



BIGHORN-DESERT VIEW WATER AGENCY  
A PUBLIC AGENCY

**SPECIAL MEETING AGENDA  
OF THE PLANNING/LEGISLATIVE/ENGINEERING  
GRANT & SECURITY COMMITTEE  
WITH BOARD OF DIRECTORS\***

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

**OCTOBER 29, 2009  
THURSDAY  
8:45 A.M.**

\*The BDVWA Planning / Legislative / Engineering / Grant & Security Committee meeting is announced as a joint meeting with the Board of Directors for the purpose of strict compliance with the Brown Act. Members of the Board not assigned to this Committee who attend will participate only as observers at the meeting.

- **CALL TO ORDER**
- **PLEDGE OF ALLEGIANCE**
- **ROLL CALL**
- **APPROVAL OF THE AGENDA**

**PUBLIC PARTICIPATION** - Public is invited to comment on any item on the agenda during discussion of that item. You may wish to submit your comments in writing to assure that you are able to express yourself adequately. In giving your public comment, please state your name and have your information prepared. Due to time constraints, a three minute time limit may be imposed. 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, please contact the Board Secretary during Agency business hours by calling 760-364-2315.

1. **CONFERENCE CALL WITH MOJAVE WATER AGENCY'S LEGAL/LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE** - Committee to participate via teleconference for an update on State Advocate and Issues at the State Level and update on Federal Advocate and Issues at the Federal Level.
2. **PUBLIC PARTICIPATION** - Any person may address the Committee on any matter within the District's jurisdiction on items not appearing on this agenda.
3. **CONSENT ITEMS** - The following is expected to be routine and non-controversial and will be acted on by the Committee members at one time without discussion, unless a member

of the Public or a Committee member requests that an item be held for discussion or further action.

- a. Committee Report from the June 18, 2009 Meeting
- b. Committee Report from the August 26, 2009 Meeting

**4. STANDING COMMITTEE PROJECT LIST**

**5. DIRECTORS' COMMENTS/REPORTS**

**6. GENERAL MANAGER'S REPORT**

**7. ITEMS FOR NEXT AGENDA**

**8. ADJOURNMENT**

Materials related to an item on this Agenda submitted to the Committee Members after distribution of the agenda packet are available for public inspection during normal business hours at the Bighorn-Desert View Water Agency office located at 622 S. Jemez Tr., Yucca Valley, CA.



# LEGAL/LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE MEETING

## AGENDA

Mojave Water Agency  
Board Room  
22450 Headquarters Drive  
Apple Valley, CA 92307

October 29, 2009  
9:00 a.m.

### NO ACTION WILL BE TAKEN – STUDY SESSION ONLY

1. Approval of Agenda
2. Adopt Actions from the Legal/Legislative and Public Information Committee Meeting of September 17, 2009
3. Update on State Advocate and Issues at the State Level (teleconference)
4. Update on Federal Advocate and Issues at the Federal Level (teleconference)
5. Public Information Update (oral report)
6. General Manager's Report (oral report)
7. Public Participation
8. Comments/Discussion Items for Next or Future Agendas
9. Adjournment

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*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) 946-7008 at least 24 hours prior to said meeting.*



## LEGAL/LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE MEETING

### ADOPTED COMMITTEE ACTIONS SEPTEMBER 17, 2009

#### CALL TO ORDER:

Chairperson Art Bishop called the meeting to order at 9:00 a.m.

#### ATTENDANCE:

- ✦ Committee - Chairperson Art Bishop, Director Beverly Lowry, and Director Doug Shumway
- ✦ Absent - None
- ✦ Staff - General Manager Kirby Brill; Community Liaison Officer Michael Stevens; Water Conservation Program Manager Tamara Alaniz; and Senior Administrative Assistant, Public Information Gloria Golike
- ✦ Consultants - State Advocates Pilar Onate-Quintana and Ed Manning, KP Public Affairs; and Federal Advocate Heather Hennessey, Innovative Federal Strategies, LLC joined by teleconference
- ✦ Others - Four visitors were in the audience and seven entities joined the meeting online

#### 1. **Approval of Agenda**

*Action: The agenda was approved as presented.*

#### 2. **Adopt Actions from the Legal/Legislative and Public Information Committee Meeting of August 26, 2009**

*Action: The actions of the August 26, 2009 meeting were adopted as submitted.*

#### 3. **Update on State Advocate and Issues at the State Level**

Ms. Pilar Onate-Quintana and Mr. Ed Manning joined the meeting by teleconference. Mr. Manning gave an overview of the status of the Bay Delta plan; such as, a water bond, conveyance system, water conservation, groundwater monitoring, water storage, and cost, among others. There was also some discussion on the likeliness of this water bond passing.

Ms. Onate-Quintana spoke about Bill AB 49 which addresses water conservation and urban and agricultural water use, and SB 261 which also concentrates on water use.

*Action: Informational purposes only. No action taken.*

4. **Update on Federal Advocate and Issues at the Federal Level**

Ms. Heather Hennessey joined the meeting by teleconference. She stated that Congress was back in session. She reported that possibly both the Agriculture Bill (Non-native Species Removal) and the Energy & Water Appropriation Bill (Bureau of Reclamation) could move forward during the next week. She mentioned that Congress is spending the majority of their time on the health care system debate. She also gave an update on the status of other bills.

*Action: Informational purposes only. No action.*

5. **Public Information Update**

Mr. Stevens reported on several agency events that have recently occurred, including the successful mini tour and several different meetings and presentations. He also mentioned the upcoming ABC's of Water and the November Special Districts Dinner that the Agency will host.

Ms. Alaniz gave an update on events that the Alliance for Water Awareness and Conservation (AWAC) has participated in over the past few months.

6. **General Manager's Report**

No report.

7. **Public Participation**

No report noted.

8. **Comments/Discussion Items for Next or Future Agendas**

The Committee commented that they would like to have Mr. Brill give a legislative update to the full Board at the regular Board meetings so they all can stay informed.

9. **Adjournment**

Chairperson Bishop adjourned the meeting at 10:10 a.m.

Submitted by: \_\_\_\_\_  
Gloria Golike  
Senior Administrative Assistant,  
Public Information

Attachments on-file:  
Sign-in sheet

*\*Audio recording of this meeting available upon request.*

## MEMORANDUM

**To:** Kirby Brill, Mike Stevens and Kathy Cortner  
MWA

**From:** Letitia White, Heather McNatt and Alex Shockey

**Date:** October 1, 2009

**Re:** September Monthly Legislative Update

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The House and Senate returned from August recess on September 8; both bodies have been hard at work ever since! While the list of legislative items on the Congressional agenda is very long, the first priority for Congressional leadership and the White House is the passage of health care reform legislation.

Throughout the month of September, we monitored the Agriculture and Energy and Water Appropriations bills on behalf of MWA. The conference efforts to resolve the differences between the House and Senate bills encountered several problems during late September, which delayed the conferences by over two weeks. It was a thrill to share the news with you that the Non-Native Species Removal Project received \$667,000 from the Agriculture bill and the Upper Wellfields received \$100,000 in Energy and Water. The Energy and Water funding was surprising – we expected it would be removed from the final bill because of MWA’s success with Stimulus funding.

### *FY 2010 Energy and Water Appropriations*

The Energy and Water Appropriations bill became available today, the first day of the new federal fiscal year. Unfortunately, the Cucamonga recycling project did not receive any funding from the Bureau of Reclamation. The Bureau of Reclamation is funded at \$1.1 billion for FY 2010, while the Corps of Engineers receives \$5.4 billion.

According to a press release from Congressman Jerry Lewis:  
“The bill provides \$33.5 billion in total funding, which is \$200 million - or less than 1% - over last year’s level. However, this is in addition to the more than \$58.7 billion provided for these programs in emergency spending this year, most of which was included in the “stimulus” legislation. Overall, these programs have benefitted from an increase of more than 180% over the last two fiscal years.”

### *Health Care Legislation*

On Wednesday, September 16, Senate Finance Chairman Max Baucus (D-MT) released a \$774 billion health care overhaul bill that would expand Medicaid coverage and establish consumer-owned insurance cooperatives in lieu of a government-run insurance “public option”. The bill

would impose new fees on several sectors of the health care industry, with the amount of the fees determined by a company's market share within each sector. The bill envisions obtaining \$2.3 billion a year from the pharmaceutical industry, \$4 billion a year from medical device-makers, \$6 billion a year from health insurance companies and \$750 million a year from clinical laboratories.

The Senate Finance Committee started marking up the bill on September 22. However, Democratic leadership does not believe that there will be the necessary 60 votes on the floor to pass healthcare legislation with a public insurance option. As of September 30, the Finance Committee's fifth day marking up the bill, Chairman Baucus stated that the Committee had not had a mark-up run so long since 1994. The Committee is not finished its work and is still marking up today. Senator Rockefeller (D-WV) said that the half day debate on the "public option" was the longest he has seen in his 25 years serving on the Finance Committee.

With committee work dragging on and many prior deadlines having gone unmet, Congressional Leaders are no longer setting deadlines for passing health care legislation. In an effort not to hang their Members out politically for too long, the House does not intend to take up its version of health care reform until the Senate has completely finished with floor debate and successfully passed a bill.

### *Climate Change*

The Senate Environment and Public Works Committee (EPW) unveiled a bill on September 30 that aims to make strong cuts in U.S. greenhouse gas emissions while setting a limit on the cost of carbon allowances. The bill, authored by EPW Chairman Barbara Boxer (D-CA) and Senate Foreign Relations Chairman John Kerry (D-MA), would make it easier for businesses to compensate for their carbon pollution by expanding the available pool of domestic offsets by 40 percent. The Senate bill calls for deeper cuts to U.S. emissions - - 17 percent deeper - - than a similar bill that passed in the House several months ago. The bill includes provisions aimed at reducing speculation in the carbon market and would reserve some carbon allowances in a market-stability fund that would ensure those allowances would not exceed \$28 per ton, a provision known as a "carbon collar." The bill would also emphasize transportation efficiency, with provisions designed to get communities of 200,000 or more to plan public transportation and bike paths.

Passage of the bill will depend on language left out of Senator Boxer and Senator Kerry's bill, including how the bill will allocate emission credits to businesses. Adding to the complexity of the legislation, other Senate Committees in addition to EPW will have jurisdiction over the language of the bill, including the Senate Finance Committee, which will adjust language that would aim to protect US manufacturers by allowing for tariffs to be levied against developing nations that do not reduce their emissions. The Senate Agriculture Committee will weigh in on how a carbon market would be overseen and the Foreign Relations Committee has jurisdiction over issues like helping nations adapt to climate change.

## *Innovative Federal Strategies LLC*

### ***Appropriations Update - Continuing Resolution (CR)***

Late on Wednesday, September 30, the last day of federal fiscal year 2009, the Senate sent President Obama legislation to temporarily continue funding federal government programs through October 31. This legislation was attached to the \$4.6 billion fiscal year 2010 Legislative Branch Appropriations Act which passed the Senate by a 62-38 vote. The House passed it last Friday. The continuing resolution will give Congress a month longer to finish work on the 12 annual appropriations bills. The CR funds most government programs at FY09 levels, but funding increases will be provided to the Veterans Health Administration to help cope with 6.1 million more patients in FY10, and to the Census Bureau. In addition, the measure extends various authorizations, including surface transportation (TEA) legislation and aviation (FAA) programs.

To date, the House has completed its versions of all the bills; the Senate has completed only six. The Legislative Branch bill is the first FY10 spending bill to be sent to the President. The House and Senate are both pressing forward with other appropriations conference reports. Energy and Water Appropriations and Agriculture Appropriations are both ready to go back to the two chambers for a final vote and the House could take up Energy and Water as early as today; the Senate will likely work on the bills next week.

### ***Transportation Authorization Legislation***

On September 23, the House passed a three month extension of the current surface transportation legislation which expired on September 30. On September 29, after casting aside their previous desire for an 18 month extension, Barbara Boxer (D-CA) and James Inhofe (R-OK), leaders of the Senate Environment and Public Works Committee which authorizes surface transportation programs, agreed on a three-month highway bill extension but also included language, which the House bill did not have, that would repeal an \$8.7 billion budget cut that is set to take effect this week.

Despite backing from both parties, the Senate deal to extend surface transportation law for three months as well as restore the \$8.7 billion in spending authority collapsed late last night when several Republicans objected to the source of money - - TARP funds - - to pay for the fix. The breakdown leaves states facing the prospect of halting projects and laying off thousands of workers because the one-month extension approved by both chambers does not include the renewed spending authority.

Despite the worry over lost jobs and concern from cash-strapped states, it is not clear how severe the immediate impact of the failure to pass a bill with the elimination of the \$8.7 billion rescission will really be. Since there is a one-month extension of the current law, which was included in the continuing resolution (see above), many feel that the fallout will not be too bad. The expectation is that once the financing issue is resolved, a three month extension with the rescission fix will quickly pass and be signed into law.

We will continue to keep you informed on all activities here in Washington. Please let us know if you have any questions.





BIGHORN-DESERT VIEW WATER AGENCY  
A PUBLIC AGENCY

**THE PLANNING/LEGISLATIVE/ENGINEERING  
GRANT & SECURITY COMMITTEE REPORT**

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

June 18, 2009  
Thursday  
8:45 A.M.

- **CALL TO ORDER**  
Meeting convened by Director Burkhart at 8:45 A.M.
- **PLEDGE OF ALLEGIANCE**  
Led by Larry Coulombe
- **ROLL CALL**  
Directors Present: Terry Burkhart, Director  
Warren Strodel, Director  
  
Staff Present: Marina West, General Manager  
Joanne Keiter, Board Secretary  
  
Public Present: 3 noted

**1. PUBLIC PARTICIPATION -**

Director Burkhart asked if there were any comments and hearing NONE, continued onto the next agenda item.

Next, GM West mentioned that due to unforeseen scheduling conflicts, this meeting will adjourn immediately following completion of agenda item #2 (Teleconference call with Mojave Water Agency's Legislative Committee). She then asked if there was a date and time for reconvening that suited the members' calendars. After a brief discussion, it was suggested that June 23, 2009 at 3 PM be considered.

*In preparation for the conference call that followed, GM West gave a brief introduction to the Committee members about some key topics that would be discussed during this session by the State Lobbyist (i.e. the "possible" Suspension of Prop 1A funds) and the Federal Lobbyist (i.e. appropriations).*

**2. TELECONFERENCE WITH MOJAVE WATER AGENCY'S  
LEGAL/LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE -  
INFORMATION AND DISCUSSION ONLY - NO COMMITTEE ACTION TAKEN**

**MS. PILAR ONATE-QUINTANA GAVE AN UPDATE ON ISSUES AT THE  
STATE LEVEL:**

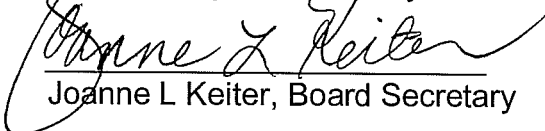
- Recent legislative activities:
  - Legislature has not yet voted on the Suspension of Prop 1A
- State budget status:
  - Budget has yet to pass
  - Formula unknown (could be 8% or vary by District)
- Overview of "Alliance for a 21<sup>st</sup> Century Water System"
  - A campaign component in support of building a peripheral canal as a comprehensive solution to the State's water crisis
- Other "key" legislation:
  - Water Conservation bills:
    - SB 621, SB 460 and AB 49
  - Delta-related bills
  - Water bonds
  - Other bills

**NEXT, MS. HEATHER MCNATT MADE A PRESENTATION ON ISSUES AT  
THE FEDERAL LEVEL:**

- Stimulus funding with the Bureau of Reclamation (under Title XVI)

**3. ADJOURNMENT - Director Burkhart adjourned the meeting @ 9:58 A.M.**

Respectfully Submitted by:

  
Joanne L Keiter, Board Secretary



BIGHORN-DESERT VIEW WATER AGENCY  
A PUBLIC AGENCY

**THE PLANNING/LEGISLATIVE/ENGINEERING  
GRANT & SECURITY COMMITTEE REPORT**

**BOARD MEETING OFFICE  
1720 N. CHEROKEE TR.  
LANDERS, CA 92285**

**August 26, 2009  
Wednesday  
8:45 A.M.**

- **CALL TO ORDER**  
Meeting convened by Director Burkhart at 8:45 A.M.

- **PLEDGE OF ALLEGIANCE**  
Led by Director Strodel

- **ROLL CALL**  
Directors Present: Terry Burkhart, Director  
Warren Strodel, Director

Staff Present: Marina West, General Manager  
Joanne Keiter, Board Secretary

Public Present: None

**1. PUBLIC PARTICIPATION - NONE**

*Prior to this conference call, GM West reviewed the two letters that were distributed to the committee members earlier (one addressed to several State Legislators pertaining to the Sacramento-San Joaquin Delta crisis; the second authored by Governor Schwarzenegger, encouraging the legislators to "act now" with regards to a comprehensive water plan.)*

**2. TELECONFERENCE WITH MOJAVE WATER AGENCY'S  
LEGAL/LEGISLATIVE AND PUBLIC INFORMATION COMMITTEE -**

**INFORMATION AND DISCUSSION ONLY - NO COMMITTEE ACTION TAKEN**

**MS. PILAR ONATE-QUINTANA GAVE AN UPDATE ON ISSUES AT THE  
STATE LEVEL INCLUDING:**

- Several bills of concern for water agencies (released after legislative recess):
  - Water Conservation Bills: SB 261, AB 49
  - Delta-related Bills: AB 39, SB 458 and SB 229

- Reviewed several different components of the Delta Package:
  - Funding
  - Water supply reliability
  - Bay Delta Conservation Plan

Kirby Brill, General Manager of Mojave Water Agency, made some concluding remarks about the "impact" of the letters (referenced previously) adding that we all can help fix the Delta situation and ultimately reap the rewards.

## **NO REPORT GIVEN AT THE FEDERAL LEVEL**

## **NEXT MICHAEL STEVENS GAVE A PUBLIC INFORMATION UPDATE**

- Several articles in the press were mentioned regarding:
  - Stimulus funds
  - San Bernardino Association of Governments (SANDBAG)
  - Graywater and water conservation practices
  - Arsenic removal
  - July 10<sup>th</sup> Legislative Training
- Public Outreach Efforts:
  - Pipeline Video Tour (25 minutes long)
  - November 4<sup>th</sup> Mini Tour
  - November 16<sup>th</sup> Special Districts Dinner with Congressman Jerry Lewis
  - Hosting Regional Meeting, "Green Jobs Initiative"

The Conference Call concluded at 10:12 AM; Director Burkhart continued to the next Agenda Item.

### **3. STANDING COMMITTEE PROJECT LIST**

- EPA Grant:
  - MOU for financial participation with Mojave Water Agency was approved by the Directors at the last Board meeting.
  - Sending to MWA for their Board approval
- Integrated Regional Wastewater Management Plan Meeting:
  - Looking for consensus as to a date and time for next meeting
- SEMS - Standardized Emergency Management System
  - Consider integrating SEMS into Agency Emergency Response Plan
- Proposed Marine Corps Base Expansion
  - No updates (project moved outside of BDVWA boundaries)
- Bulk Hauling Rates and Fees
  - Both Bulk and Construction Water Rates pending FPREP Committee Review

GM West then asked if the Committee members had anything to add to the project list. (Nothing was added).

**4. DIRECTORS' COMMENTS/REPORTS - NONE**

**5. ITEMS FOR NEXT AGENDA -**

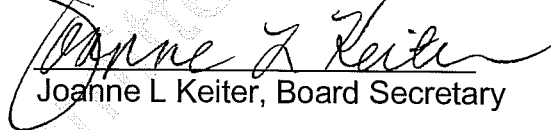
GM West opened a brief discussion pertaining to the Ames Agreement and the false assumptions being communicated to the public (i.e. that pursuing the Recharge project would break the Ames Agreement).

Thus, for the next scheduled agenda (October 15, 2009):

- Update on the Ames Agreement
- Update to the Standing Committee Project List

**6. ADJOURNMENT - Director Burkhart adjourned the meeting @ 10:28 A.M.**

Respectfully Submitted by:

  
Joanne L Keiter, Board Secretary

PLANNING/ENGINEERING/LEGISLATIVE/GRANT/SECURITY  
STANDING COMMITTEE PROJECT LIST

PROJECTS UNDERWAY	STATUS	COMMENTS
EPA Grant *****CEQA/NEPA Document	ongoing	Staff solicited Request for Proposal to provide Project Management services, complete Feasibility Study, Groundwater Management Plan, project permitting for proposed Reche Recharge Facility. Executed MOU with Mojave Water Agency for financial participation. Received funding for existing contract share of approx. \$100,000.
Legislative Alliance	ongoing	CEQA/NEPA Administrative Draft document being prepared. Continue participation in conference call with MWA lobbyists. Board to consider transmitting comments to ACWA or legislators regarding pending bills, etc.
Standardized Emergency Management System (SEMS)	ongoing	Committee to consider integrating SEMS into our Emergency Response Plan. In-house training on "Introduction to ICS/SEMS/NIMS" completed 12/12/2008. Consultant is reviewing existing Emergency Action Plan for conformance to ICS/SEMS/NIMS protocol. Mutual aid agreements need to be finalized.
Standardized Emergency Management System/National Incident Management System (SEMS/NIMS)	ongoing	Board approved NIMS Resolution.
Bulk Hauling Rates and Fees	ongoing	Board to consider new bulk hauling rate at the February 24, 2009 meeting. Thereafter Committee will continue to review bulk hauling and out of Agency rates and fees.
<b>PROJECTS COMPLETED</b>		
Marine Corps. Ground Combat Center Proposed Base Expansion	Completed	Letter outlining concerns relating to the proposed Twentynine Palms Base Expansion was submitted on time.

Integrated Regional Wastewater Management Plan	Completed	Resolution has been forwarded to HDWD
Ames Valley Groundwater Management Plan "Strawman" Proposal/Conceptual Guidance Document	Completed	Board approved the Conceptual Document. General Manager directed to pursue financial partnerships.
Request for Billing Relief APN: 629-405-01	Completed	Board approved partial relief of billing and payment arrangements

for October 29, 2009 Committee Meeting