



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: Vice President Corl-Lorono & Secretary Burkhart

**BOARD MEETING OFFICE
1720 N. CHEROKEE TR.
LANDERS, CALIFORNIA 92284**

**February 19, 2019
Time – 9:15 A.M.**

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL**
- 4. APPROVAL OF AGENDA**

Discussion and Action Items - The Board of Directors and Staff will discuss the following items, and the Board 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.

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

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.

6. CA Water Systems Alliance Update

7. Consent Items – The following items are expected to be routine and non-controversial and will be acted on by the Board at one time without discussion, unless a member of the Public or member of the Board requests that the item be held for discussion or further action.

- a. Special PLEGS Committee Meeting Minutes, **January 15, 2019**

Recommended Action:
Approve as presented (Item a):

8. Public Comment Period

Any person may address the Board 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 Board of Directors 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 # 5



LEGAL, LEGISLATIVE, AND PUBLIC INFORMATION COMMITTEE MEETING

AGENDA

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

Teleconference Line 760-946-7044

February 19, 2019
9:30 a.m.

NO ACTION WILL BE TAKEN – STUDY SESSION ONLY

1. Approve Agenda
2. Approve Meeting Summary from the Legal, Legislative, and Public Information Committee Meeting of January 15, 2019
3. Update by State Advocate of Issues at the State Level (teleconference)
4. Update by Federal Advocate of Issues at the Federal Level (teleconference)
5. Public Information Update
6. General Manager's Report
7. Public Participation
8. Comments/Discussion Items for Next or Future Agendas
9. 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) 946-7002 at least 24 hours prior to said meeting.

Committee meetings are now available on conference line 760-946-7044.

NOTE: Be sure to visit our Facebook page at:

<http://www.facebook.com/mojavewater>



LEGAL, LEGISLATIVE, AND PUBLIC INFORMATION COMMITTEE MEETING

APPROVED MEETING SUMMARY January 15, 2019

CALL TO ORDER:

Chairperson Richard Hall called the meeting to order at 9:30 a.m.

ATTENDANCE:

- ✚ Committee – Chairperson Richard Hall, Director Thurston “Smitty” Smith and Director Jeanette Hayhurst
- ✚ Staff – General Manager Tom McCarthy, Director of Community Outreach and Cultural Relations Yvonne Hester, Executive Assistant Michelle Doyle, and Administrative Assistant Arlynn Caasi
- ✚ Consultants – State Advocates Ed Manning and Carolyn Jensen, KP Public Affairs; and Federal Advocates Letitia White, Jean Denton, Drew Tatum and Shavenor Winters, Innovative Federal Strategies LLC joined by teleconference
- ✚ Others – Four guests were in the audience and 10 via teleconference

1. **Approve Agenda**

The Committee agreed upon the agenda as presented.

2. **Approve Meeting Summary from the Legal, Legislative, and Public Information Committee Meeting of December 18, 2018**

The Committee agreed upon the meeting summary as presented.

3. **Update by State Advocate of Issues at the State Level**

Carolyn Jensen reported updates on the legislative calendar, state budget and regulatory issues. She stated Governor Newsom’s first state budget proposal included the Water Tax and his approach on recreating redevelopment agencies. Ms. Jensen also mentioned that the Department of Water Resources released its draft California Water Plan update for additional and final stakeholder input.

4. **Update by Federal Advocate of Issues at the Federal Level**

Letitia White and Drew Tatum provided an update on the government shutdown, appropriations bills, Oroville Dam issues and House Committee assignments. Mr. Tatum also noted that they are updating their Legislative Matrix to include the new bills from the 116th Congress. Discussion ensued.

5. **Public Information Update**

Yvonne Hester began her presentation stating they have been more aggressive with media outreach and introduced Bryan Kawasaki who provided additional information on the Agency’s Facebook page. Ms. Hester also highlighted the launch of a new program called “Today in Water” that will be hosted by General Manager Tom McCarthy on March

5th. She also spoke on the expansion of the ABC's of Water that will include family programs on Saturdays.

Nicholas Schneider provided information on the Agency's approach to the California Water Update Plan.

Ms. Hester's presentation ended with updates on upcoming events such as the essay contest finals, ABC's of Water, and the Water Summit.

6. **General Manager's Report**

Mr. McCarthy addressed questions he received from the Committee members and Board of Directors regarding the Governor's ideas and direction about water.

Mr. McCarthy also emphasized the Essay Contest will culminate with the Innovators Water Summit and is one of the best programs hosted by the Agency.

7. **Public Participation**

None.

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

None

9. **Adjournment**

Chairperson Hall adjourned the meeting at 10:25 a.m.

Submitted by: _____
Arlynn Caasi
Administrative Assistant

Attachments on-file:

Item No. 5 - Public Information Report – PowerPoint
Sign-in sheet



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

1. Legislative Calendar

- February 22nd: Last day for bill introductions

2. Administration Update

- Governor's State of the State Address
- Key Appointments

3. Legislative Update

- Safe and Affordable Drinking Water Issues
- SB 204 (Dodd) State Water Project: contracts
- Informational Hearing – Wildfire Impacts on Watershed Lands

2/13/2019

MEMORANDUM

To: Legal, Legislative, and Public Information Committee

From: Letitia White, Jean Denton, Drew Tatum, Shavenor Winters

Date: February 1, 2019

Re: January Monthly Legislative Update

Congress, President Reach 3 Week Agreement to End Shutdown

The longest government shutdown in U.S. history, which totaled 35 days, concluded on Friday, January 25 with Congress voting to reopen the government via a three-week continuing resolution (CR). President Donald Trump signed the legislation later that evening which temporarily funds closed agencies through February 15, 2019 at the previous fiscal year's funding level.

The Senate and House agreed unanimously by voice vote on Friday, January 25 to reopen the agencies while lawmakers negotiate on a border security plan. About 800,000 federal employees were furloughed or working without pay, and many of them missed their second paycheck that day. Pressure on the President and lawmakers to end the shutdown escalated as LaGuardia Airport in New York issued a ground stop due to a shortage of air traffic controllers, exacerbating flight delays on some routes across the country.

In announcing the agreement, the President Trump said at the White House Rose Garden that if he does not get a "fair deal" from Congress by February 15, the government will either shut down again or he will use emergency powers under the Constitution and laws of the United States to address border security.

Negotiations in the Senate restarted Thursday, January 24 after the chamber rejected rival plans from President Donald Trump and Democrats to fund the government. The President had refused to end the shutdown until he received \$5.7 billion for a border wall, and Democrats had refused to negotiate with him on wall funding as long as the shutdown continued.

The temporary funding deal came together in a meeting between Senate Minority leader Senator Chuck Schumer (D-NY) and Senate Majority Leader Mitch McConnell (R-KY).

Mick Mulvaney, the acting White House Chief of Staff, did not rule out another government shutdown if President Donald Trump and congressional leaders are unable to strike a budget deal by mid-February that includes funding for a U.S.-Mexico border wall. As part of the agreement to pass the CR, lawmakers also agreed to formally go to conference on the Department of Homeland Security Appropriations Act, 2019 using a legislative vehicle sent over from the House of Representatives earlier this year. The conference committee is now tasked with coming up with an agreement that can gain support from the House, Senate, and White House before the

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February 15th expiration of the current CR. President Trump said he believes that there is “less than a 50-50 chance” that negotiations during the temporary CR will produce a viable path forward.

Conferees include the following Senators and Representatives: Senators Shelby (R-AL), Capito (R-WV), Hoeven (R-ND), Blunt (R-MO), Leahy (D-VT), Durbin (D-IL), and Tester (D-MT) along with Representatives Lowey (D-NY), Roybal-Allard (D-CA), Price (D-NC), Lee (D-CA), Aguilar (D-CA), Granger (R-TX), Fleischmann (R-TN), Graves (R-GA), Palazzo (R-MS).

Prior to the end of the shutdown, acting White House chief of staff Mick Mulvaney asked federal agencies to provide lists of key programs that could be endangered if the partial government shutdown continued through March or April.

White House spokeswoman Sarah Sanders noted in 21 days “President Trump...will move forward on building his desired border wall “with or without the Democrats”.

On Wednesday, January 30, the Conference Committee held its first meeting to begin the process of negotiating a border security deal ahead of the expiration of the CR on February 15, 2019. Members made opening statements, and both Republicans and Democrats in the House and Senate expressed optimism that the appropriators could work together to find a solution.

The previous day, House Appropriations Committee Chairwoman Nita Lowey (D-NY), who is chairing the Conference Committee, along with House Majority Leader Steny Hoyer (D-MD), who is not on the Committee, noted that they hoped an agreement could be reached by February 8 to give the House and Senate a week to clear the legislation before the CR expires.

While no proposals were put forward at the meeting today, House Homeland Security Appropriations Subcommittee Chairwoman Lucille Roybal-Allard (D-CA) noted that House Democrats would be putting forward a proposal that reflects the priorities of the House Democratic Caucus for the purpose of negotiations. When asked by Representative Tom Graves (R-GA) when the proposal might be released, Roybal-Allard said that while an outline exists, the finishing touches have not been placed on the proposal.

After the meeting, House Democrats released a summary of what they are calling their “smart, effective border security plan.” The outline called for balanced investments that do not rely on physical barriers, but it did not propose specific funding levels.

On Thursday, January 31, Representative Tom Graves (R-GA) released what he said was a draft proposal crafted by the Democratic members of the committee that did include agency topline numbers. Later in the day, an updated draft was released.

Amid negotiations, President Trump tweeted that he was sticking to his position that any final agreement would need to contain funding for his border wall/barrier. Otherwise he indicated he believed the conference would be a waste of time.

Even as Republicans have faced dissent in their ranks over how to deal with the border wall/barrier, several freshmen Democratic members circulated a letter to Speaker calling for no additional funding for the Homeland Security bill, even if it were not directed to border security.

Negotiations on a path forward continue behind closed doors. Since the next funding deadline coincided with their annual retreat, House Democrats have announced they are looking to reschedule it. Republicans also postponed their retreat that was scheduled to begin on January 30 as negotiations continued.

Federal Government Reopening Procedures / Back Pay

Nine federal agencies are in the process of reopening after the longest government shutdown in U.S. history ended Friday, January 25 after 35 days.

President Donald Trump and Congress agreed to fully reopen the government for three weeks — until February 15 — as part of a deal that did not include money for a border wall, which had been the top sticking point in funding talks for weeks.

While funding snaps back into place for large swaths of the federal government, roughly 25 percent of which was affected by the shutdown, some affected entities are expected to take at least several days to become fully operational.

The Office of Management and Budget released a memo after the continuing resolution was signed directing affected agencies to "reopen offices in a prompt and orderly manner" after the three-week funding measure was signed. Exactly when various agencies will be fully operational again remains unclear.

Smithsonian Secretary David J. Skorton said that the shutdown cost his institution \$1 million a week in lost revenue.

The National Park Service is preparing to resume regular service, but the schedule for reopening individual parks is based on "staff size and complexity of operations."

"Many parks which have been accessible throughout the lapse in appropriations remain accessible with basic services," Deputy Parks Director P. Daniel Smith said in a statement.

"Some parks which have been closed throughout the lapse in appropriations may not reopen immediately, but we will work to open all parks as quickly as possible," he added.

Additionally, impacted agencies who have been unable to pay their employees will be working to provide both regular and back pay to their employees that accrued during the shutdown. Most federal agencies plan to process payroll no later than Thursday, January 31. However, some federal employee may have to wait until the next pay period to receive any overtime due, as the Office of Personnel Management allowed agencies to make basic assumptions in order to process payroll expeditiously.

Smith Introduces Federal Contractor Back Pay Bill

As the shutdown became the longest in US Government history, federal workers who have been deemed “essential” had sought to win a temporary court order compelling the United States to compensate them for working during the shutdown, or to allow them to take jobs elsewhere. U.S. District Judge Richard Leon in Washington rejected arguments from federal employees’ unions and four individuals that they required immediate relief, instead scheduling a hearing for January 31 to consider longer-term relief.

Thanks to legislation passed nearly unanimously by the House and Senate and signed by President Trump, even “non-essential” workers who are currently furloughed will receive back pay once the current funding impasse solved. Federal contractors would not receive the same treatment under the legislation signed by the president.

Senator Tina Smith (D-MN) introduced legislation on January 17 that aims to secure back pay for the federal contractor employees who are impacted by the partial government shutdown. The bill, the Fair Compensation for Low-Wage Contractor Employees Act, aims to help low-wage federal contractor employees—including janitorial, food, and security services workers—who have been furloughed or forced to accept reduced work hours as a result of the government shutdown. Unlike the legislation for impacted federal workers, this legislation is specific to the current fiscal year only.

Specifically, the legislation would:

- Ensure federal contractors get reimbursed for providing back pay, up to 200% (which according to the legislation is \$965 weekly) of the federal poverty level for a family of four.
 - The legislation would also allow contractors to restore any paid leave taken as a result of the lapse in appropriations, if paid leave was required to be taken as a result of the partial shutdown.
- Provide accountability in the equitable adjustment process by including ways for protection of taxpayer funds.
 - Contractors would submit evidence of costs for review and approval by the agency’s contracting officer.
 - Contractors are already required to keep records of employee pay practices, so this doesn’t create a new obligation for those contractors.
- Cover employees employed under the Davis-Bacon Act (which governs federally-funded construction projects) and the Service Contract Act (which governs federal service contracts).

It is unclear when or if the Senate will take up the legislation

National Parks May Take Year to Recover from Shutdown

The current partial government shutdown, which impacts the National Park Service, is putting the agency behind on prescribed burning ahead of wildfire season and seasonal hiring processes, according to a former agency head.

Because of the shutdown, a lot of the work typically performed during the winter months, such as prescribed burning on National Park Service lands and wildlife refuges, isn't being done.

“This is the time of year that we're reducing fuel loads in preparation of fire season, our fire crews would be burning piles and prescribed burning. All of that has been stopped,” said Jarvis, now executive director of the Institute for Parks, People, and Biodiversity at the University of California, Berkeley.

Reports continue to come in of damage to habitat and wildlife being killed on public lands during the Trump administration's decision to keep most national parks open during the partial government shutdown. Three deer were poached by hunters in the Great Smoky Mountains National Park, and there have been reports of additional wildlife being killed on public lands where hunting isn't allowed, Jarvis said.

Opportunity for Conservation Bill Vote

With the government shutdown over for now, a window of opportunity has opened for backers of a bipartisan public lands and conservation package.

The fund expired September 30, 2018 barring states and local communities from accessing funds for future community parks, bike trails, and hiking trails, and preventing the addition of new parcels to expand national parks.

Those backers are floating a strategy of quick Senate passage of the package by not letting floor debate drag on, with the House taking up a Senate-passed bill. Specifically, Senate Leader Mitch McConnell (R-KY) has filed for a cloture vote on the Motion to Proceed to the legislation. A cloture vote is likely to occur next week. Late last year, you will recall that there was broad bipartisan support for the legislation. The Senate should be able to easily get the 60-votes necessary for the first procedural hurdle.

It is unclear what type of an amendment process the Senate may have on this particular bill. When the Senate attempted to move the legislation at the end of the 115th Congress, Senator Mike Lee (R-UT) insisted that his amendment to modify the Antiquities Act for Utah be included in the legislation, which is what caused the package not to pass. He may be given an opportunity to offer it when the Senate takes up the bill.

House Natural Resources Committee Chairman Raul Grijalva (D-Ariz.), has mulled starting from scratch on a new bill to revive the conservation fund. But he now said he'll wait, given that the Senate appears ready to “speed it along” over the next week or two.

The public lands package includes a provision for Southern California—the Santa Ana River Wash Plan Land Exchange Act—originally sponsored by Congressmen Pete Aguilar and Paul Cook as well as Senator Dianne Feinstein. The provision was included in the legislation when it was negotiated last year.

2019 Congressional Legislative Outlook

Infrastructure

An infrastructure push by House Democrats in the first months of the new Congress may be the best chance for a sizable investment in the country's roads, bridges, airports and more.

Democrats aim to ready an infrastructure package by the end of May, according to incoming Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OR).

Representative DeFazio proposes paying for a package covering surface transportation and harbors by indexing the existing gasoline and diesel taxes to average vehicle fuel economy and construction cost increases, capping the increase at about 1.5 cents per gallon per year, and then issuing bonds based on a portion of the anticipated revenues. He estimates it could raise \$500 billion.

If a gas tax is the path forward in the short term for shoring up the Highway Trust Fund, which provides much of the federal funds for highways and transit, it will take President Donald Trump helping to get buy-in from Republicans who have shied away from the tax increase in the past. "The president won't get to deliver on his promise of infrastructure investment, and it won't get done without his help on revenues," Representative DeFazio said.

Incoming House Appropriations Committee Chairwoman Nita Lowey has also indicated she supports passing an infrastructure bill. "One of the first bills that we have to be sure we figure out and support is infrastructure," Lowey said.

In addition to the difficult prospect of getting Democrats and Republicans to agree on how to fund an infrastructure proposal, other factors such as the president's focus on a southwestern border wall could overtake a public works proposal. President Trump's infrastructure proposal from 2018 flopped because its proposed funding sources were anathema to Democrats.

Chairman DeFazio's gas tax push will bump up against Republicans' proclivity to favor tax cuts, not increases. "My position has always been against raising taxes and certainly against the gas tax. We need to find a mechanism to pay for some of the things we need to do," said Sen. John Barasso (R-WY), Chairman of the Senate Environment and Public Works Committee.

Chairman DeFazio has also called for broader use of a mileage-based user fee systems to eventually replace a gas tax. He called for a nationwide pilot for vehicle miles traveled that people could opt into.

Lawmakers in 2019 intend to bring high-speed internet to underserved communities across the country, an issue that may see bipartisan action in a divided 116th Congress. Democrats and Republicans alike want to close the digital divide between rural and urban America. A federal broadband plan would create opportunities for wireless carriers such as AT&T Inc., cable providers such as Comcast Corp., cell tower companies, and others to expand into new areas.

"Any infrastructure package in the next Congress should include an expansion of broadband," House Minority Whip Steny Hoyer (D-MD) said in an emailed statement. Rep. Hoyer said he and his fellow Democrats are committed to working with Republicans on the issue.

“There is broad interest in passing an infrastructure package,” Sen. Roger Wicker (R-MS), the Chairman of the Senate Commerce, Science and Transportation Committee, said. “However, I think my colleagues on both sides of the aisle would agree that we do not yet know how we will pay for it.”

Democrats favor a broad package of infrastructure improvements, including broadband. President Donald Trump listed infrastructure as one of the issues on which he hopes to work with Congress in 2019, in remarks following the mid-term elections.

The President has indicated that any infrastructure bill signed would need to include border security, to which, Transportation and Infrastructure Committee Chairman DeFazio flat out rejected.

Democrat Oversight

House Democrats return to power in 2019 united on the need for intensive oversight of the Trump administration. The Democrats intend to throw the spotlight on the Environmental Protection Agency (EPA), Energy Department, and other Trump administration agencies they feel received little scrutiny by a Republican-controlled Congress over the last two years.

With GOP control of the Senate and President Donald Trump in the White House, incremental environmental legislation in general is likely to supersede broader initiatives. On chemical policy, expect incoming House Energy and Commerce Chairman Frank Pallone (D-NJ) to push the EPA to step up implementation of chemical reviews under the Toxic Substances Control Act, which Congress amended in 2016.

Pallone’s panel could also take up measures that might force the EPA to move faster on setting standards for synthetic contaminants in drinking water, such as perfluorinated chemicals found in Teflon or the rocket fuel component perchlorate.

The Democratic-run House is also likely to bring more pressure to increase funding for water infrastructure projects. Incoming House Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OR), who has complained of inadequate funding for water projects, could push for bills to dramatically increase funding there.

Climate Change

On climate change, the House Energy and Commerce Committee—along with panels on science, transportation, oversight and government affairs, and even foreign affairs—all expect to grill Trump officials on rollbacks of climate and other environmental rules and international climate policy.

Several House Democrats have pledged to prioritize climate change, including Rep. Nancy Pelosi (D-CA) who called climate change the "existential threat of our time" during her opening address as the new Speaker of the House.

Energy lobbyists are hoping the Senate Energy and Natural Resources Committee will at least pass pieces of a long-stalled comprehensive energy bill with bipartisan backing, including those addressing smart-grid technologies and upgrading the grid, as well as those encouraging electric and other advanced vehicles and energy storage.

The most recent reauthorization of the surface transportation act, in December 2015, authorized spending on federal highway and public transportation programs through September 2020. A new reauthorization could be an opening for Democrats to push climate-resilient infrastructure and low-carbon transportation options.

Disaster Aid Passes House

While the House and Senate were negotiating an emergency disaster supplemental appropriations package at the end of the 115th Congress, no consensus emerged on a path forward ahead of the partial lapse in appropriations that triggered the partial government shutdown. House Republicans attempted to attach a package worth more than \$7 billion to the December continuing resolution that failed to advance in the Senate.

This year, the House has renewed a push to pass a supplemental appropriations package, this time totaling more than \$12 billion. The House has attached the measure to a continuing resolution in a push by Democratic members to reopen the government. As the House and Senate reached a different agreement to reopen the government, the disaster aid package has not yet been enacted.

Federal Grant Reporting Data

Data on federal grants would be standardized and published on a single online portal under H.R. 150, Grant Reporting Efficiency and Agreements Transparency Act of 2019 or the GREAT Act. The bill would require the development of standards for the information that grantees and other award recipients must report to the government.

“Since the U.S. government awards more than \$600 billion every year to state and local governments, agencies, and a wide variety of other organizations, it is imperative that we are accountable for every tax dollar awarded,” Representative Virginia Foxx (R-NC), the bill’s sponsor, said in a February 2018 news release on a nearly identical bill H.R. 4887 in the 115th Congress.

“By making the collected data open and searchable, small businesses will no longer be forced to spend meaningful man-hours on filling out duplicative paperwork,” added Foxx.

The measure would follow previous initiatives such as the Digital Accountability and Transparency Act Public Law 113-101; which established governmentwide standards for data on federal contracts, grants, and other awards to be posted on USA Spending.gov.

The legislation passed the House on January 17, 2018. It has not been acted on by the Senate.

Pricey Water Bills Fix Could Mimic Successful Energy Program

Subsidizing water bills for low-income families may be more difficult than a similar successful program for energy, but that's the road map a bipartisan group of lawmakers is exploring.

The nature of the water industry—with tens of thousands of municipal-owned water suppliers that often serve 1,000 people or fewer—could make it far more difficult to implement than in the more consolidated power sector, the water industry cautions.

Senator Ben Cardin (D-MD), one of the lawmakers working on the legislation, said many in Congress are hearing from their constituents that water and sewer bills are beginning to crowd out other items from their household budget.

The bill is being crafted with Sen. Roger Wicker (R-MS) and Rep. Marcia Fudge (D-OH) and is modeled on a program at the Department of Health and Human Services that subsidizes energy bills in low-income areas. It would establish a five-year pilot that would give grants to 32 water utilities across the country to establish low-income assistance programs there.

Senators Cardin and Wicker first introduced the bill in the Senate late last year. The strategy for this year is to attach the measure to a larger piece of legislation, although it's possible it could pass on its own.

Cities across the country are under court orders to upgrade their sewage systems and the tremendous costs of those upgrades are trickling down into the bills they send their customers.

DOJ will not Crack Down on Marijuana

Attorney General nominee William Barr said he disagrees with efforts by states to legalize marijuana but won't "go after" marijuana companies in states that have legalized it based on the Obama administration's policies.

"My approach to this would be not to upset settled expectations and the reliance interests that have arisen as a result of the Cole memoranda," Barr told the Senate Judiciary Committee when he was asked about a memo written during President Barack Obama's administration that has since been rescinded. "Investments have been made, so I don't think it's appropriate to upset those interests."

His position could help him garner the vote of Republican Senator Cory Gardner of Colorado, who has insisted Barr not interfere with his state's legal marijuana industry.

In 2013, then-Deputy Attorney General Jim Cole released a memo to prosecutors encouraging them not to interfere with state laws legalizing marijuana. That policy was rescinded by ousted Attorney General Jeff Sessions, who vigorously opposed legalizing marijuana.

Mr. Barr said he wouldn't pursue companies that comply with their state laws, but said "it's incumbent on the Congress to make a decision" about the drug's legality.

Supreme Court Midpoint

The Supreme Court has reached the halfway point of the term and will not take the bench again until Tuesday, February 19. Any cases granted after the justices return likely will be argued next term, though the justices could make exceptions.

The Supreme Court said it will hear a case dealing with New York's restrictions on transporting firearms—the court's first Second Amendment case in almost a decade.

The justices divided 5-4 along the usual ideological lines in lifting lower court stays and allowing Trump administration restrictions on transgender military service to take effect. The court stopped short of agreeing to hear arguments on an expedited basis, as the administration sought. But by letting the ban take effect, the court gave the administration a major victory and hinted the justices ultimately may uphold the restrictions.

The Trump Administration told the Supreme Court it plans to ask the justices to fast track a challenge to the addition of a citizenship question to the 2020 census.

The court removed an evidentiary challenge to the census question from its February oral argument calendar, after a lower court ruled against the administration without considering the disputed evidence.

Bid to End Dreamers Program at N.Y. Appeals Court

President Donald Trump renewed his push to end an Obama-era program that protects almost 700,000 undocumented immigrants in the U.S. from deportation, arguing to federal appellate judges in New York on Friday that a lower-court halting of his plan was improper.

At issue is an executive order by former President Barack Obama called Deferred Action for Childhood Arrivals (DACA), which shields people brought to the U.S. illegally as children. Former Attorney General Jeff Sessions described Obama's initiative as an "unconstitutional exercise of authority by the executive branch."

In March, U.S. District Judge Nicholas Garaufis blocked the Trump administration from ending the policy, DACA and allowed lawsuits against the U.S. to continue, citing "racially charged language" from the President. A federal court in San Francisco also temporarily ordered a halt to the administration's plan.

On Friday, the three-judge panel closely questioned lawyers for both sides about the motivations for the suit, asking plaintiffs if they'd filed the suits in a form of "judge shopping" to win rulings in their favor and if the government was pursuing the case in order to win a ruling declaring DACA unconstitutional.

The judges didn't issue an immediate decision and didn't say when they would issue a ruling.

Wheeler Concludes Nomination Hearing

President Trump formally nominated Andrew Wheeler, the Deputy Administrator of the Environmental Protection Agency (EPA), to serve as EPA administrator earlier this month.

The nomination came despite the ongoing partial government shutdown, which has brought the EPA down to a skeleton staff.

Wheeler has been the EPA's acting head since July, when Scott Pruitt resigned due to growing ethics and spending scandals. The Senate confirmed him as deputy administrator in April.

If the Senate confirms Wheeler to head the EPA, his responsibilities and abilities would not change. However, without the confirmation, he may be limited to 210 days as acting chief.

Wheeler has overseen major action on some of the most consequential deregulatory proposals of the EPA under Trump. During his tenure as acting chief, the EPA has proposed to replace limits on carbon dioxide pollution from power plants with far looser rules, to stop plans to strengthen auto emissions and efficiency rules and to restrict the streams and wetlands that the EPA protects from harm.

Those actions have garnered repeated praise from affected industries, but sharp criticism from environmentalists.

The Senate Committee on Environment and Public Works (EPW) held a confirmation hearing for his nomination on Wednesday, January 16.

Despite criticisms over Wheeler's and the EPA's roll-back of Obama-era policies on greenhouse gas emissions, air pollution and other issues, Sen. John Barrasso (R-WY), Chairman of the EPW committee, lauded Wheeler for his leadership.

The committee is planning to advance the nomination to the Senate floor on Tuesday, February 5th at 10am.

Blue Slip Tradition Remains Intact for Judicial Nominees

A tradition allowing senators to reject federal district court nominees from their states by withholding "blue slip" approvals will remain in place, Judiciary Committee Chairman Lindsey Graham (R-SC) said. However, Chairman Graham has not decided whether he will require blue slips for appeals court nominees.

Forty-four district court nominees and U.S. Attorney General nominee William Barr were on the agenda for the session, the first of Graham's tenure. But votes on their appointments were all held over until the next meeting on February 7, consistent with Committee rules which allow for any senator to request that a particular agenda item be held over until the next meeting.

Blue slips are blue questionnaires on which senators mark their approval or opposition to a federal judicial appointee from their home state. Depending on the party in power in the Senate, they could be used to block nominees.

President Donald Trump has seen the confirmation of 85 appeals and district court nominees. That number includes 30 appeals court nominees, which set a record for a president in the first two years of his term.

| Bill Number (linked to the legislation on Congress.gov) | Sponsor/ Cosponsor | Title and/or Summary | Summary/Status | Latest Action |
|---|-------------------------------|--|---|--|
| H.R. ____ / S. ____ (H.J.Res.31) | TBD | Consolidated and/or Continuing Resolution for the remaining FY19 Appropriations measures | The House and Senate will need to come to an agreement to fund the remaining FY19 appropriations bills before the current continuing resolution expires on February 15, 2019. The final legislation could come in the form of an omnibus that includes all the bills, a continuing resolution for all of the bills, or a combination of a continuing resolution. Additional measures could be attached to the spending bill, including tax extenders, an extension of the debt ceiling, and a spending deal to raise the Budget Control Act caps. | A conference committee between the House and Senate are meeting specifically on the Homeland Security Appropriations bill, but the final outcome may be used as the legislative vehicle for all the FY19 appropriations measures. |
| S.47 | Sen. Lisa Murkowski (R-AK) | Natural Resources Management Act | This bill sets forth provisions regarding various programs, projects, activities, and studies for the management and conservation of natural resources on federal lands. Specifically, the bill addresses: Land conveyances, exchanges, acquisitions, withdrawals, and transfers; the Santa Ana River Wash Plan Land Exchange Act; national parks, monuments, memorials, wilderness areas, other conservation and recreation areas; and federal reclamation projects. | Introduced in the Senate on January 8th. Senate Majority Leader Mitch McConnell moved to invoke cloture on the motion to proceed to the legislation on Thursday, January 31. The Senate may take up the legislation during the week of February 5th. |

| | | | | |
|----------|---|---|---|--|
| S.67 | Sen. Dianne Feinstein (D-CA) | California Desert Protection and Recreation Act of 2019 | This bill would provide for conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area. | Introduced in the Senate on January 9th |
| H.R. 376 | Rep. Paul Cook (R-CA) / Reps. Pete Aguilar (D-CA), Juan Vargas (D-CA), and Raul Ruiz (D-CA) | California Desert Protection and Recreation Act of 2019 | This bill would provide for conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area. | Introduced in the House on January 9th |
| H.R. 268 | Rep. Nita Lowey (D-NY) | Supplemental Appropriations Act, 2019 | This bill provides \$12.1 billion in FY2019 supplemental appropriations to several federal departments and agencies for expenses related to the consequences of recent wildfires, hurricanes, volcanos, earthquakes, typhoons, and other natural disasters. The funding provided by this bill is designated as emergency spending, which is exempt from discretionary spending limits and other budget enforcement rules. Note: any action on a supplemental appropriations package may be included in the spending measure agreed to as part of the conference on H.J.Res.31. | Passed the House on January 16th; awaits Senate action |

| | | | | |
|----------|-----------------------------|--|---|--|
| S. 146 | Sen. John Hoeven | Move America Act of 2019 | A bill to amend the Internal Revenue Code of 1986 to provide for Move America bonds and Move America credits- which provide tools to finance additional transportation, water, and information infrastructure capital investments, through an approach that provides assistance for financing of infrastructure to all States, rural and urban. | Introduced in the Senate on January 16th |
| S. 40 | Sen. John Barrasso | Bureau of Reclamation Transparency Act | The bill would require the Secretary of the Interior to submit to Congress a report on the efforts of the Bureau of Reclamation to manage its infrastructure assets; which would include facilities, buildings, structures, project features, power production equipment, recreation facilities, or quarters. | Introduced in the Senate on January 8th |
| H.R. 420 | Rep. Earl Blumenauer (D-OR) | Regulate Marijuana Like Alcohol Act | The bill would decriminalize marijuana and sets up legal framework to regulate marijuana. | Introduced in the House on January 8th |
| H.R.579 | Rep. Scott Tipton (R-CO) | Water Rights Protection Act of 2019 | This bill would prohibit the conditioning of any permit, lease, or other use agreement on the transfer of any water right to the United States by the Secretaries of the Interior and Agriculture, and for other purposes. | Introduced in the House on January 16th |

Item # 6



Community Water Systems Alliance

January 31, 2019

HR2W

Attn: Carolina Balazs
Office of Environmental Health Hazard Assessment
1515 Clay Street, 16th Floor
Oakland, CA 94612

Subject: OEHHA's "Framework and Tool for Evaluating California's Progress in Achieving the Human Right to Water" Framework and Tool for Evaluating California's Progress in Achieving the Human Right to Water"

On behalf of the Community Water Systems Alliance (CWSA), we would like to thank you for the opportunity of submitting the following comments about the Office of Environmental Health Hazards Assessment (OEHHA) draft "Framework and Tool for Evaluating California's Progress in Achieving the Human Right to Water" ("Tool"). CWSA is a statewide initiative of well operated and viable water districts and municipal water utilities serving disadvantaged and income limited communities in California.

Overall, the draft Tool takes a very narrow approach with a set of metrics related to water quality, accessibility and affordability, that are based on the narrow premise that the task of fulfilling the HRTW is a matter of addressing deficiencies supposedly inherent to lower income communities. The tool misses the opportunity to measure California's success in meeting the Human Right to Water in other circumstances when access to safe drinking water is impaired; as well as missing an opportunity to measure the effectiveness of responses to those other circumstances by state and local government. This may be instructive in also determining factors for success in meeting the Human Right to Water where poverty is the leading factor.

The Human Right to Water is For Everyone's Benefit

As stated in OEHHA's draft report released on January 3, 2019, the Human Right to Water Act (HRTWA) (Assembly Bill (AB) 685)(Eng), established a state policy that every human being has the right to safe, clean, affordable, and accessible water adequate for human

consumption, cooking and sanitary purposes. The OEHHA report describes an analytical process it refers to as a Human Right to Water Tool (“Tool”) that ignores the role that the state and federal governments at times play in creating regulations that are economically infeasible not only for communities of color and lower income categories, but also for other communities and demographics with limited ability to generate revenue for expensive compliance measures such as seniors, and older, smaller communities. This factor clearly affects perceptions of water quality, and accessibility when wells are abandoned because communities can’t afford the remedies. This was the basis of Sacramento Superior Court’s ruling invalidating the MCL for Hexavalent Chromium in 2017. Water suppliers are also having to deal with increased regulations and complying with new statutory requirements, rarely with the ability to recover such mandated costs from the state.

While the State Water Resources Control Board has funds to distribute as grants and loans for water quality compliance needs, it does not assemble the resources in the form of a plan when contaminant standards are set. In fact, systems serving communities that are 100 percent disadvantaged and others have reported wait times as long as 4 years for notification of a grant/loan applications’ approval or denial. During the week of January 14, 2019, dozens of Safe Drinking Water grant/loan recipients reported notifications from the Division of Financial Assistance under the State Water Board advising them that a massive accounting software failure has rendered them unable to process any billings, reimbursements or issue new grant contracts for the foreseeable future. It is imperative that OEHHA include a metrics for the State Water Board and the Department of Water Resources’ ability to deploy grants and assistance under a variety of circumstances that affect progress in meeting the human right to water.

Access to Safe Drinking Water Can Be Impaired By Factors Other Than Poverty & Race

Lacking access to safe drinking water is triggered by obstacles other than poverty affecting water quality, access and affordability. While poverty is a prolonged condition, a person of any income class may suffer from a lack of drinking water due to a sudden crisis such as the recent fires in 2018, as well as floods and earthquakes that can leave entire neighborhoods without access to drinking water. Yet, there is no measurement in the Tool for gaging how the government deploys current financial and technical resources to satisfy the HRTW under those emergency conditions. Understanding this dynamic is important in the allocation of resources under all circumstances, be they driven by emergencies or poverty. The Tool is completely silent on such measurement.

In fact, with passage of SB1263, the State of California has hamstrung rural communities in trying to get access to water in accordance to the Human Right to Water, including in instances when local supplies have gone fallow due to contamination. The law now prohibits a city from issuing building permits for the construction of a new residential development where a source of the water supply is water transported by a water hauler, bottled water, a water-vending machine, or a retail water facility. Many residents, including low-income residents, will no longer be able to find rentals or purchase property that are within range of major centers of

employment. Existing homeowners in undeveloped areas are being left stranded with properties that have lost their value. Ominously, existing homeowners will be left vulnerable to illegal water market operators should their water needs grow because of construction on their properties to meet the needs of new young or elderly family members.

Lacks Metric for Measuring Disparities in Distribution of Resources To Meet HRTW Goals

The HRTWA is intended for all residents of California regardless of color, and economic class, across a spectrum of factors that could threaten and impair access to safe drinking water. The Tool fails to provide a metric for evaluating the equity in the distribution of existing infrastructure spending, efficiency, and emergency response versus addressing poverty in the distribution of potential aid, grants and loans among all types of resident classifications and water systems. We recommend that OEHHA consult with the Los Angeles Department of Water and Power (LADWP) which in 2017 approved a tool called the “Equity Metrics Data Initiative” (EMDI) that tracks how LADWP spends ratepayer funds across Los Angeles. EDM I helps to ensure that residents/taxpayers, across all types of demographic, economic, geographic, and other meaningful distinctions of need, are equitably treated. This includes the equitable and efficient deployment of services such as infrastructure maintenance, customer service/emergency response times, low-income rate assistance distribution and water quality (e.g., replacement of lead in the distribution system).

Conclusion:

Given its important but narrow focus on criteria affecting disadvantaged communities as a measure in meeting the human right to water, we believe that the Tool in its present form is not ready for providing an adequate measure of progress in addressing the implementation of the Human Right to Water in any current legislative or regulatory process.

A more expansive approach that includes other situations and the government’s record of response, could lend itself to establish measurements that may warrant emergency declarations when the deployment of state resources to meet the human right to water are failing. Such a declaration may warrant intervention by the Governor in addressing the chronic failure of agencies administering grants and loans to those facing challenges under their human right to water, by creating a taskforce of cabinet level secretaries to resolve existing deficiencies. Such a declaration among other actions may also open previously unavailable grant and loan opportunities.

Thank you for the opportunity to provide the preceding comments.

Sincerely yours,



Community Water Systems Alliance

January 31, 2019

Ms. Jeanine Townsend
Clerk to the Board
STATE WATER RESOURCES CONTROL BOARD
P. O. Box 100 Sacramento, California 95812-2000
Via: commentletters@waterboards.ca.gov

**Re: COMMENTS - Options for Implementation of a Statewide Water
Low-income Water Rate Assistance Program**

Dear Ms. Townsend:

The Community Water Systems Alliance (CWSA) would like to provide the following comments on options for Implementation of a Statewide Low-Income Water Rate Assistance Program by the State Water Resources Control Board (SWRCB). CWSA is a statewide initiative of well operated and viable water supply systems that provide service to disadvantaged communities as well as income limited communities serving seniors and others depending on fixed incomes.

The report adequately addresses the problem California faces with the implementation of a low-income water rate assistance program. We concur with the necessary revenue being generated by means other than placing a fee or tax on consumers' water bills, although we also have some suggestions, as set forth in our comments to Chapter 3, below, regarding alternatives means to raise the needed revenues. Overall, the W-LIRA program could impose burdens on community water systems that are not addressed in the report's revenue generation and benefit distribution options. The need to raise revenues and administer a benefit under W-LIRA, could also be in competition with other human right to water priorities, as well as draining resources from the implementation of new laws and regulations that are also unaccounted for in the Report. Our comments to the various chapters in the report follow.

Chapter 1: Why help households pay for drinking water service? The need for Low-Income Assistance in California

#1 Health and livelihood impacts

California is unique in many facets, including its weather, geography, economy and regulatory climate. California's water distribution system, and the laws and regulations that

govern it, are also unique. Thus, we question the relevance of applying cases of affordability and public health from Baltimore, Pittsburgh, and Detroit which differ greatly from California in many ways, to situations here. In the Report's discussion of 902 liens on properties in Baltimore for non-payment of water bills, there is missing perspective in that Baltimore serves 1.8 million residents and the suspected impacts involve about .002% of their users. Under SB120, California protects renters from shut-offs when liens have been set against landlords of rental properties, averting the types of situations that have arisen in Baltimore. Further protections against shut-offs were also recently enacted under SB998 (Dodd).

According to a 2010 report by the A Circle of Blue, residents in U.S. Eastern cities, outside of the Great Lakes region, pay about double for water, on average, when compared to residents on the West Coast, and consume less water overall. Given the necessity of water for essential needs, at such higher prices for lower volumes, it is unlikely that U.S. Eastern residents relegate their water payments to the disposable income category. The inference that people will choose to use less water in California as they factor paying for it with *disposable* income is therefore not comparable to the East Coast, including Detroit and Pittsburgh, where water is much more expensive.

More relevant to California are a series surveys since the 1990's by the Natural Resources Defense Council (NRDC) finding that a significant number of persons in the United States, including California, with origins in Latin America and Asia, prefer bottled water as their main source of drinking water. Other studies have found that many lower income residents pay as much as 600 times more for drinking water through purchases of bottled water as a primary source. This has also been traced to higher rates of tooth decay in populations that rely on bottled water because of the lack of fluoridation in such sources.

There are other dynamics at play in California that drive many residents with low incomes to choose more expensive options for drinking water from the tap. Some are cultural while others have to do with the legacy of contaminated local supplies in inner cities and rural areas that justifiably cause distrust of tap water. We would like to suggest that addressing the systemic issues that drive people to more expensive drinking water options, such as bottled water, will result in increased disposable income and reduced current health impacts specific to California, primarily with dental decay, as people gain confidence in, and increase their use of, less expensive but safe drinking water from local sources.

#2 The rapidly-rising retail cost of drinking water

Again, we assert that some low-income residents are choosing to pay more, by orders of magnitude, for drinking water because they distrust their local tap water. According to the International Bottled Water Association (IBWA), the average cost per gallon of bottled water – not counting sparkling waters – was \$1.21 in 2013. According to the US Environmental Protection Agency (EPA) the cost of tap water, which is \$2 per every thousand gallons, is 600 times less expensive than bottled water. There are numerous other issues related to bottled

water associated with pollution from plastic, as well as phthalates residuals that the public may be ingesting.

While the price of tap water is also accelerating given its legacy of being underpriced in California, and the need to update aging infrastructure, demand for tap water is also declining in California as residents adopt conservation as a way of life. For many water suppliers, this has meant rate increases, as less units of water are sold while fixed administration and overhead costs must still be met, and regulatory and statutory compliance burdens continue to increase. Yet, water rates for drinking water still are not approximating the cost of bottled water, and people choosing the more expensive option by necessity need long-term investments in their local infrastructure so they can trust it and reduce their costs as their confidence in local tap water increases. We agree that raising revenues from a water meter tax would be regressive and burden to low income and income limited residents, defeating the legislature's intent of helping low-income residents and families.

#3- Comparable programs exist in other sectors

While comparable programs exist in the energy sector, special districts and municipal utilities are limited under Proposition 218 that amended the California Constitution by adding Article XIII C and Article XIII D that effectively limit government taxes and assessments to the cost of service. There are no present means for water agencies to recover the lost revenue of subsidizing low-income customers. This limitation is cited in the Executive Summary of the Draft Report, and thus we concur with consideration of options in Chapter 3 (please see discussion in comment letter under "Chapter 3").

#4- The limitations of standalone system rate assistance programs

Special districts and municipal utilities are limited under applicable law through Proposition 218. Due to this limitation, many special districts are restricted in being able to offer their own low-income rate assistance programs, as a finding of subsidizing a low-income customer's bill with revenue derived from another ratepayer could give rise to a claim the utility is not providing water "at cost".

Chapter 2: Program Design Scenarios: Eligibility, Benefit Level and Total Program Cost

In Table 5 on page 19, we believe the allocation of 75 gallons per day for outdoor use is high when applied to lower income water users, many of whom reside in multi-unit apartments that use minimal outdoor water. That factor needs to be taken into consideration in the analysis set forth in Chapter 2.

Secondly, we recommend that Footnote 44 be deleted in its entirety. That footnote is insulting to water suppliers, as without any support or justification, it insinuates they would somehow "game the system" by manipulating rate setting, although it is not entirely clear from the text of the note what benefit a water supplier would derive from such conduct. That text is similarly problematic where later in the note, the Report references water system representatives stating they would not engage in such "strategic rate setting." The bottom line

from our perspective is that Footnote 44 adds no substance to the Report, and has the potential to distract from some of the good points the Report makes.

Chapter 3: Revenue Collection Options

CWSA supports a revenue collection program that does not rely on taxing water meters or applying any additional fee to a commodity charge, which we agree, are regressive options. However, while the recommended taxing of incomes of over \$1 million is a possible partial solution, it could create an unreliable source of revenues to sustain the W-LIRA program during economic slumps when the total earners in the higher income brackets decline. Such reductions will need to be planned for with a sustainable revenue source to backfill any such shortages when that contingency occurs.

A possible alternative revenue source would be to apply a tax on profits in industries that rely on government incentive programs, such as electric cars, solar energy, water conservation devices and practices (i.e. California Friendly gardens), where the revenues funding the incentives are supported through taxes applied to all income and/or property taxpayers. This could “equalize” the tax contributions of lower income taxpayers who help to subsidize the incentives, but themselves benefit less from such incentives, which instead benefit persons and entities with higher incomes. For example, during efforts to incentivize lawn replacement programs during the last drought ending in 2016, it was found that the primary beneficiaries of the \$300 million incentive program were residents in the wealthy community of Rancho Santa Fe. Yet the funding behind those landscape incentives was derived through the rate-payers and all property owners in the Metropolitan Water District of Southern California. The same is the case with incentives for solar power and electric cars that are funding by all the residents of the state. One major drawback of these recommendations is the pattern of funds that have been redirected in the state budget to fill budget short-falls. Hence the state legislature must commit to preserving the sources and allocation of these funds.

While some would argue that the tax on bottled water is regressive, it’s more akin to tiered water pricing that provides a disincentive for overuse. This applies to bottled water given that it has been documented to result in tooth decay on populations that over-rely on it as a drinking water source.

Nonetheless there are major issues with raising new forms of funding in addressing the human right to water through a W-LIRA program. First, the effort to generate revenues for the W-LIRA program competes with efforts to identify and generate funding to assist chronically failing water systems. This is particularly a problem because there has been no comprehensive assessment of the revenue requirements for addressing chronically failing water systems across the state. Secondly, the effort to generate revenues for both W-LIRA and to help chronically failing systems to address the human right to water, may compete with other human right to water priorities. For example, the fires in 2017 and 2018, destroyed entire communities

entailing destruction of the water systems as well. At times, local water systems proved inadequate in fighting the fires when power failures led to decreases in water pressure as well. In response to this factor, some vulnerable communities are attempting to raise local revenues to increase the resiliency of their water systems to deal with emergency situations preserving the human right to water under extreme conditions. As long as there is no comprehensive and strategic plan to deal with the human right to water as applied to a broad variety of circumstances and all residents of the state, needs for funding to address one priority for the human right to water will be competing with other priorities.

Chapter 4: Options for Benefit Distribution and Administrative Features of a Statewide Low-Income Ratepayer Assistance Program

Recent legislation dealing with conservation, groundwater management, drinking water quality, customer shut-off regulations, as well as regulations imposed by regional water quality and air quality authorities, have imposed new mandates in reporting of data and compliance measures on water systems. Failure to meet newly mandated reporting and compliance requirements, come with the threat of expensive fines by state and regional regulators. Thus, the financial, technical and staffing resources required from water suppliers to accommodate a new W-LIRA program's administrative requirements would be in competition with the state's other new, extensive, and costly mandates.

Distributing the benefit through water bills is problematic for reasons cited in the SWRCB report given that many renters, for example, would not be reached through this means. Also, we believe distributing the assistance through electrical providers will be very complicated and cumbersome in transmitting data from water suppliers to electrical providers. A further complicating factor is that water system boundaries generally do not align with an electrical provider's boundaries and there may be instances where one water supplier is served by two, or more, electrical providers.

Based on the shortcomings of those other alternatives, CWSA supports an alternative where the benefit is distributed through the **existing** Electronic Benefit Transfer (EBT) program. While there are costs associated with creating a *new* EBT program, purchases of bottled water, for example, are permitted in the existing EBT program and CalFresh. Some water suppliers currently bottle tap water, or provide it via water vending machines, as a demonstration to boost confidence in the drinking water supply. Thus, the calculated subsidy can match the amount of volume in increments of liters which is common to bottling, equal to 9ccf (equivalent to indoor use of 55gpcd), for example, authorizing a commensurate payment to an eligible persons' EBT or CalFresh account.

The *existing*-EBT option, as well as the SWRCB's preferred option through the CARE program have other limitations not accounted for in the report. Both options provide benefit recipients with the ability to use the funds allotted or credited to their accounts, for non-drinking water expenditures. Hence, a renter's human right to water needs, for example, could

be left unaddressed if a landlord fails to pay their water bill. Secondly, failure of a benefit recipient to pay their water bill, notwithstanding the W-LIRA benefit, will trigger additional subsidies and fee waivers made possible through SB998 (Dodd) by the water supplier.

CONCLUSION:

The W-LIRA program will impose administrative and financial burdens on community water systems that are not addressed in the report’s preferred revenue generation and benefit distribution options. The need to raise revenues and administer a benefit under W-LIRA regardless of the options chosen, are in competition with other human right to water priorities, as well as competing with new laws and regulations that are also unaccounted for in the Report. We urge the State Water Resources Control Board to report to the legislature a comprehensive and strategic approach in the implementation of a W-LIRA program that is in alignment and not competing with other priorities for the human right to water and recently enacted legislation affecting conservation, affordability, groundwater management, and local regulations as well. We also urge the State Water Resources Control Board to recommend a program that has a reasonable chance of being implemented given the reporting and compliance burdens already being faced by the state’s community water systems. Thank you for the opportunity to provide the preceding comments. In particular, we appreciate the flexibility demonstrated in the revenue source and revenue collection alternatives, as those alternatives avoid placing increased burdens and costs on water systems.

Sincerely yours,

For Disadvantaged and Severely Disadvantaged Communities:

| | |
|---|---|
|  <p>David Armstrong General Manager South Mesa Water Company Riverside & San Bernardino Counties</p> |  <p>Ray Kolisz General Manager Twentynine Palms Water District San Bernardino County</p> |
|  <p>Doug Nunneley General Manager North of the River Municipal Water District Kern County</p> |  <p>Marina West General Manager Big Horn Desert View Water District San Bernardino County</p> |

For Disadvantaged and Senior Communities:



Paul E. Schoenberger, P.E.
General Manager
Mesa Water District
Orange County



Erik Hitchman
Administrative Director
Puente Basin Water Agency
Los Angeles County

For Senior Communities:



Dan Ferons
General Manager
Santa Margarita Water District
Orange County



Lisa Ohlund
General Manager
East Orange County Water District
Orange County



Lisa Yamashita-Lopez
General Manager
Rubio Canon Land and Water
Los Angeles County

Californians with bad water ask for help while opposition mounts to Newsom's proposed tax

BY MADDY ASHMUN

FEBRUARY 07, 2019 11:28 AM,

UPDATED FEBRUARY 13, 2019 08:12 PM

Californians with unhealthy drinking water pleaded for help from lawmakers this week but opposition quickly developed to Gov. Gavin Newsom's proposal to pay for system improvements with a new fee.

"We just upped our water rates, and to turn around and give them a tax on their meter is just not feasible," said Maxine Israel, director at the Cabazon Water District, which serves about 2,500 customers near Palm Springs.

She was among dozens of water experts and advocates who crowded a hearing on Wednesday to discuss how the state can deliver system improvements that would help nearly 1 million Californians who lack access to safe drinking water.

Newsom last month released a state budget that called for a new fee on drinking water to fund drinking water projects. He did not release many details, but the proposal was characterized as similar to a 2017 bill by Sen. Bill Monning, D-Carmel, that would have generated \$140 million a year for water projects.

Newsom just after releasing the spending plan called attention to the drinking water proposal by visiting communities in Stanislaus County that are known for delivering water from wells that are contaminated with nitrates and arsenic.

"It's a disgrace that in a state as wealthy and resourceful as ours that a million-plus people don't have access to safe, clean drinking water," he said during his January visit to a neighborhood in Ceres known as the Monterey Park Tract.

Monning's proposal included a 95 cent monthly tax on residential customers, along with other fees attached to fertilizer purchases and dairy and feedlot production.

"We believe the ratepayer piece is the critical component to creating a guaranteed and predictable source of funding," Monning said.

He argued that the proposed fund, which has been called a "water tax" by critics, would make money consistently available for the operation and maintenance of water treatment plants in addition to the construction and improvement of them.

A couple dozen residents from the San Joaquin Valley attended the hearing. Several of them spoke in Spanish in rushed testimony while lawmakers tried to wrap up what became a three hour event.

"Please help us have safe drinking water for all human beings," one said.

Simona Magaña, a Tulare County resident, expressed her support of the tax. The owner of a private well, said she was without water for two years and relied on her neighbor who would bring clean water over in barrels.

“I would sit down and cry a lot from the sadness that we live in the richest country in the world and have to go through this,” she said.

But some advocates aren’t convinced that a tax is the best way to address the state’s clean water crisis.

“Why create a new tax when you have a huge budget surplus?” says Cindy Tuck, a deputy executive director at the Association of California Water Agencies (ACWA).

California state government is on track to accumulate a \$14.8 billion surplus, and the state is on pace to fill reserve accounts with an additional \$16 billion, according to a November report from the Legislative Analyst’s Office.

The water agency association and the California Municipal Utilities Association support alternative legislation that would establish a “drinking water trust,” which would be funded initially with an infusion from the general fund during a surplus year.

Paul Jones, general manager of the Eastern Municipal Water District in Riverside County previewed the proposal and said it could cover operations, maintenance, and consolidation costs, among other things.

The outline cheered lawmakers who want to pay for drinking water improvements without making a new fee.

“I like the trust idea, I think it’s definitely viable” Assemblyman Devon Mathis, R-Visalia, said. “Quite frankly I think anything is better than a tax.”

Consent Items



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 Minutes

Committee Members: Vice President Corl-Lorono & Secretary Burkhart

**BOARD MEETING OFFICE
1720 N. CHEROKEE TR.
LANDERS, CALIFORNIA 92284**

**January 15, 2019
Time – 9:15 A.M.**

Call to Order

Vice President Corl-Lorono called the meeting to order at 9:25 A.M.

Pledge of Allegiance

Led by Secretary Burkhart

Roll Call

Directors: Judy Corl-Lorono
 John R. Burkhart

Staff: Marina West
 Seth Kish

Approval of the Agenda

Secretary Burkhart and Vice President Corl-Lorono approved the agenda as presented.

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.

Committee adjourned for short recess at 10:10AM

Committee reconvenes at 11:05AM

Public comment: None

Participation in Community Water Systems Alliance thru Partnership with California Association of Mutual Water Companies at a Cost of No More than \$10,000 Per Year (est.) for Travel to Sacramento, if Necessary

General Manager West introduced Mr. Adan Ortega, Executive Director of California Association of Mutual Water Companies (CalMutuals). Mr. Ortega gave the Committee an overview of what a partnership with Community Water Systems Alliance (CWSA) would consist of. Mr. Ortega stated that many small water agencies are running into the same problems when trying to self-advocate for legislation coming in the form of different “water taxes” and also “Low Income Rate Assistance Programs”. The whole purpose of CWSA would be to provide Agencies with all of the tools and talking points needed in order to go to Sacramento and fight for their communities rights regarding water. Mr. Ortega continued that the price for this would be around \$900.00 a month, whereas an average lobbyist would charge no less than \$7,000.00.

Public comment: None

Status of Johnson Valley Monitoring Well Constructed in 2012

General Manager West gave her report to the Committee. The Johnson Valley Well has never produced any water. The Agency drilled to the depth which should have encountered water, and the well was constructed to 355ft. Unfortunately, due to the type of formation encountered the well produced no water. GM West obtained a quote from Daniel B. Stevens, the consultant that oversaw the well drilling and construction. GM West requested a second quote from Todd Engineers, who has done work in the region. Todd Engineers did not give the Agency a proposal but instead gave the Agency their professional opinion. Based on the Agency’s boring logs and other information provided to them, Todd engineers did not think there is any reason to expect water could be produced. Their recommendation was to abandon the well. GM West explained to the Committee that the site is of no value. This a case where the Agency has drilled a well, a lot of money has been invested, there is no water, and the property cannot be developed so it’s not “sellable”. GM West mentioned that this might be a case to sue the State over the ban on hauled water. Director Burkhart asked if we can rehab Well No.10, GM West answered that Well No.10 is doing ok and producing potable water.

Public comment: None

Consent Items

- a. PLEGS Committee Meeting Minutes, **October 16, 2018**

Public comment: None

Vice President Corl-Lorono and Secretary Burkhart approved the minutes as presented.

Public Comment Period

No public comment.

Verbal Reports

General Manager West gave a report and informed the Committee of the MBCA 50th Anniversary Energy Summit that is being held on January 26th 2019. GM West mentioned that invitations have gone out to all Board members. GM West also informed the Board and public of the Desert-Wise Landscape Tour that is being held on April 27th and 28th of 2019.

Adjournment – Vice President Corl-Lorono adjourned the meeting at 11:38AM

Approved by:

Vice President Corl-Lorono, Committee Chair