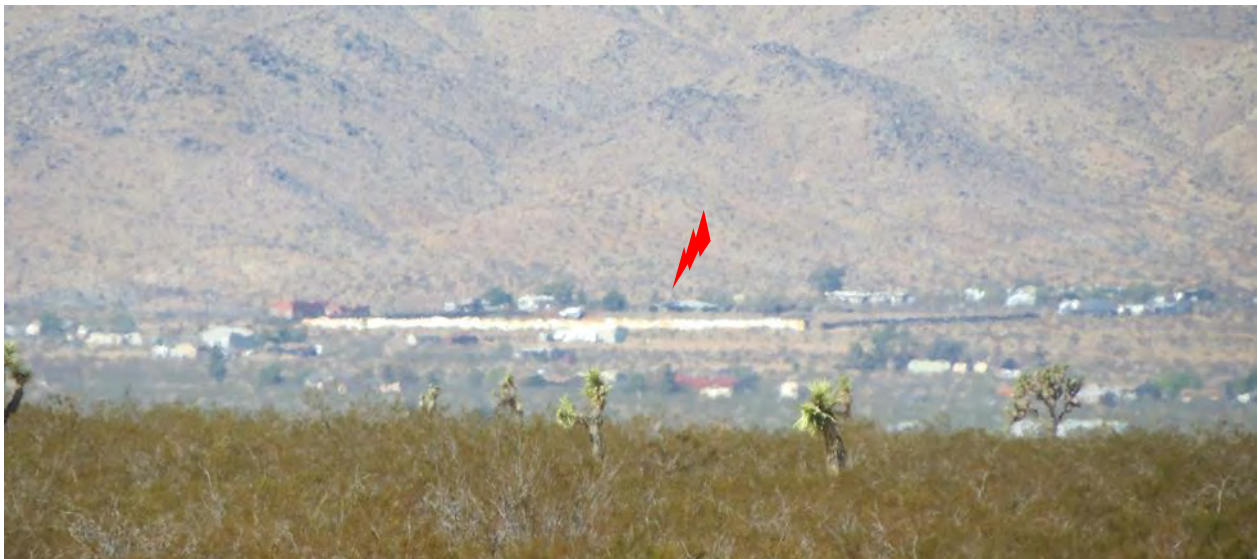
At night, the indoor lights disrupt International Dark Sky Park's such as Joshua Tree National Park and its surrounding rural communities. Noise from generators can be heard for miles in the quite of the desert.

Figure 10 – Cannabis Cultivation Site Erected within an Active Desert Wash (Blue-line Stream).



Prior to the development of the Cannabis cultivation site outlined in black, this 5-acres of desert wash was untouched. The grower has erected corrugated metal fencing around the perimeter (see Figure 10) which is visible for miles within this rural residential community. Note additional outdoor Cannabis cultivation site just south of black line.

Figure 11 – Large Cannabis Cultivation Site Erected within a Blue-line Stream



This Cannabis cultivation site hides in plain sight inside this rural residential community. The Google Earth image in Figure 10 shows the area prior to development but outlines the extent of the current grow area within a Blue-line Stream. Residents are concerned for their water resources, the environment and their own well-being.

References

1. San Bernardino County Board of Supervisors Presentation: Updates on Illegal Cannabis Cultivation, Agenda Item#43, pg. 12, August 10, 2021
<https://sanbernardino.legistar.com/LegislationDetail.aspx?ID=5080566&GUID=6FAC2E35-97B4-4CC2-BD1B-B660ACC0194A>
2. Mojave Water Agency Board of Directors Presentation: Water Requirements of Cannabis Sativa for Mojave Hoop House Marijuana Production, Agenda Item#5, 31p., Robert C. Wagner, PE, Mojave Watermaster Engineer, July 8, 2021,
https://mojavewater.granicus.com/MetaViewer.php?view_id=2&clip_id=1089&meta_id=82489,
and
Mojave Water Agency Board of Directors Presentation: Estimated Cannabis Water Usage Mojave Basin Area and Morongo, Agenda Item#5, 43p., Robert C. Wagner, PE, Mojave Watermaster Engineer, July 22, 2021,
https://mojavewater.granicus.com/MetaViewer.php?view_id=2&clip_id=1092&meta_id=82730
3. News Release Summary, Apple Valley Resident Sentenced to 60 days in Custody and Ordered to pay \$1,200 for Smuggling Pesticides, Asst. U.S. Attorney M. K. Pierson, US Department of Justice – So. District of California, April 28, 2021
<https://www.justice.gov/usao-sdca/pr/apple-valley-resident-sentenced-60-days-custody-and-ordered-pay-1200-smuggling>

Additional Resources – Media Publications

California Drought, Illegal marijuana farms lead to increase in water theft -
<https://www.youtube.com/watch?v=h000ESkyCsw>

Danger in the Desert - <https://www.nbclosangeles.com/on-air/marijuana-growth-operations-in-the-high-desert/2615745/?fbclid=IwAR0t8WrGYIRLR6oHLpwK-UIFMByA08kj8kSRr3enZME4Sm6J5cqE91IcAkM>

Drug cartels stealing millions of gallons of water for marijuana grows in Antelope Valley -
<https://abc7.com/marijuana-water-drug-cartels-pot/10866402/>

Eradicating illegal marijuana farms time consuming and costly in San Bernardino's High Desert -
<https://www.nbclosangeles.com/news/local/eradicating-illegal-marijuana-farms-time-consuming-and-costly-in-san-bernardinis-high-desert/2675078/>

Thieves are stealing California's scarce water. Where is it going? Illegal marijuana farms -
<https://calmatters.org/environment/2021/07/illegal-marijuana-growers-steal-california-water/>

NIGHTVISION | What goes on at night during the illegal marijuana epidemic in Joshua Tree California: <https://youtu.be/zEHczqwk9rl>





Legislative Update

We reported during our last convening on August 11th that the state legislature had been on recess since July 16th, and there were limited updates to our legislative tracking priorities. The return from recess occurred on August 16th, and we are currently nearing the end of session with September 10th marking the final day. Interim recess will begin after adjournment of September 10th's session. Last month, legislative activities were heavily focused on the ongoing push to remediate illegal cannabis cultivation focused largely in Inland Empire communities. The well-rounded effort included member agency and staff discussions with county leadership, law enforcement, and local legislators.

Few bills have been prioritized in the final weeks leading up to adjournment, and The Alliance has been active in speaking with legislators and providing feedback on several key bills. We previously reported on the inclusion of new amendments to Assembly Bill 1138 authored by Blanca Rubio which, if passed, would increase the allowable civil penalties for "aiding and abetting" illegal cannabis cultivation. AB 1138 (B. Rubio) is currently assigned for a third reading in the Senate, where, after being brought to floor it would require a $\frac{2}{3}$ vote to pass and return to the Assembly for concurrence with any Senate amendments. CWSA will be closely monitoring this legislation to report back to the group and to advocate the Governor's signature, if passed.

Additional active bills staff are tracking include SB 222 (Dodd) and SB 427 (Eggman). SB 222 is at the same stage of the process as AB 1138, and would establish a low-income rate assistance program ('LIRA'). CWSA has previously maintained an oppose-unless-amended position but voted to change from opposition to "watch" after many amendments and consent from the committee. Senator Dodd placed an entry in the Senate Journal stating his intent. Lastly, SB 427 (Eggman), for which CWSA suggested amendments to the Senator, was passed and signed into law, increasing allowable penalties for water theft.

Thank you for your successful support and involvement in supporting SB 427, and CWSA will continue to monitor and provide updates on AB 1138 and SB 222.

The full report that follows is just for reference.

Item # 3

Review Fiscal Year 2020/21
Ames-Reche Annual Report

Ames-Reche Management Area

Annual Report for FY 2020-2021



Prepared by: Mojave Water Agency

September 2021



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ATTACHMENTS

- Attachment 1. Stipulation and Amended and Restated Judgment.
- Attachment 2. Monitoring Program Plan.
- Attachment 3. CSA 70 W-4 and HDWD Water Exchange Agreement No 17-819.
- Attachment 4. Ames-Reche Groundwater Storage and Recovery Program Transfer Forms (Blank)
- Attachment 5. Ames-Reche Groundwater Storage and Recovery Program Transfer Forms
(14 AF Transfer from CSA 70 W-4) FY 20-21
- Attachment 6. Ames-Reche Groundwater Storage and Recovery Program Transfer Form
(35 AF Transfer from CSA 70 W-4) FY 20-21

EXECUTIVE SUMMARY

This report presented by the Mojave Water Agency (MWA) satisfies the annual monitoring report requirement outlined in the Amended and Restated Judgment from the Ames Reche Groundwater Storage and Recovery Program and Management Agreement for the year 2020-21. Production values have been consistently below the Annual baseline amount total of 1,646-acre feet (AF) for all of the Ames Reche Program partners combined. Water level data collected in accordance with the Monitoring Program Plan demonstrate that water levels in the management area are, overall, relatively stable since the implementation of the Ames Reche Management Agreement in 2012. Recommendations to Partners Annual Baseline Amounts are made every five (5) Years, the last recommendation was made in the report for year 2018-19. Supplemental tables, figures and documents provided within this report present the results of the continued monitoring and sampling activities.

The Monitoring Plan requires groundwater level monitoring and water quality sampling. Sampling includes total dissolved solids (TDS), Gross Alpha and Uranium concentrations. Measurable concentrations of these analytes have been reported in some wells and are continuing to be monitored. Water quality samples collected after recharge of SWP at the Ames Reche Recharge Facility appear to suggest the native groundwater chemistry at the downgradient monitoring well is influenced by State Water Project (SWP) water and is showing a beneficial effect on groundwater quality in the aquifers near the recharge site.

INTRODUCTION

This report presents the results of the monitoring and sampling activities outlined in the Monitoring Program Plan developed as part of the Ames/Reche Groundwater Storage and Recovery Program and Management Agreement. The Ames-Reche Management Area (Figure 1) encompasses roughly 95 square mile area and includes the communities of Flamingo Heights, Landers, Yucca Mesa, and Pioneertown.

The Ames-Reche Groundwater Storage and Recovery Program was established by area partners Bighorn-Desert View Water Agency (BDVWA), Hi-Desert Water District (HDWD), County of San Bernardino Service Area 70 W-1 (CSA 70 W-1) and County of San Bernardino Service Area 70 W-4 (CSA 70 W-4), with Mojave Water Agency (MWA) providing administrative support. The Stipulation and Amended and Restated Judgment were finalized by the Superior Court of the State of California, County of Riverside on September 17, 2014. As required by the Amended and Restated Judgement, annual monitoring reports are to be prepared by MWA. This report constitutes the annual report for the year 2020-21.

BACKGROUND

On June 3, 1991, the Court recorded a Judgement pursuant to a Stipulation for Judgement entered into by BDVWA and HDWD. The Judgement regarded the proposed construction of a new production well (the Mainstream Well or HDWD Well #24), located within BDVWA's sphere of influence, in an area between the BDVWA and HDWD service areas. The Judgement required monitoring of the subject groundwater supplies for quantity and quality and the regulation of production from the Mainstream Well.

On May 29, 2012, BDVWA, HDWD, MWA, CSA 70 W-1, and CSA 70 W-4 entered into an agreement providing for more comprehensive regulation of the groundwater supplies protected in the Judgement,

including provisions of supplemental water supplies for beneficial use, allocation of water production, storage and transfer rights to all of the public entity water retailers utilizing the subject groundwater supply, and continuing monitoring of water supply quality and quantity, all subject to the Court's continuing jurisdiction. MWA and County of San Bernardino 70 W-1 and 70 W-4 moved to intervene as parties to receive the benefits and undertake the obligations provided for in the Amended and Restated Judgement. All of the Parties have stipulated to the Court's entry of the September 17, 2014 Amended and Restated Judgement.

Effective July 1, 2015, the Local Agency Formation Commission (LAFCO) certified the annexation of CSA 70 W-1 as an Improvement District of BDVWA, informally named Improvement District Goat Mountain (IDGM).

As described above, the Project Partners formed the Ames-Reche Management Area as part of the Ames/Reche Groundwater Storage and Recovery Program and Management Agreement. The boundaries of the approximately 95-square mile management area were established on Exhibit B of the Amended and Restated Judgement and are shown on Figure 1. As part of the Agreement, a Monitoring Program Plan was developed as a mechanism for the management of water supply reliability and protection of the Basin. The Monitoring Program includes a network of wells that are monitored for water level and water quality data, as designated on Figure 2. MWA is assisting with administration of the monitoring program, to ensure protection of the Basin for the Parties and their end users. Specific elements of the Monitoring Program consist of:

Production Wells

Groundwater Production: Project Partners BDVWA, IDGM, CSA 70 W-4 and HDWD agree to provide to MWA each year (no later than July 10), the meter readings, electrical records and any other available data reflecting the production of groundwater from the Basin for the immediate prior 12 months (July 1 – June 30).

Water Levels: The well owner shall monitor water levels in these wells on a quarterly basis or better and provide all water level records to MWA annually on or before July 10.

Water Quality Sampling: The owner shall collect and have analyzed Title 22 water quality samples from active wells listed in the Monitoring Program Plan, in accordance with their own California Department of Public Health requirements. There are 22 active production wells that are to be sampled for Total Dissolved Solids (TDS), Gross Alpha and Uranium by the respective well owner annually for the first 5-years of the program.

Monitoring Wells

Nine (9) monitoring wells located within the management area and listed in the Monitoring Program Plan, are also shown on Exhibit C of the Amended and Restated Judgement. The MWA is to monitor water levels in these wells on a semiannual basis or better. The MWA shall also collect and have analyzed water quality samples from 02N05E24H02 (BDVMW-2) and 02N05E24P01 (BDVMW-1) annually. Analysis will include general minerals, gross alpha, uranium, and inorganic constituents.

WATER LEVELS

Discrete manual water levels and pressure transducer dataloggers are used to collect water level data from 32 wells within the Ames-Reche Management Area Monitoring Network (Figure 2). MWA staff hand-measure monitoring wells on a quarterly basis and download data from MWA-maintained transducers semi-annually. MWA prepares updated hydrograph maps of these groundwater data for the Landers Vicinity (Plate 1) and the Pioneertown Vicinity (Plate 2) of the Ames-Reche Management Area. These maps show groundwater elevation data for the Monitoring Network Wells. Water levels across the Ames-Reche Management Area Wells appear to be relatively stable since implementation of the Ames-Reche Management Agreement. Groundwater elevation contours, in feet relative to mean sea level (feet MSL), are generated annually each spring (Figure 3.0).

WATER QUALITY

Water quality data for total dissolved solids (TDS), gross alpha, and uranium are shown on Plates 3-5. The frequency and history of sampling varies somewhat between parties and from well to well. Water quality data was retrieved from the California State Water Resources Control Board, Division of Drinking Water (DDW) website, the United States Geological Survey (USGS) National Water Information System (NWIS), and the MWA Water Resources Data Management System (MWA DMS).

Elevated TDS concentrations above the Secondary Maximum Contaminant Level (MCL) for TDS of 500 mg/L have been reported from some of the CSA 70 W-4 production wells in Pioneertown. TDS concentrations reported from other Ames-Reche Monitoring Program Wells between 2012 and 2020 range from 200 to 430 mg/L, below the Secondary MCL for TDS.

Elevated gross alpha concentrations at or above the Primary MCL for gross alpha of 15 picocuries per liter (pCi/L) have been reported from CSA 70 W-4 production wells in Pioneertown, from 02N05E27K03 (BDVWA Well #3) in the Flamingo Heights area, and 02N05E24H01 (HDWD Well #24) in the Landers area. Gross alpha concentrations reported from other Ames-Reche Monitoring Program Wells between 2012 and 2020 range from not detected above the reporting limit (ND) to 13.8 pCi/L, (13.8 pCi/L is below the Primary MCL of 15 pCi/L for gross alpha). It should be noted that there is a relationship between gross alpha concentrations and uranium concentrations (discussed below) and that gross alpha results should be considered within the context of uranium.

Elevated uranium concentrations above the Primary Maximum Contaminant Level (MCL) for uranium of 20 pCi/L have been reported from some of the CSA 70 W-4 production wells in Pioneertown. Uranium concentrations reported from other Ames-Reche Monitoring Program Wells between 2012 and 2020 range from ND to 18 pCi/L, below the Primary MCL for uranium.

As previously discussed, the Monitoring Program Plan calls for collection of samples from Monitoring Program Production Wells and analysis for Title 22 constituents by well owner “in accordance with their own California Department of Public Health requirements.” The Monitoring Plan also calls for sampling from all of the 22 production wells listed for TDS, uranium, and gross alpha for the first five years of the program; however, several of the production wells are inactive and not equipped with pumps. These wells would require significant resources and effort to collect water quality samples. Water quality data available from active production wells and monitoring wells across the management area suggest current data collection efforts provide adequate coverage for the Ames-Reche Management Area.

Changes to the Monitoring Program Plan should be noted for CSA 70 W-4 as of July 27, 2019 as the District no longer extracts water from the Basin after implementation of the CSA 70 W- 4 Pioneertown Pipeline Project. The State paid to have five wells abandoned in CSA 70 W-4 however four (4) wells are still accessible to monitor static groundwater levels. No active wells for water quality sampling are available for CSA 70 W-4, economic resources to activate the wells for sampling are limited. A separate water exchange agreement between the CSA 70 W-4 and HDWD (Agreement No. 17-819) was developed upon the completion of the Pioneertown Pipeline and Water System Improvement Project to benefit the Pioneertown area. This exchange agreement provides CSA 70 W-4 access to groundwater in the Warren Valley Sub-basin in exchange for an equal amount of groundwater from within the Ames-Reche basin. HDWD and CSA 70 W-4 are to provide MWA with transfers from annual baseline amounts. Ames-Reche supplies available to exchange are not allowed to fall negative.

PRODUCTION

Production amounts in acre-feet (AF) for the Ames-Reche Management Area are shown below in Figure 4.0 and Table 1. Production across the Ames-Reche Management Area is shown graphically in Figure 5.0.

Production has been below the Annual Baseline Amount total of 1,646 AF for all of the Ames-Reche Program partners combined. Production ranges from a maximum of 1,413.6 AF in FY 2020-2021 to a minimum of 886.3 AF in FY 2018-2019. Since FY 2012-2013, a total of 10,828.9 AF have been produced from the Ames-Reche Management Area by the project partners.

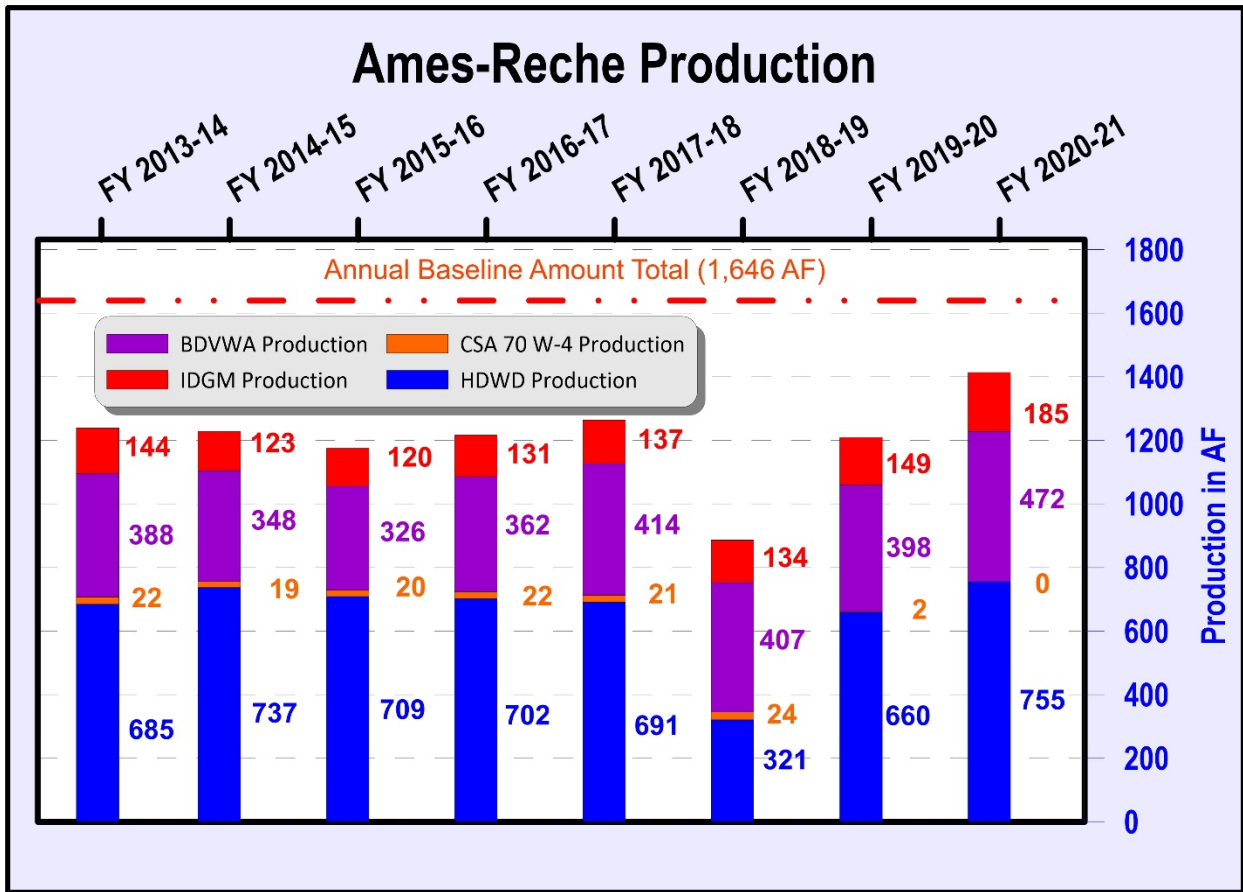


Figure 4.0 Production for Ames-Reche Management Area by Fiscal Year and Project Partner.

Production by Project Partner	Annual Baseline Amount (AF)	FY 2012-2013 (AF)	FY 2013-2014 (AF)	FY 2014-2015 (AF)	FY 2015-2016 (AF)	FY 2016-2017 (AF)	FY 2017-2018 (AF)	FY 2018-2019 (AF)	FY 2019-2020 (AF)	FY 2020-2021 (AF)
BDVWA	641	422.7	388.0	348.5	326.4	362.2	414.3	407.3	398.3	472.4
IDGM	267	155.3	143.7	123.1	119.9	130.7	137.0	133.7	149.4	185.9
HDWD	703	596.9	684.7	737.0	708.9	701.6	691.2	321.1	659.5	755.3
CSA 70 W-4	35	23.2	22.4	19.1	19.8	21.9	21.4	24.3	2.1	0.0
Totals (AF)	1646	1198.1	1238.8	1227.7	1175.0	1216.3	1263.9	886.3	1209.3	1413.6

Table 1. Production for Ames-Reche Management Area by Fiscal Year and Project Partner.



NATURAL RECHARGE (PRECIPITATION)

Yucca Valley County Department of Forestry (CDF) Station, located approximately four (4) miles to the south of the Ames-Reche Management Area, has the longest period of record and the most complete dataset of area weather stations. Precipitation data from Yucca Valley CDF Station for the period of 1958 through FY 2020-2021 are presented in Figure 6.0.

Additional weather stations were installed within the Ames-Reche Management Area to support monitoring efforts. Bighorn Desert View (KCAYUCCA27) and Pioneertown (KACAPIONE13) weather stations were installed by MWA in October 2015 and November 2015, respectively. Updates to weather stations are currently being considered by MWA to ensure better hydrologic understanding of the natural recharge to the management area.

- Bighorn Desert View (KCAYUCCA27)

<https://www.wunderground.com/personal-weather-station/dashboard?ID=KCAYUCCA27#history>

- Pioneertown (KACAPIONE13)

<https://www.wunderground.com/personal-weather-station/dashboard?ID=KACAPIONE13#history>

Precipitation Station Yucca Valley CDF 9002

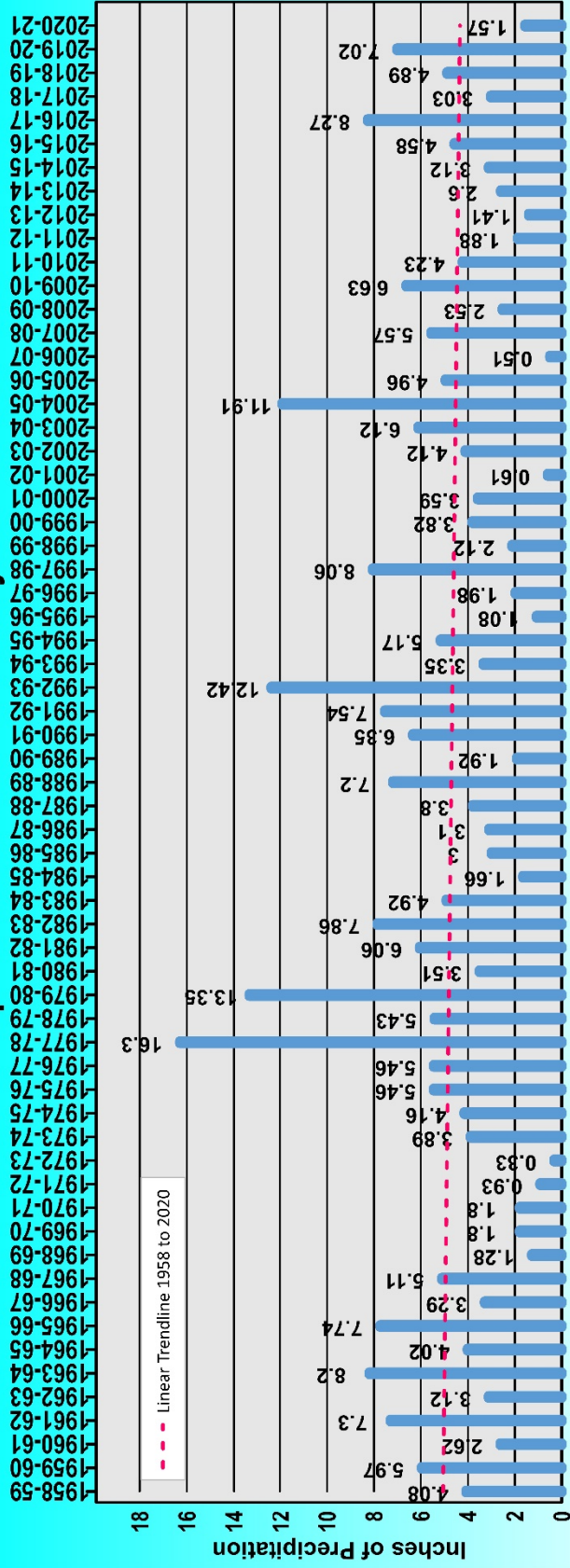


Figure 6.0 Precipitation data from Yucca Valley CDF Station.



ARTIFICIAL RECHARGE

Construction of the Ames-Reche Recharge Facility was completed in March 2014. This facility allows for State Water Project (SWP) water deliveries for groundwater storage and banking. The primary pond is 174 feet by 63 feet and secondary pond is 146 feet by 92 feet. In November 2016, MWA measured the wetted area at 210 feet by 75 feet and estimated the percolation rate for the Ames-Reche Recharge Facility. The site can take flow of approximately 5 cubic feet per second (cfs) and percolates at approximately 3.7 feet per day.



Figure 7.0. Ames-Reche Recharge Facility from above, August 2016.



Figure 7.1. Ames-Reche Recharge Facility looking northwest, August 2016.

From FY 2013-2014 to FY 2020-2021, a total of 893 AF of SWP water was recharged at the Ames-Reche Recharge Facility as documented below in Figure 8.0 and Table 2. No recharge has occurred in FY 2020-2021.

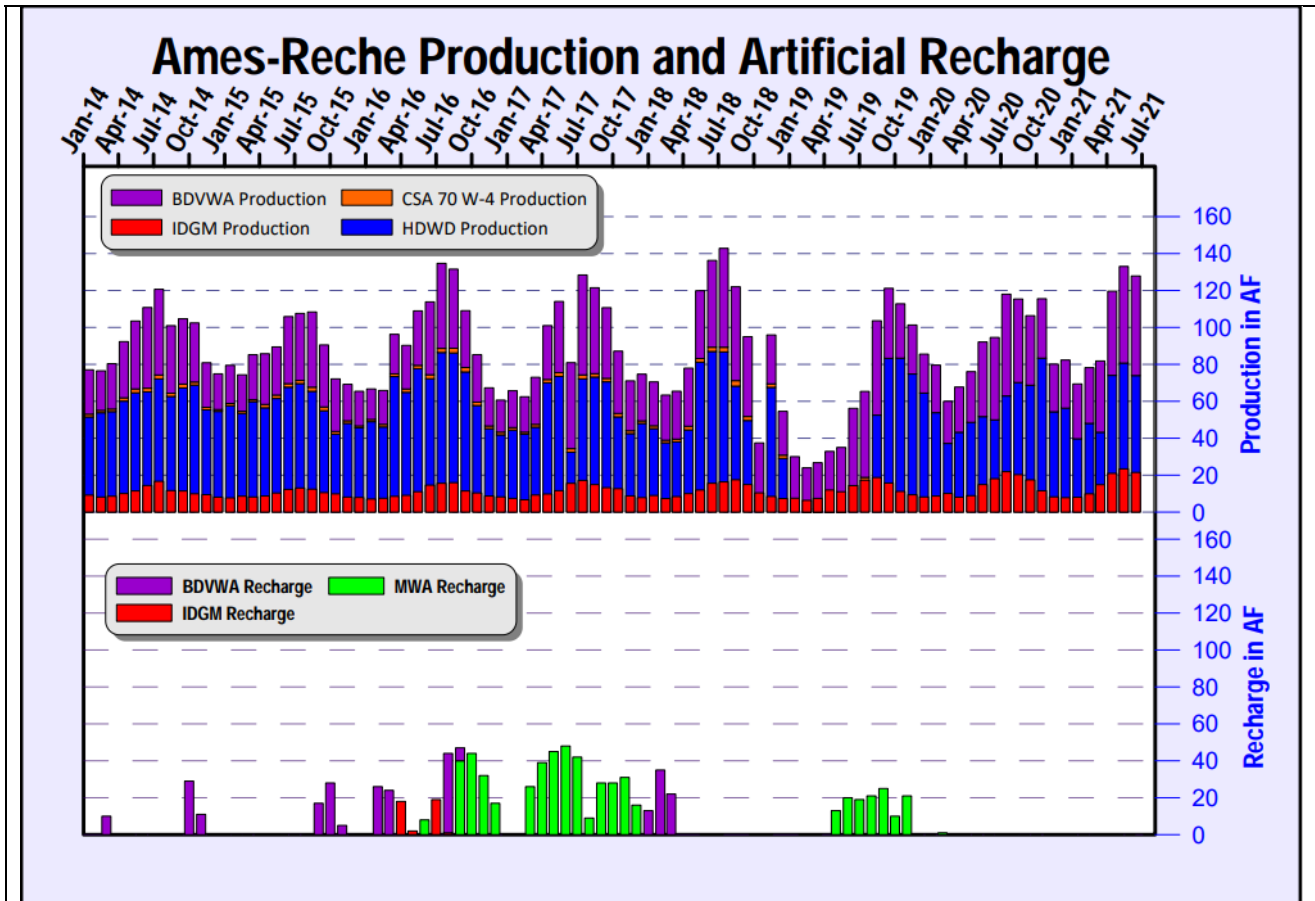


Figure 8.0 Production and Artificial recharge with SWP water.

SWP Recharge by Project Partner	FY 2013-2014 (AF)	FY 2014-2015 (AF)	FY 2015-2016 (AF)	FY 2016-2017 (AF)	FY 2017-2018 (AF)	FY 2018-2019 (AF)	FY 2019-2020 (AF)	FY 2020-2021 (AF)	Total Recharged (AF)
BDVWA	10	40	100	50	70	0	0	0	270
IDGM	0	0	20	20	0	0	0	0	40
MWA	0	0	8	291	154	33	97	0	583
Totals (AF)	10	40	128	361	224	33	97	0	893

Table 2. Ames-Reche Recharge Facility SWP recharge amounts.



REVIEW OF DATA AND DISCUSSION

Prior to construction of the Ames-Reche Recharge Facility, a monitoring well 02N05E24P01 (BDVMW-1) was installed in Pipes Wash and sampled in 2010 (see Plate 1). Construction of the recharge facility was completed in March 2014 and the monitoring well 02N05E24P01 (BDVMW-1) is located downgradient of the facility. A stiff diagram generated from 2010 water quality data collected from the monitoring well 02N05E24P01 (BDVMW-1) collected prior to any artificial recharge at the site is shown in the lower left portion of Figure 9.0 as a “baseline”. Stiff diagrams were also generated for water quality data available from the California Department of Water Resources (DWR) for SWP water and are shown in the top left portion of Figure 9.0. Stiff diagrams generated from water quality data collected at downgradient monitoring well 02N05E24P01 (BDVMW-1) after initiation of recharge activities are shown in the lower right portion of Figure 9.0. These stiff diagrams suggest the groundwater chemistry at the downgradient monitoring well is influenced by the SWP water.

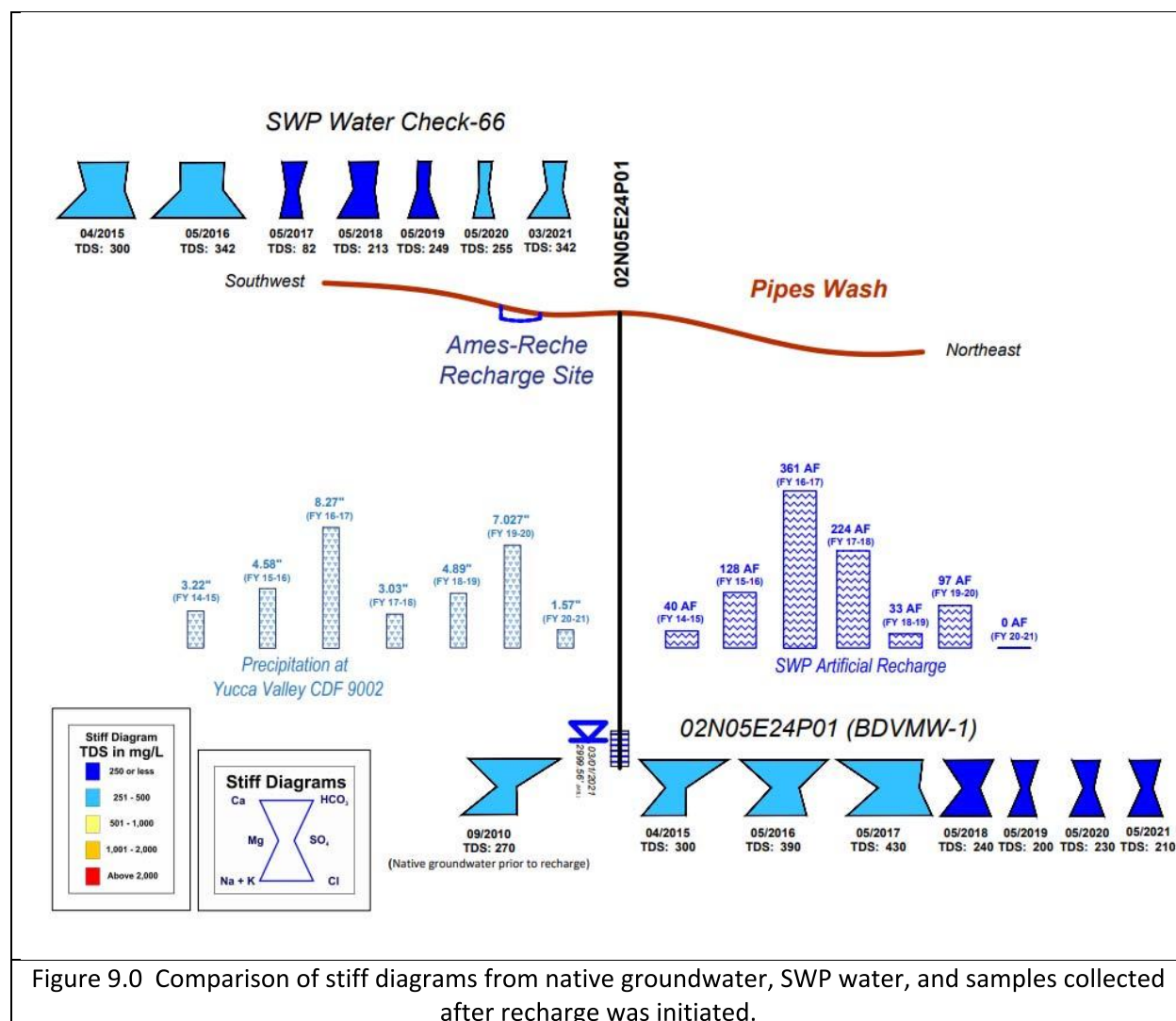


Figure 9.0 Comparison of stiff diagrams from native groundwater, SWP water, and samples collected after recharge was initiated.

FINANCE TRACKING SPREADSHEETS

As part of the Agreement, MWA is responsible for maintaining the Ames-Reche Groundwater Accounting Spreadsheets that record production and artificial recharge activities by the Project Partners. Spreadsheets for each of the Project Partners are provided in Tables 3 through 7 (attached).

MWA began pre-storing SWP water at the Ames-Reche Recharge Facility in FY 2015-2016. In subsequent years, this banked water has been used to provide groundwater storage transfers for BDVWA annual SWP delivery requests. A blank copy of the Ames-Reche Groundwater Storage and Recovery Program Transfer Form is provided as attachment 4.

In FY 2020-21 MWA revised the finance tracking spreadsheets to better account for water balances within the active management area. In addition, as of July of 2017 CSA 70 W-4 entered into a water exchange agreement with HDWD known as the Pioneertown Water Exchange. Within this agreement HDWD allows CSA 70 W-4 access to groundwater within the Warren Valley Sub-basin in exchange for equal transfers from CSA 70 W-4's annual baseline amounts. CSA 70 W-4 transferred 49 AF to HDWD, copies of the transfers forms are included as attachments 5 and 6.



BASIN MANAGEMENT CONSIDERATIONS

This report constitutes the annual report of the Monitoring Program for FY 2020-21. Final versions of the previous reports can be obtained by contacting MWA. Every five (5) years as required by the Amended and Restated Judgment, MWA will “make recommendations on the Parties” regarding their production of Annual Baseline Amounts commencing in the following fiscal year and any other recommendations for actions which MWA believes are required to protect Basin water supply based on the Ames/Reche Groundwater Management Plan. The FY 2018-19 report included these recommendations and therefore recommendations are not included in this annual report.

Items that the Project Partners may want to implement in support of future management activities include the following:

1. Maintain production at or below current amounts and continue monitoring groundwater levels.
2. Measure and report water levels in production wells quarterly.
3. Review existing wells within the management area to increase the number of wells in the monitoring network and make necessary revisions to the monitoring program.
4. Continue to develop knowledge products to support future management efforts.



Table 3. Ames-Reche Groundwater Accounting Spreadsheet for BDVWA.



BIGHORN-DESERT VIEW WATER AGENCY (ALL AMOUNTS IN AF)										
FISCAL YEAR	ANNUAL BASELINE ¹	SUPPLY			DEMAND		BALANCE			AMES-RECHE SWP WATER PURCHASE/TRANSFER ¹⁰
		CARRYOVER YR 1 START ²	CARRYOVER YR 2 START ³	INTERAGENCY TRANSFER OR PURCHASES ⁴	PRODUCTION ⁵	INTERAGENCY TRANSFER OR SALES ⁶	BASELINE TO CARRYOVER ⁷	CARRYOVER YR 1 END ⁸	CARRYOVER YR 2 END (EXPIRED) ⁹	
13/14	641	0	0	0	388	0	253	0	0	10
14/15	641	253	0	0	348	16	530	0	0	40
15/16	641	530	0	0	326	6	641	198	0	120
16/17	641	641	198	0	362	0	641	477	0	51
17/18	641	641	477	0	414	0	641	641	63	70
18/19	641	641	641	0	407	0	641	641	234	70
19/20	641	641	641	0	398	0	641	641	243	70
20/21	641	641	641	0	472	0	641	641	169	0

Notes: Unused annual baseline amounts may be carried over for the next two fiscal years

- 1 Water production allowance as defined in the Agreement
- 2 Water credited to the party carried over for one fiscal year
- 3 Water credited to the party carried over for two fiscal years
- 4 Transfer or purchase from another party, added to annual baseline
- 5 Water produced in the fiscal year
- 6 Transfer or sales in excess of production to another party, deducted from annual baseline
- 7 Unused annual baseline that will be credited to the party in the next fiscal year
- 8 Unused year 1 carryover that will be credited to the party in the next fiscal year as year 2 carryover
- 9 Unused year 2 carryover that will expire
- 10 State Water Project Water purchased or transferred between parties and the MWA in the Ames-Reche Recharge Facility

Table 4. Ames-Reche Groundwater Accounting Spreadsheet for HDWD.



HI-DESERT WATER DISTRICT (ALL AMOUNTS IN AF)										
FISCAL YEAR	SUPPLY			DEMAND			BALANCE			
	ANNUAL BASELINE ¹	CARRYOVER YR 1 START ²	CARRYOVER YR 2 START ³	INTERAGENCY PURCHASES ⁴	PRODUCTION ⁵	INTERAGENCY TRANSFER OR SALES ⁶	BASELINE TO CARRYOVER ⁷	CARRYOVER YR 1 END ⁸	CARRYOVER YR 2 END (EXPIRED) ⁹	AMES-RECHE SWP WATER PURCHASE/TRANSFER ¹⁰
13/14	703	0	0	0	685	0	18	0	0	0
14/15	703	18	0	16	737	0	0	0	0	0
15/16	703	0	0	6	709	0	0	0	0	0
16/17	703	0	0	0	702	0	1	0	0	0
17/18	703	1	0	0	691	0	13	0	0	0
18/19	703	13	0	50	321	0	445	0	0	0
19/20	703	445	0	0	660	0	488	0	0	0
20/21	703	488	0	49	755	0	485	0	0	0

Notes: Unused annual baseline amounts may be carried over for the next two fiscal years

- 1 Water production allowance as defined in the Agreement
- 2 Water credited to the party carried over for one fiscal year
- 3 Water credited to the party carried over for two fiscal years
- 4 Transfer or purchase from another party, added to annual baseline
- 5 Water produced in the fiscal year
- 6 Transfer or sales in excess of production to another party, deducted from annual baseline
- 7 Unused annual baseline that will be credited to the party in the next fiscal year
- 8 Unused year 1 carryover that will be credited to the party in the next fiscal year as year 2 carryover
- 9 Unused year 2 carryover that will expire
- 10 State Water Project Water purchased or transferred between parties and the MWA in the Ames-Reche Recharge Facility

Table 5. Ames-Reche Groundwater Accounting Spreadsheet for IDGM.



IMPROVEMENT DISTRICT GOAT MOUNTAIN (ALL AMOUNTS IN AF)										
FISCAL YEAR	SUPPLY			DEMAND		BALANCE			CARRYOVER YR 2 END (EXPIRED) ⁹	AMES-RECHE SWP WATER PURCHASE/TRANSFER ¹⁰
	ANNUAL BASELINE ¹	CARRYOVER YR 1 START ²	CARRYOVER YR 2 START ³	INTERAGENCY TRANSFER OR PURCHASES ⁴	PRODUCTION ⁵	INTERAGENCY TRANSFER OR SALES ⁶	BASELINE TO CARRYOVER ⁷	CARRYOVER YR 1 END ⁸		
13/14	267	0	0	0	144	0	123	0	0	0
14/15	267	123	0	0	123	0	267	0	0	0
15/16	267	267	0	0	120	0	267	147	0	0
16/17	267	267	147	0	131	0	267	267	16	19
17/18	267	267	267	0	137	0	267	267	130	0
18/19	267	267	267	0	134	0	267	267	133	0
19/20	267	267	267	0	149	0	267	267	118	0
20/21	267	267	267	0	186	0	267	267	81	0

Notes: Unused annual baseline amounts may be carried over for the next two fiscal years

- 1 Water production allowance as defined in the Agreement
- 2 Water credited to the party carried over for one fiscal year
- 3 Water credited to the party carried over for two fiscal years
- 4 Transfer or purchase from another party, added to annual baseline
- 5 Water produced in the fiscal year
- 6 Transfer or sales in excess of production to another party, deducted from annual baseline
- 7 Unused annual baseline that will be credited to the party in the next fiscal year
- 8 Unused year 1 carryover that will be credited to the party in the next fiscal year as year 2 carryover
- 9 Unused year 2 carryover that will expire
- 10 State Water Project Water purchased or transferred between parties and the MWA in the Ames-Reche Recharge Facility

Table 6. Ames-Reche Groundwater Accounting Spreadsheet for CSA 70 W-4.



CSA 70 W-4 PIONEER TOWN (ALL AMOUNTS AF)

FISCAL YEAR	SUPPLY			DEMAND		BALANCE				
	ANNUAL BASELINE ¹	CARRYOVER YR 1 START ²	CARRYOVER YR 2 START ³	INTERAGENCY PURCHASES ⁴	PRODUCTION ⁵	INTERAGENCY TRANSFER OR SALES ⁶	BASELINE TO CARRYOVER ⁷	CARRYOVER YR 1 END ⁸	CARRYOVER YR 2 END (EXPIRED) ⁹	AMES-RECHE SWP WATER PURCHASE/TRANSFER ¹⁰
13/14	35	0	0	0	22	0	13	0	0	0
14/15	35	13	0	0	19	0	29	0	0	0
15/16	35	29	0	0	20	0	35	9	0	0
16/17	35	35	9	0	22	0	35	22	0	0
17/18	35	35	22	0	21	0	35	35	1	0
18/19	35	35	35	0	24	50	31	0	0	0
19/20	35	31	0	0	2	0	35	29	0	0
20/21	35	35	29	0	0	49	35	15	0	0

Notes: Unused annual baseline amounts may be carried over for the next two fiscal years

- 1 Water production allowance as defined in the Agreement
- 2 Water credited to the party carried over for one fiscal year
- 3 Water credited to the party carried over for two fiscal years
- 4 Transfer or purchase from another party, added to annual baseline
- 5 Water produced in the fiscal year
- 6 Transfer or sales in excess of production to another party, deducted from annual baseline
- 7 Unused annual baseline that will be credited to the party in the next fiscal year
- 8 Unused year 1 carryover that will be credited to the party in the next fiscal year as year 2 carryover
- 9 Unused year 2 carryover that will expire
- 10 State Water Project Water purchased or transferred between parties and the MWA in the Ames-Reche Recharge Facility

Table 7. Ames-Reche Groundwater Accounting Spreadsheet for SWP Transfers.



Table A
Interagency Transfers (AF)

FY	IDGM		BDVWA		HDWD		CSA 70 W-4	
	Transfers/ Purchases	Transfers/ Sales	Transfers/ Purchases	Transfers/ Sales	Transfers/ Purchases	Transfers/ Sales	Transfers/ Purchases	Transfers/ Sales
TOTALS	0	0	0	22	121	0	0	99
13/14								
14/15				16	16			
15/16				6	6			
16/17								
17/18								
18/19					50			50
19/20								
20/21					49			49

Notes:
Table A tracks sales, purchases and transfers between the Agencies

Table B
SWP WATER RECHARGE AMES-RECHE GROUNDWATER BASIN (AF)

FY	MWA	BDVWA		HDWD	IDGM	CSA 70 W
		BDVWA	5% ACCUM			
TOTALS	583	290	1	0	19	0
13/14		10				
14/15		40				
15/16	8	120				
16/17	291	50	1		19	
17/18	154	70				
18/19	33					
19/20	97					
20/21						

Notes:
Table B tracks the 5% accumulation to BDVWA when SWP water is recharged by HDWD, IDGM and CSA 70 W-4

Table C
SWP WATER GROUNDWATER STORAGE TRANSFER, AMES-RECHE GROUNDWATER BASIN (AF)

FY	MWA	BDVWA		HDWD	IDGM	CSA 70 W
		BDVWA	5% ACCUM			
TOTALS	(640)	240	0	0	0	0
13/14						
14/15						
15/16						
16/17						
17/18						
18/19	(70)	70				
19/20	(70)	70				
20/21						

Notes:
Table C tracks groundwater storage transfers from MWA to an Agency

Table D
SWP WATER ALL AMES-RECHE GROUNDWATER BASIN (AF)

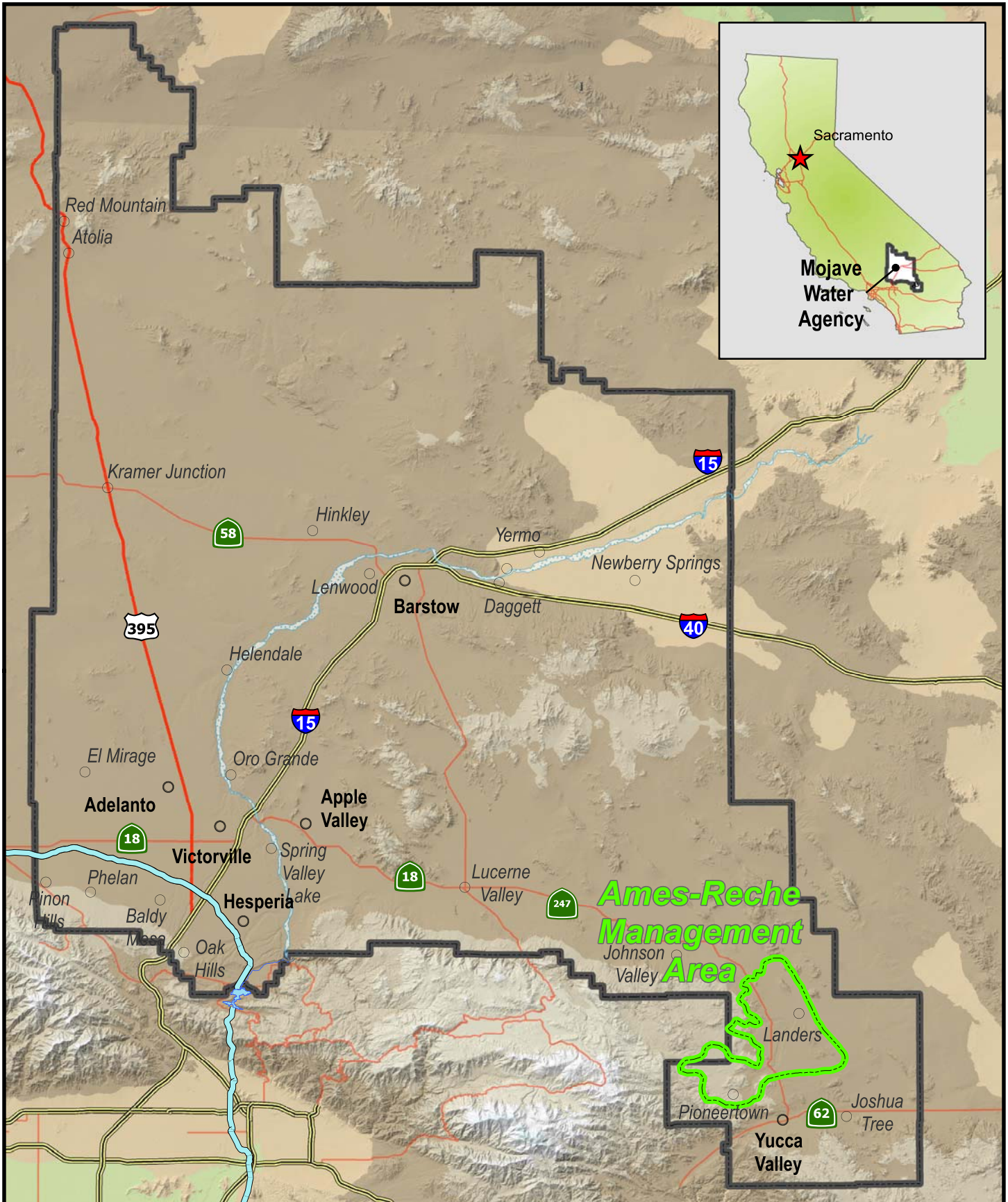
TOTALS	MWA	BDVWA		HDWD	IDGM	W-4
		BDVWA	5% ACCUM			
TOTALS	443	430	1	0	19	0

Notes:
Table D - Comprehensive tracking of Tables B and C

FIGURES

Figure 1. Vicinity Map.





Ames-Reche Management Area
Vicinity Map

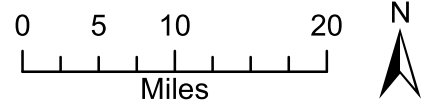
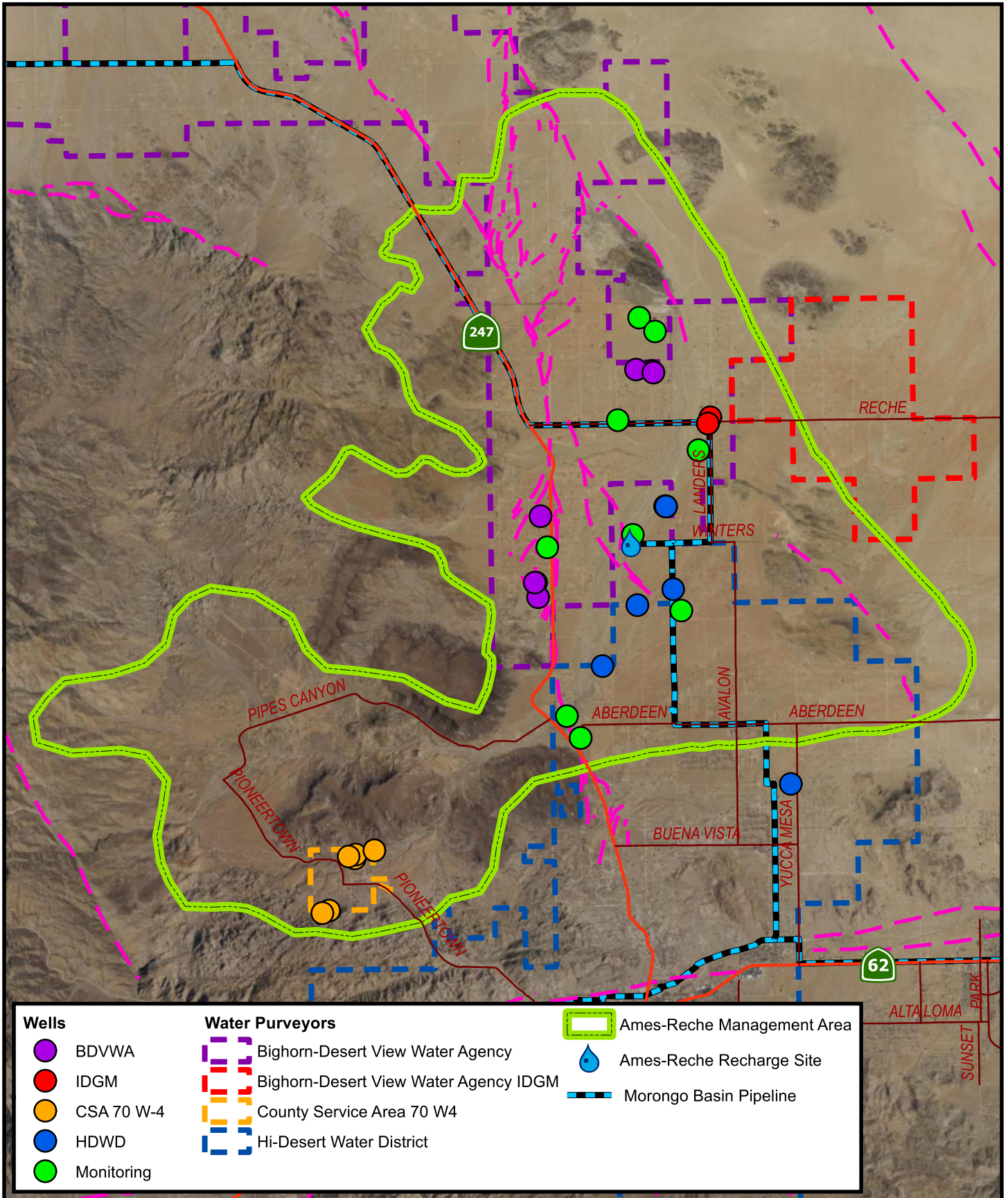


Figure 1

Figure 2. Well Location Map.





Ames-Reche Management Area
Well Location Map

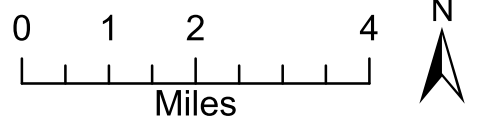
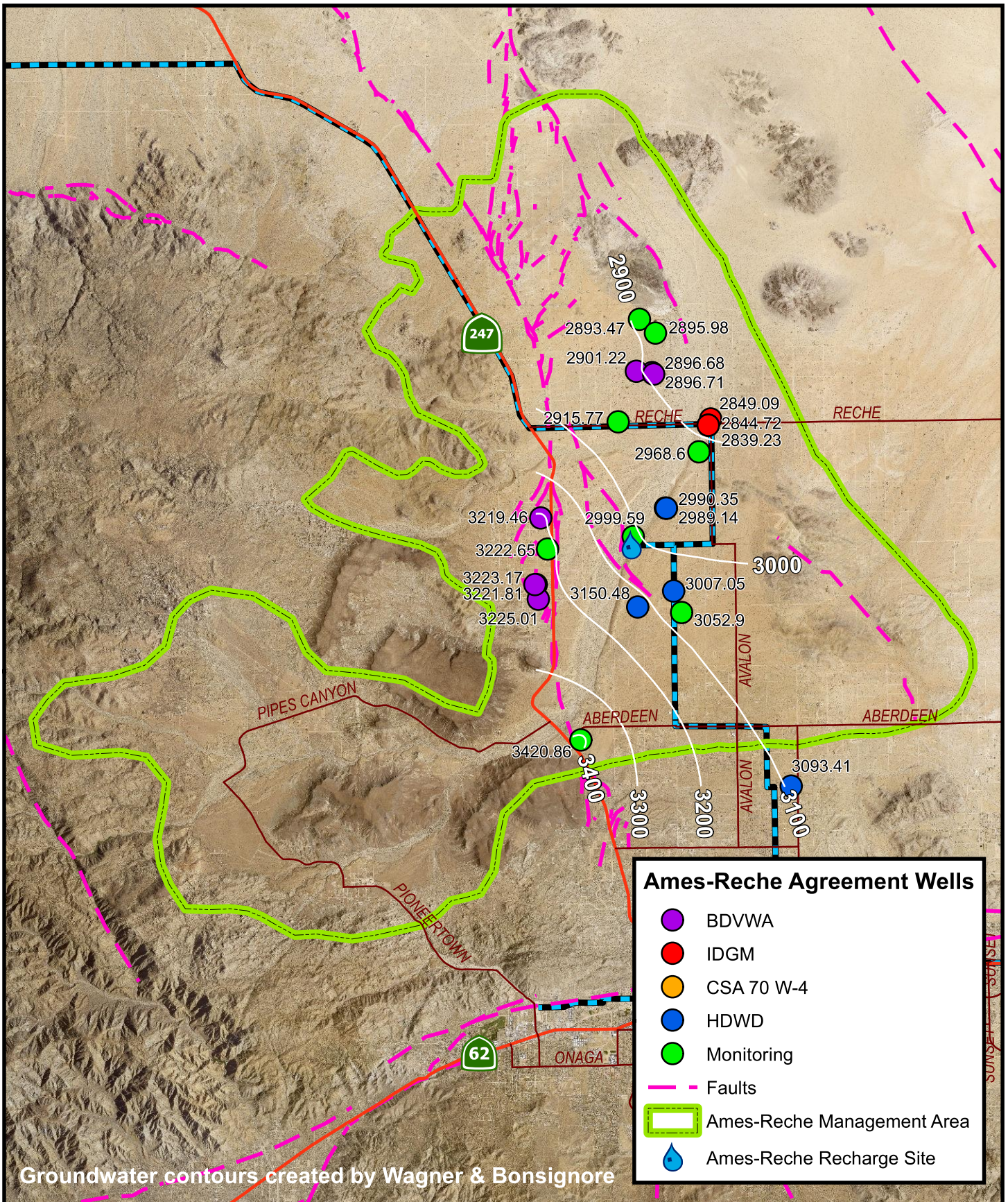


Figure 2

Figure 3.0 Groundwater Elevation Contours Spring 2021.





Ames-Reche Management Area
Spring 2021 Water Level Contours

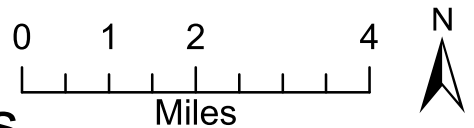
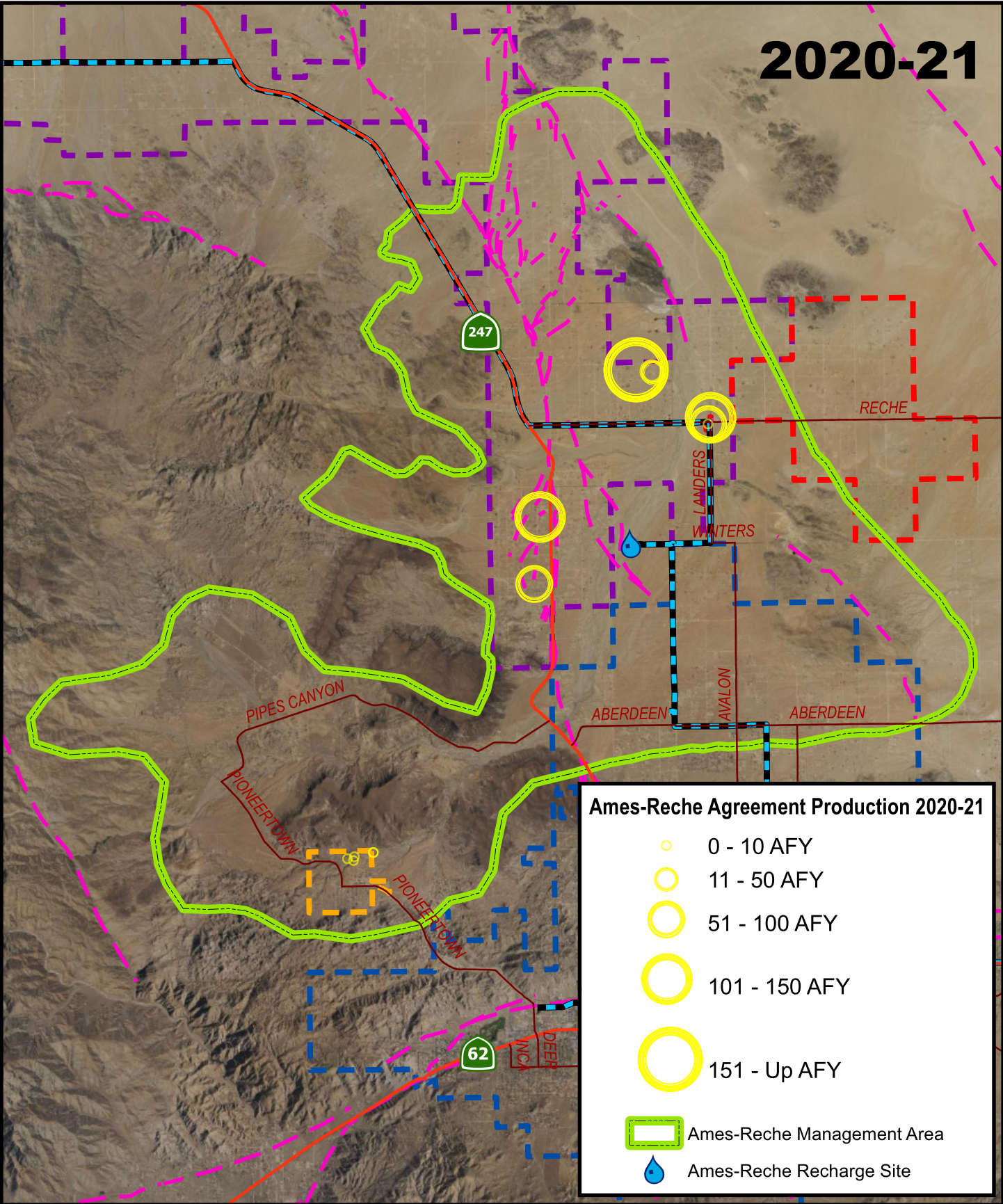


Figure 3.0

Figure 5.0 Production FY 2020-2021.



2020-21



Ames-Reche Agreement
Production 2020-21



Figure 5.0

Item # 4

Status Update Proposition
1 Planning Grant

No Staff Report

Item # 5

Status Update Goat Mountain
Replacement Well, Destruction of GM
Well 2 and Up to Three Additional
Borings/Monitoring Wells

No Staff Report

Item # 6

Review New Guidelines for Remote
Attendance of Directors at Future
Board Meetings

**BIGHORN-DESERT VIEW WATER AGENCY STANDING COMMITTEE
PLANNING/LEGISLATIVE/ENGINEERING/GRANTS/SECURITY
AGENDA ITEM SUBMITTAL**

Meeting Date: October 21, 2021

To: PLEGS Committee Members

Budgeted: N/A

Budgeted Amount: N/A

From: Marina D. West

General Counsel Approval: N/A

CEQA Compliance: N/A

Subject: Review New Guidelines for Remote Attendance of Directors at Future Board Meetings

SUMMARY

The Governor's Executive Order N-29-20 has expired. The Board of Directors can adopt measures to continue the teleconferencing option into the future.

RECOMMENDATION

Committee to make recommendation to full Board

BACKGROUND/ANALYSIS

All requirements of the Bagley-Keen Act and Brown Act requiring the physical presence of the board or staff had been waived per Executive Order N-29-20. The posting requirements for Directors attending remotely was waived as well. This order expired on September 30, 2021. The CA Legislature passed AB261, R. Rivas. Open meetings: state and local agencies: teleconferences. which became effective October 1, 2021. This bill provided for continuing teleconferenced meetings under specific conditions.

The Agency can pass a Resolution, every 30-days, to continue the process used under the Executive Order. The Resolution recently passed by MWA is attached.

At this time, the Agency will hold a November meeting and no December meeting, therefore, if the Board desired to have this option it should be scheduled for the January meeting to be effective for the February meeting. The alternative is to advance plan and remote attendance and follow the Brown Act. However, all public will be allowed to attend in the Boardroom although face coverings can be required.

PRIOR RELEVANT BOARD ACTION(S)

none

RESOLUTION NO. 1103-21

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MOJAVE WATER AGENCY RATIFYING THE PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR NEWSOM, DECLARING THE EXISTENCE OF LOCAL EMERGENCY CONDITIONS, AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF DIRECTORS AND ITS STANDING COMMITTEES FOR THE PERIOD OCTOBER 4, 2021, TO _____, 2021, PURSUANT TO BROWN ACT PROVISIONS

WHEREAS, the Mojave Water Agency (the “Agency”) is committed to preserving and nurturing public access and participation in meetings of its Board of Directors; and

WHEREAS, all meetings of the Agency’s Board of Directors (the “Board”) and its standing committees are open and public, as required by the Ralph M. Brown Act (California Government Code Sections 54950-54963), so that any member of the public may attend, participate, and watch those bodies conduct their business; and

WHEREAS, the Brown Act, in Government Code Section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code Section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition for application of Government Code Section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the State caused by conditions as described in Government Code Section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the Agency’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, on March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist in California as a result of the threat of COVID-19, and such proclamation has not yet been lifted; and

WHEREAS, it is further required under Government Code Section 54953(e) that state or local officials have imposed or recommended measures to promote social distancing or that the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the Agency, specifically COVID-19 and its Delta variant, remain highly contagious and, therefore, a threat to the health, safety, and well-being of the Agency’s employees, directors, vendors, contractors, customers, visitors, and residents; and

WHEREAS, directions from the San Bernardino County Department of Public Health and regulations from the State of California impose various social distancing restrictions and provide guidance on best practices with respect to actions to reduce the spread of COVID-19; and

WHEREAS, the Board does hereby find that a state of emergency exists within the Agency's service area as a result of the continuing presence of COVID-19, which would cause conditions of imminent risk to attendees of Board meetings, and has resulted in local, State, and federal social distancing orders and related guidance, and which has caused, and will continue to cause, conditions of peril to the safety of persons within the Agency that are likely to be beyond the control of services, personnel, equipment, and facilities of the Agency, and the Board desires to affirm that a local emergency exists and ratify the proclamation of state of emergency by the Governor of the State of California; and

WHEREAS, as a consequence of the local emergency, the Board does hereby find that the Board and all standing committees thereof shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953, as authorized by subdivision (e) of Government Code Section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Government Code Section 54953; and

WHEREAS, the Agency will continue to provide proper notice to the public regarding all Board and standing committee meetings in accordance with Government Code Section 54953(e)(2) and shall provide notice to the public of how they may access any such meeting via call-in number and/or internet link.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MOJAVE WATER AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation Regarding Local Emergency. The Board hereby considers the conditions of the state of emergency in the Agency and proclaims that a local emergency now exists throughout the Agency as a result of the continuing presence of COVID-19, which would cause conditions of imminent risk to attendees of the Agency's Board and standing committee meetings, and which have resulted in local, State, and federal social distancing orders and guidance, and that conducting the Agency's Board and standing committee meetings virtually will minimize the possible spread COVID-19 and any variant thereof.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency regarding COVID-19, dated March 4, 2020.

Section 4. Remote Teleconference Meetings. The Agency's General Manager, or his or her delegee, and the Board and standing committees of the Agency are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution,

including but not limited to continuing to conduct open and public meetings in accordance with Government Code Section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) the expiration of thirty (30) days from the date this Resolution was adopted, as set forth below, or (ii) such time as the Board adopts a subsequent resolution in accordance with Government Code Section 54953(e)(3) to extend the time during which the Board and standing committees of the Agency may continue to teleconference without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953.

PASSED AND ADOPTED by the Board of Directors of the Mojave Water Agency this 4th day of October, 2021, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

President, Board of Directors

ATTEST:

Secretary, Board of Directors

Assembly Bill No. 361

CHAPTER 165

An act to add and repeal Section 89305.6 of the Education Code, and to amend, repeal, and add Section 54953 of, and to add and repeal Section 11133 of, the Government Code, relating to open meetings, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor September 16, 2021. Filed with
Secretary of State September 16, 2021.]

LEGISLATIVE COUNSEL'S DIGEST

AB 361, Robert Rivas. Open meetings: state and local agencies: teleconferences.

(1) Existing law, the Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding the timelines for posting an agenda and providing for the ability of the public to directly address the legislative body on any item of interest to the public. The act generally requires all regular and special meetings of the legislative body be held within the boundaries of the territory over which the local agency exercises jurisdiction, subject to certain exceptions. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. The act authorizes the district attorney or any interested person, subject to certain provisions, to commence an action by mandamus or injunction for the purpose of obtaining a judicial determination that specified actions taken by a legislative body are null and void.

Existing law, the California Emergency Services Act, authorizes the Governor, or the Director of Emergency Services when the governor is inaccessible, to proclaim a state of emergency under specified circumstances.

Executive Order No. N-29-20 suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic provided that notice and accessibility requirements are met, the public members are allowed to observe and address the legislative body at the meeting, and that a legislative body of a local agency has a procedure for receiving and swiftly

resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 1, 2024, would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.

This bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option, and to conduct the meeting in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. The bill would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to challenge proceedings, as specified.

This bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. The bill would prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed, as specified. When there is a continuing state of emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures.

Existing law prohibits a legislative body from requiring, as a condition to attend a meeting, a person to register the person's name, or to provide other information, or to fulfill any condition precedent to the person's attendance.

This bill would exclude from that prohibition, a registration requirement imposed by a third-party internet website or other online platform not under the control of the legislative body.

(2) Existing law, the Bagley-Keene Open Meeting Act, requires, with specified exceptions, that all meetings of a state body be open and public and all persons be permitted to attend any meeting of a state body. The act requires at least one member of the state body to be physically present at the location specified in the notice of the meeting.

The Governor's Executive Order No. N-29-20 suspends the requirements of the Bagley-Keene Open Meeting Act for teleconferencing during the COVID-19 pandemic, provided that notice and accessibility requirements are met, the public members are allowed to observe and address the state body at the meeting, and that a state body has a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a state body to hold public meetings through teleconferencing and to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body. With respect to a state body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the state body at each teleconference location. Under the bill, a state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the state body allow members of the public to attend the meeting and offer public comment. The bill would require that each state body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge state bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(3) Existing law establishes the various campuses of the California State University under the administration of the Trustees of the California State University, and authorizes the establishment of student body organizations in connection with the operations of California State University campuses.

The Gloria Romero Open Meetings Act of 2000 generally requires a legislative body, as defined, of a student body organization to conduct its business in a meeting that is open and public. The act authorizes the legislative body to use teleconferencing, as defined, for the benefit of the public and the legislative body in connection with any meeting or proceeding authorized by law.

This bill, until January 31, 2022, would authorize, subject to specified notice and accessibility requirements, a legislative body, as defined for purposes of the act, to hold public meetings through teleconferencing and

to make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body. With respect to a legislative body holding a public meeting pursuant to these provisions, the bill would suspend certain requirements of existing law, including the requirements that each teleconference location be accessible to the public and that members of the public be able to address the legislative body at each teleconference location. Under the bill, a legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically would satisfy any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. The bill would require that each legislative body that holds a meeting through teleconferencing provide notice of the meeting, and post the agenda, as provided. The bill would urge legislative bodies utilizing these teleconferencing procedures in the bill to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to existing law, as provided.

(4) This bill would declare the Legislature's intent, consistent with the Governor's Executive Order No. N-29-20, to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future emergencies by allowing broader access through teleconferencing options.

(5) This bill would incorporate additional changes to Section 54953 of the Government Code proposed by AB 339 to be operative only if this bill and AB 339 are enacted and this bill is enacted last.

(6) The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

(7) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(8) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 89305.6 is added to the Education Code, to read:

89305.6. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a legislative body may hold public meetings through teleconferencing

and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the legislative body.

(b) (1) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the legislative body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a legislative body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the legislative body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the legislative body be physically present at the location specified in the notice of the meeting.

(c) A legislative body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the legislative body allow members of the public to attend the meeting and offer public comment. A legislative body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a legislative body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the legislative body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each legislative body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a legislative body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the legislative body's internet website.

(f) All legislative bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to legislative body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 2. Section 11133 is added to the Government Code, to read:

11133. (a) Notwithstanding any other provision of this article, and subject to the notice and accessibility requirements in subdivisions (d) and (e), a state body may hold public meetings through teleconferencing and make public meetings accessible telephonically, or otherwise electronically, to all members of the public seeking to observe and to address the state body.

(b) (1) For a state body holding a public meeting through teleconferencing pursuant to this section, all requirements in this article requiring the physical presence of members, the clerk or other personnel of the state body, or the public, as a condition of participation in or quorum for a public meeting, are hereby suspended.

(2) For a state body holding a public meeting through teleconferencing pursuant to this section, all of the following requirements in this article are suspended:

(A) Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

(B) Each teleconference location be accessible to the public.

(C) Members of the public may address the state body at each teleconference conference location.

(D) Post agendas at all teleconference locations.

(E) At least one member of the state body be physically present at the location specified in the notice of the meeting.

(c) A state body that holds a meeting through teleconferencing and allows members of the public to observe and address the meeting telephonically

or otherwise electronically, consistent with the notice and accessibility requirements in subdivisions (d) and (e), shall have satisfied any requirement that the state body allow members of the public to attend the meeting and offer public comment. A state body need not make available any physical location from which members of the public may observe the meeting and offer public comment.

(d) If a state body holds a meeting through teleconferencing pursuant to this section and allows members of the public to observe and address the meeting telephonically or otherwise electronically, the state body shall also do both of the following:

(1) Implement a procedure for receiving and swiftly resolving requests for reasonable modification or accommodation from individuals with disabilities, consistent with the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and resolving any doubt whatsoever in favor of accessibility.

(2) Advertise that procedure each time notice is given of the means by which members of the public may observe the meeting and offer public comment, pursuant to paragraph (2) of subdivision (e).

(e) Except to the extent this section provides otherwise, each state body that holds a meeting through teleconferencing pursuant to this section shall do both of the following:

(1) Give advance notice of the time of, and post the agenda for, each public meeting according to the timeframes otherwise prescribed by this article, and using the means otherwise prescribed by this article, as applicable.

(2) In each instance in which notice of the time of the meeting is otherwise given or the agenda for the meeting is otherwise posted, also give notice of the means by which members of the public may observe the meeting and offer public comment. As to any instance in which there is a change in the means of public observation and comment, or any instance prior to the effective date of this section in which the time of the meeting has been noticed or the agenda for the meeting has been posted without also including notice of the means of public observation and comment, a state body may satisfy this requirement by advertising the means of public observation and comment using the most rapid means of communication available at the time. Advertising the means of public observation and comment using the most rapid means of communication available at the time shall include, but need not be limited to, posting such means on the state body's internet website.

(f) All state bodies utilizing the teleconferencing procedures in this section are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the otherwise applicable provisions of this article, in order to maximize transparency and provide the public access to state body meetings.

(g) This section shall remain in effect only until January 31, 2022, and as of that date is repealed.

SEC. 3. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3.

In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 3.1. Section 54953 of the Government Code is amended to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency in person, except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all otherwise applicable requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body

shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivisions (d) and (e). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter

2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) (1) A local agency may use teleconferencing without complying with the requirements of paragraph (3) of subdivision (b) if the legislative body complies with the requirements of paragraph (2) of this subdivision in any of the following circumstances:

(A) The legislative body holds a meeting during a proclaimed state of emergency, and state or local officials have imposed or recommended measures to promote social distancing.

(B) The legislative body holds a meeting during a proclaimed state of emergency for the purpose of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(C) The legislative body holds a meeting during a proclaimed state of emergency and has determined, by majority vote, pursuant to subparagraph (B), that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

(2) A legislative body that holds a meeting pursuant to this subdivision shall do all of the following:

(A) The legislative body shall give notice of the meeting and post agendas as otherwise required by this chapter.

(B) The legislative body shall allow members of the public to access the meeting and the agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3. In each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the legislative body shall also give notice of the means by which members of the public may access the meeting and offer public comment. The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(C) The legislative body shall conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body of a local agency.

(D) In the event of a disruption which prevents the public agency from broadcasting the meeting to members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. Actions taken on agenda items during a disruption which prevents the public agency from broadcasting the meeting may be challenged pursuant to Section 54960.1.

(E) The legislative body shall not require public comments to be submitted in advance of the meeting and must provide an opportunity for

the public to address the legislative body and offer comment in real time. This subparagraph shall not be construed to require the legislative body to provide a physical location from which the public may attend or comment.

(F) Notwithstanding Section 54953.3, an individual desiring to provide public comment through the use of an internet website, or other online platform, not under the control of the local legislative body, that requires registration to log in to a teleconference may be required to register as required by the third-party internet website or online platform to participate.

(G) (i) A legislative body that provides a timed public comment period for each agenda item shall not close the public comment period for the agenda item, or the opportunity to register, pursuant to subparagraph (F), to provide public comment until that timed public comment period has elapsed.

(ii) A legislative body that does not provide a timed public comment period, but takes public comment separately on each agenda item, shall allow a reasonable amount of time per agenda item to allow public members the opportunity to provide public comment, including time for members of the public to register pursuant to subparagraph (F), or otherwise be recognized for the purpose of providing public comment.

(iii) A legislative body that provides a timed general public comment period that does not correspond to a specific agenda item shall not close the public comment period or the opportunity to register, pursuant to subparagraph (F), until the timed general public comment period has elapsed.

(3) If a state of emergency remains active, or state or local officials have imposed or recommended measures to promote social distancing, in order to continue to teleconference without compliance with paragraph (3) of subdivision (b), the legislative body shall, not later than 30 days after teleconferencing for the first time pursuant to subparagraph (A), (B), or (C) of paragraph (1), and every 30 days thereafter, make the following findings by majority vote:

(A) The legislative body has reconsidered the circumstances of the state of emergency.

(B) Any of the following circumstances exist:

(i) The state of emergency continues to directly impact the ability of the members to meet safely in person.

(ii) State or local officials continue to impose or recommend measures to promote social distancing.

(4) For the purposes of this subdivision, “state of emergency” means a state of emergency proclaimed pursuant to Section 8625 of the California Emergency Services Act (Article 1 (commencing with Section 8550) of Chapter 7 of Division 1 of Title 2).

(f) This section shall remain in effect only until January 1, 2024, and as of that date is repealed.

SEC. 4. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting

of the legislative body of a local agency, except as otherwise provided in this chapter.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting,

members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 4.1. Section 54953 is added to the Government Code, to read:

54953. (a) All meetings of the legislative body of a local agency shall be open and public, and all persons shall be permitted to attend any meeting of the legislative body of a local agency, in person except as otherwise provided in this chapter. Local agencies shall conduct meetings subject to this chapter consistent with applicable state and federal civil rights laws, including, but not limited to, any applicable language access and other nondiscrimination obligations.

(b) (1) Notwithstanding any other provision of law, the legislative body of a local agency may use teleconferencing for the benefit of the public and the legislative body of a local agency in connection with any meeting or proceeding authorized by law. The teleconferenced meeting or proceeding shall comply with all requirements of this chapter and all otherwise applicable provisions of law relating to a specific type of meeting or proceeding.

(2) Teleconferencing, as authorized by this section, may be used for all purposes in connection with any meeting within the subject matter jurisdiction of the legislative body. All votes taken during a teleconferenced meeting shall be by rollcall.

(3) If the legislative body of a local agency elects to use teleconferencing, it shall post agendas at all teleconference locations and conduct teleconference meetings in a manner that protects the statutory and constitutional rights of the parties or the public appearing before the

legislative body of a local agency. Each teleconference location shall be identified in the notice and agenda of the meeting or proceeding, and each teleconference location shall be accessible to the public. During the teleconference, at least a quorum of the members of the legislative body shall participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as provided in subdivision (d). The agenda shall provide an opportunity for members of the public to address the legislative body directly pursuant to Section 54954.3 at each teleconference location.

(4) For the purposes of this section, “teleconference” means a meeting of a legislative body, the members of which are in different locations, connected by electronic means, through either audio or video, or both. Nothing in this section shall prohibit a local agency from providing the public with additional teleconference locations.

(c) (1) No legislative body shall take action by secret ballot, whether preliminary or final.

(2) The legislative body of a local agency shall publicly report any action taken and the vote or abstention on that action of each member present for the action.

(3) Prior to taking final action, the legislative body shall orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive, as defined in subdivision (d) of Section 3511.1, during the open meeting in which the final action is to be taken. This paragraph shall not affect the public’s right under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1) to inspect or copy records created or received in the process of developing the recommendation.

(d) (1) Notwithstanding the provisions relating to a quorum in paragraph (3) of subdivision (b), if a health authority conducts a teleconference meeting, members who are outside the jurisdiction of the authority may be counted toward the establishment of a quorum when participating in the teleconference if at least 50 percent of the number of members that would establish a quorum are present within the boundaries of the territory over which the authority exercises jurisdiction, and the health authority provides a teleconference number, and associated access codes, if any, that allows any person to call in to participate in the meeting and the number and access codes are identified in the notice and agenda of the meeting.

(2) Nothing in this subdivision shall be construed as discouraging health authority members from regularly meeting at a common physical site within the jurisdiction of the authority or from using teleconference locations within or near the jurisdiction of the authority. A teleconference meeting for which a quorum is established pursuant to this subdivision shall be subject to all other requirements of this section.

(3) For purposes of this subdivision, a health authority means any entity created pursuant to Sections 14018.7, 14087.31, 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare and Institutions Code, any joint

powers authority created pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 for the purpose of contracting pursuant to Section 14087.3 of the Welfare and Institutions Code, and any advisory committee to a county-sponsored health plan licensed pursuant to Chapter 2.2 (commencing with Section 1340) of Division 2 of the Health and Safety Code if the advisory committee has 12 or more members.

(e) This section shall become operative January 1, 2024.

SEC. 5. Sections 3.1 and 4.1 of this bill incorporate amendments to Section 54953 of the Government Code proposed by both this bill and Assembly Bill 339. Those sections of this bill shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2022, but this bill becomes operative first, (2) each bill amends Section 54953 of the Government Code, and (3) this bill is enacted after Assembly Bill 339, in which case Section 54953 of the Government Code, as amended by Sections 3 and 4 of this bill, shall remain operative only until the operative date of Assembly Bill 339, at which time Sections 3.1 and 4.1 of this bill shall become operative.

SEC. 6. It is the intent of the Legislature in enacting this act to improve and enhance public access to state and local agency meetings during the COVID-19 pandemic and future applicable emergencies, by allowing broader access through teleconferencing options consistent with the Governor's Executive Order No. N-29-20 dated March 17, 2020, permitting expanded use of teleconferencing during the COVID-19 pandemic.

SEC. 7. The Legislature finds and declares that Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, further, within the meaning of paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the purposes of that constitutional section as it relates to the right of public access to the meetings of local public bodies or the writings of local public officials and local agencies. Pursuant to paragraph (7) of subdivision (b) of Section 3 of Article I of the California Constitution, the Legislature makes the following findings:

This act is necessary to ensure minimum standards for public participation and notice requirements allowing for greater public participation in teleconference meetings during applicable emergencies.

SEC. 8. (a) The Legislature finds and declares that during the COVID-19 public health emergency, certain requirements of the Bagley-Keene Open Meeting Act (Article 9 (commencing with Section 11120) of Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code) were suspended by Executive Order N-29-20. Audio and video teleconference were widely used to conduct public meetings in lieu of physical location meetings, and public meetings conducted by teleconference during the COVID-19 public health emergency have been productive, have increased public participation by all members of the public regardless of their location in the state and ability to travel to physical meeting locations, have protected the health and safety of civil servants and the public, and have reduced travel costs incurred by members of state bodies and reduced work hours spent traveling to and from meetings.

(b) The Legislature finds and declares that Section 1 of this act, which adds and repeals Section 89305.6 of the Education Code, Section 2 of this act, which adds and repeals Section 11133 of the Government Code, and Sections 3 and 4 of this act, which amend, repeal, and add Section 54953 of the Government Code, all increase and potentially limit the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

(1) By removing the requirement that public meetings be conducted at a primary physical location with a quorum of members present, this act protects the health and safety of civil servants and the public and does not preference the experience of members of the public who might be able to attend a meeting in a physical location over members of the public who cannot travel or attend that meeting in a physical location.

(2) By removing the requirement for agendas to be placed at the location of each public official participating in a public meeting remotely, including from the member's private home or hotel room, this act protects the personal, private information of public officials and their families while preserving the public's right to access information concerning the conduct of the people's business.

SEC. 9. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order to ensure that state and local agencies can continue holding public meetings while providing essential services like water, power, and fire protection to their constituents during public health, wildfire, or other states of emergencies, it is necessary that this act take effect immediately.

Item # 7a

PLEGS Committee Meeting
Minutes, August 17, 2021



BIGHORN-DESERT VIEW WATER AGENCY

Our Mission - "To provide a high quality supply of water and reliable service to all customers at a fair and reasonable rate."

Planning/Legislative/Engineering Grant & Security Standing Committee Meeting Agenda

Committee Members: President Burkhart & Director Close-Dees

BOARD MEETING OFFICE
1720 N. CHEROKEE TR.
LANDERS, CALIFORNIA 92285

August 17, 2021
Time – 9:15 A.M.

PUBLIC AND BOARD WISHING TO PARTICIPATE REMOTELY
****TELECONFERENCE LINE THRU ZOOM 669-900-6833****
OR
Join Zoom Meeting

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/83658825348?pwd=ZXdtck9BbW55OE5oWkdMdEJReWFBdz09>

Passcode: 685335
Or Dial:
1-669-900-6833
Webinar ID: 836 5882 5348
Passcode: 685335

Please note that all requirements of the Brown Act requiring the physical presence of the board or staff have been waived per Executive Order N-29-20

CALL TO ORDER

Chairman Burkhart called the meeting to order at 9:17 am

PLEDGE OF ALLEGIANCE

Led by Chairman Burkhart

ROLL CALL

Directors: John Burkhart
Megan Close-Dees

Staff: Marina West
James Owens, PE, NV5 Project Manager

Public present via teleconference - 0. There were 0 members of the public present in the Boardroom.

APPROVAL OF AGENDA

Discussion and Action Items

1. Conference Call with Mojave Water Agency's Legal/Legislative and Public Information Committee

Committee participated via teleconference for an update by the State Advocate of Issues at the State Level, as well as an update by the Federal Advocate of Issues at the Federal Level.

No public comments.

2. Community Water Systems Alliance Update and SB 427, Eggman. Water Theft: enhanced penalties.

GM West provided an update on activities of the CWSA since the Committee last met. Of particular interest is the Hwy 62-247 Initiative against illegal Cannabis cultivation which has met one time and scheduled to meet again on August 19, 2021. Related to the Cannabis issue is the passage of SB 427 by Senator Eggman which addresses water theft which could assist the Agency as currently law enforcement is not interested in tampering or theft when the value does not exceed \$900 making such activities a felony.

Lastly, she discussed the status of SB222, Dodd, Water Rate Assistance Program.

3. Status Update Proposition 1 Planning Grant

GM West introduced James Owens, PE, NV5 Project Manager for the Propositions 1 Planning grant work. He reported on finalizing the CEQA, BLM Right of Way and request for assistance from CA Rural Water Association on the construction grant application has been approved. Funds remaining are approximately \$18,000.

4. We will make application to the State Water Resources Control Board who will evaluate its funding options to assist us in finding the funding. He indicated the timing for such application and funding is approximately 12 to 18 months (early 2023 for funding issuance).

5. Status Update Goat Mountain Replacement Well, Destruction of GM Well 2 and Up to Three Additional Borings/Monitoring Wells

GM West introduced James Owens, PE, NV5, to provide the update. He noted the CEQA Categorical Exemptions for the monitoring wells have been drafted. Design is being finalized focused on power design for the pumping plant. He reviewed the draft schedule with Notice Inviting Bids going to the Board of Directors on November 9, 2021.

6. Consent Items –

a. PLEGS Committee Meeting Minutes, June 15, 2021

Recommended Action:
Approve as presented (Item a):

7. Public Comment Period

None.

8. Verbal Reports - Including Reports on Courses/Conferences/Meetings

1. Committee Members' Comments/Reports – None.
2. General Manager's Report - Attended HVCC meeting August 16, 2021 to hear the latest CoSB Report from Sup. Rowe.

9. Adjournment at 11:48 a.m.

Approved by:

John R. Burkhart, Committee Chair

Official Seal