



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**

**April 16, 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. Regular PLEGS Committee Meeting Minutes, February 19, 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

April 16, 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 March 19, 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 March 19, 2019

CALL TO ORDER:

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

ATTENDANCE:

- ✚ Committee – Chairperson Richard Hall, Director Carl Coleman and Director Jeanette Hayhurst
- ✚ Staff – General Manager Tom McCarthy, Water Conservation and Forecast Manager Nicholas Schneider, Public Information Specialist Bryan Kawasaki, Executive Assistant Michelle Doyle, and Administrative Assistant Arlynn Caasi
- ✚ Consultants – State Advocate Ed Manning, KP Public Affairs; and Federal Advocates Letitia White, Jean Denton, Shavenor Winters and Drew Tatum, Innovative Federal Strategies LLC joined by teleconference
- ✚ Others – Three guests were in the audience and two 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 February 19, 2019**

The Committee agreed upon the meeting summary as presented.

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

Carolyn Jensen and Ed Manning provided an update on the legislative calendar, the Safe and Affordable Drinking Water Fund and related tax issues, and priority bills including SB1, SB204, SB307 and SB332. Mr. Manning stated he testified on behalf of the Agency on SB204 and unless they amend the bill further it will have a tough time passing.

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

Letitia White, Jean Denton and Drew Tatum provided legislative updates including the budget justifications. Mr. Tatum stated the President is proposing significant cuts to the Water Smart Program, which funds water smart grants and the Title XVI program. Ms. White included the bill on energy and water will be one on the first bills to be marked up.

Mr. Tatum also noted they are continuing to work on the appeals process on the Oroville Dam reimbursement issue.

Discussion ensued.

5. **Public Information Update**

Nicholas Schneider and Bryan Kawasaki presented a PowerPoint that included a review of the Agency's newest public outreach program Today in Water, social media updates,

facilities mini tour and upcoming events.

6. **General Manager's Report**

Mr. McCarthy thanked the Committee for their patience with the Boardroom renovations.

7. **Public Participation**

None.

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

None.

9. **Adjournment**

Chairperson Hall adjourned the meeting at 10:19 a.m.

Submitted by: _____
Arlynn Caasi
Administrative Assistant

Attachments on-file:

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

DRAFT



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

1. Legislative Calendar

- April 11th - 22nd: Spring Recess
- April 26th: House of Origin deadline for policy committees to hear and report fiscal bills to fiscal committees.

2. Legislative Update

- Safe and Affordable Drinking Water Issues:
 - SB 200 (Monning) Creates a Safe and Affordable Drinking Water Fund.
 - AB 217 (Garcia, E.) Creates a Safe and Affordable Drinking Water Fund. Amended to impose a 50c tax per drinking water connection and fertilizer and dairy fees as a revenue source for the Fund. Additionally appropriates \$1B in general fund over 5 years to a drinking water Trust, the interest of which would be deposited into the Fund. 20% of the revenues to be allocated to regional water boards to address regional issues.
 - Draft Budget Trailer Bill Language - Creates a Safe and Affordable Drinking Water Fund and imposes a tax on drinking water, fertilizer and dairy as revenue sources for the Fund.
 - SB 669 (Caballero) Creates a Safe and Affordable Drinking Water Trust Fund, utilizing surplus general fund revenue as the revenue source for the Trust Fund, and allows for voluntary and other contributions to the Trust Fund.
 - SB 414 (Caballero) Small Systems Water Authority Act of 2019 - Authorizes the creation of small system water authorities that will have the powers to absorb, improve and competently operate noncompliant public water systems.
- Priority Bills:
 - SB 1 (Atkins) CA Environmental, Public Health and Worker's Defense Act of 2019 - Provides state regulatory agencies the authority to enforce Obama era Clean Air Act, Clean Water Act, Safe Drinking Water Act and Endangered Species Act regulations in CA in the event federal standards in place as of January 2017 change.
 - SB 204 (Dodd) State Water Project: contracts.
 - SB 307 (Roth) Water Conveyance: use of facility with unused capacity. Requires additional environmental review of the Cadiz Water Project.

- SB 332 (Hertzberg) Declares that the discharge of wastewater from ocean outfalls is a waste and unreasonable use, except as provided, and requires waste water agencies to eliminate ocean and bay discharges of treated effluent by 50% by 2030 and by 95% by 2040.
- SB 69 (Wiener) Proposes to replace existing forestry, fishery and water quality regulatory processes with entirely different approaches in hope of improving conditions for fish upstream of the Delta and in the oceans along the CA coast.
- AB 1194 (Frazier) Would increase the Delta Stewardship Council membership to thirteen members with a majority representing Delta interests.
- AB 658 (Garcia, E.) Groundwater Recharge.
- AB 441 (Eggman) Groundwater storage: Beneficial Use.

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Comprehensive Government Relations

MEMORANDUM

To: Legal, Legislative, and Public Information Committee

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

Date: March 29, 2019

Re: March Monthly Legislative Update

President Releases Fiscal Year 2020 Budget

President Donald Trump is pursuing one of the largest-ever cuts to domestic discretionary spending, in a \$4.7 trillion fiscal 2020 budget proposal that also boosts defense spending and adds \$8.6 billion for building a border wall.

The budget blueprint released earlier this month, forecasts annual deficits extending beyond the next decade and rising national debts, represents a wish list for the president's priorities that is certain to be ignored by Congress. While required by law, the budget request is often ignored by Congress, as it represents the administration's priorities as often uses budget gimmicks or aggressive economic assumptions to pay for the administration's requests or to keep deficits low.

This particular request from President Trump also raises the threat of a funding showdown that could trigger another government shutdown this fall. The budget request would cut nondefense discretionary spending by 9 percent in 2020 while seeking \$750 billion for defense programs and \$8.6 billion for a border wall. Spending under Medicaid, Medicare, and other mandatory programs would also face significant reductions.

President Trump made similar requests last year for significant cuts to non-defense discretionary programs, which were largely reversed by Congress in the FY19 annual appropriations bills.

Additionally, the Trump administration has suggested eliminating programs within the executive branch, including the following programs under the corresponding cabinet agency:

- Department of Agriculture
 - McGovern-Dole International Food for Education
 - Rural Business and Cooperative Programs
 - Single Family Housing Direct Loans
- Department of Commerce
 - Economic Development Administration
 - NOAA Grants and Education
- Department of Education
 - 21st Century Community Learning Centers
 - Federal Supplemental Educational Opportunity Grants
 - Student Support and Academic Enrichment Grants
 - Supporting Effective Instruction State Grants

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- Environmental Protection Agency
 - Energy Star and Voluntary Climate Programs
- Department of Health and Human Services
 - Community Services Block Grants
 - Low Income Home Energy Assistance Program
- Department of Homeland Security
 - Transportation Security Administration Law Enforcement Grants
- Department of Housing and Urban Development
 - Community Development Block Grant
 - HOME Investment Partnerships Program
 - Rental Assistance Programs (major discretionary reductions)
- Department of Interior
 - Heritage Partnership Program
 - Indian Guaranteed Loan Program
- Department of Justice
 - State Criminal Alien Assistance Program
 - COPS Hiring Program (major discretionary reductions)
- Department of Labor
 - OSHA Training Grants
 - Job Corps (major discretionary reductions)
- Other Independent Agencies
 - Corporation for Public Broadcasting
 - Institute for Museum and Library Science Grants

Senate Democratic Leader Chuck Schumer (D-NY) called on Senate Republicans to put the President's budget request up for a vote in the Senate. If a budget resolution has not been agreed to by May, Democrats could force a vote on a budget resolution based on the budget request, just as Republicans forced Senate Democrats to vote on President Obama's request when they were in the minority.

The Trump White House also included some infrastructure proposals in its FY20 budget request to Congress, including \$1 trillion in infrastructure and makes several targeted investments in competitive programs within the Department of Transportation and U.S. Army Corps of Engineers that address critical infrastructure needs.

The budget request includes:

- \$2 billion for the Infrastructure for Rebuilding America (INFRA) grant program. The INFRA program makes awards to large projects that relieve congestion and mitigate bottlenecks on the Nation's strategic freight networks, including interstates, freight rail, and ports. INFRA has been successful in leveraging Federal dollars to spur additional investment by our State and local partners. This level is a \$1 billion increase from the FAST Act-authorized level.
- \$1 billion for the Better Utilizing Investment to Leverage Development (BUILD) grant program. BUILD grants award important surface transportation projects in urban and rural communities across the country.

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- \$300 million for a competitive highway bridge program. This program will incentivize States to rehabilitate or replace rural bridges that are in poor condition using contract bundling, a more efficient way to deliver projects.
- \$300 million for two innovative approaches to fund water infrastructure investments. This funding will facilitate more local control over authorized Army Corps of Engineers projects and promote novel financing partnerships with non-Federal partners.

The head of the Army Corps of Engineers hinted at some hesitancy in regard to the Trump administration plan to cut his agency's funding for the coming fiscal year by nearly one-third

Bureau of Reclamation Budget Review

President Donald Trump proposed a \$1.1 billion Fiscal Year 2020 budget for the Department of the Interior's Bureau of Reclamation. The budget supports the Administration's and Interior's goals of ensuring reliable and environmentally responsible delivery of water and power for farms, communities and industry, while providing Reclamation with tools to confront the widening imbalances between supply and demand throughout the West.

"This budget reaffirms the Administration's commitment to water and power reliability," said Commissioner Brenda Burman. "A significant portion of this request is dedicated to improving existing infrastructure, including dams and reservoirs, and alleviating the impact of current and future droughts, so the West can continue to be the engine that drives our nation's economy for years to come."

Reclamation's FY 2020 budget of \$1.110 billion consists of \$962.0 million for Water and Related Resources, \$60.0 million for Policy and Administration, \$33.0 million for the California Bay Delta account and \$54.8 million for the Central Valley Project Restoration Fund.

The proposed budget includes \$114.1 million in appropriations for various projects for Extraordinary Maintenance (XM) activities across Reclamation. Reclamation's XM budget is part of its overall asset management strategy to improve the management of its assets and deal with aging infrastructure challenges. Significant additional XM items are directly funded by revenues, water and power customers, or other federal agencies (e.g., Bonneville Power Administration).

Reclamation provides services through many of its projects and programs to fulfill its trust responsibilities to Tribes. The FY 2020 budget request includes a total of \$132.9 million for Indian water rights settlements.

The FY 2020 budget will continue to support water delivery and quality concerns along the Colorado River. The long-term impacts from droughts, such as those in the Colorado River Basin, can't be solved by a single wet year. Even in states such as California, where hydrologic patterns have recently been beneficial, the hydrologic system is ill equipped to address long term needs. The FY 2020 budget, through programs such as the Lower Colorado River Operations Program (\$31.3 million) and the Central Valley Project (\$144.3 million), will continue efforts in

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both areas to find a long-term, comprehensive solution to water supply and quality issues in Colorado and California.

Other highlights of Reclamation's FY 2020 budget proposal include:

- \$92.8 million for the Dam Safety Program, to effectively manage risks to the downstream public, property, project and natural resources and provides for risk management activities at Reclamation's high and significant hazard dams.
- \$54.8 million for the Central Valley Project Restoration Fund, to protect, restore, and enhance fish, wildlife, and associated habitats and address impacts of the Central Valley Project (CVP). Offset by discretionary receipts to be collected from project beneficiaries.
- \$2.6 million for the Desalination and Water Purification Research Program, to support new and continued projects in three funding areas -- laboratory scale research studies, pilot-scale testing projects and full-scale testing projects.
- \$11.0 million for the Science and Technology Program to support continued science and technology projects, water and power technology prize competitions, technology transfer and dissemination/outreach activities that address critical water and power management issues.
- \$36.4 million for the Site Security Program, which includes physical security upgrades at key facilities, guards and patrols, anti-terrorism program activities and security risk assessments.
- \$19.9 for the WaterSMART Program to support Reclamation's collaboration with non-federal partners in efforts to address emerging water demands and water shortage issues in the West as well as promote water conservation and improved water management.

The Budget expands the Corps's current use of section 1043 of the Water Resources Reform and Development Act of 2014, as amended, by including \$150 million for an innovative program under which the Corps would transfer appropriated funds to non-Federal sponsors that decide to construct a project on their own. Non-Federal implementation of projects, where appropriate, would accelerate the construction of more infrastructure projects and create efficiencies in their delivery.

Senate Budget Committee Releases Budget Resolution

On Friday, March 22, Senate Budget Committee Chairman Mike Enzi (R-WY) unveiled his draft fiscal year 2020 budget resolution that leads to a proposed net decrease in both defense and nondefense spending, which differs from President Donald Trump's proposed budget request to Congress that kept spending caps in place, but turbo-charging defense spending in the Overseas Contingency Operation (OCO) fund. The OCO fund is not subject to the discretionary spending caps set out in the Budget Control Act of 2011.

The Senate's proposal, which will be marked up in committee during the week of March 25, stuck to the drastic cuts mandated by law, putting defense spending at \$576 billion and nondefense spending at \$542 billion, which together amount to a \$126 billion drop from current spending caps.

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The resolution would also instruct congressional authorizing committees to find \$94 billion in cuts to mandatory spending programs.

The Senate's budget resolution is the latest salvo in the debate over 2020 spending, putting eyes on the Democrat-controlled House for its proposal. House Democrats maintain that increasing the spending caps is the top priority.

In the House, the Democratic leadership has not yet decided if or when they will take up a budget resolution. With a divide among the Democratic caucus regarding ambitious proposals like Medicare for all and the “Green New Deal”—both of which would require significant increases to federal spending.

If the House decides to forgo the production of a budget resolution, Democrats may instead put out a deeming resolution that would set the spending levels that House appropriators would use to markup the FY20 appropriations bills.

As the fiscal year 2020 budget and appropriations processes get underway in the House and Senate, lawmakers from both parties agree that some type of spending agreement needs to be reached to set topline spending numbers before the House and Senate Appropriations Committees get too far in marking up the annual spending bills.

House Democrats Plan Veto Override Vote

Just as President Donald Trump was announcing his veto of a resolution terminating the national emergency he declared at the southern border, House Speaker Nancy Pelosi (D-CA) announced that the House would attempt to override that veto as lawmakers return from a week-long district work period.

The House held a veto override vote on Tuesday, March 26, but the measure failed to garner the necessary two-thirds majority given that only 13 House Republicans joined with Democrats in support of a resolution last month when it was originally on the House floor.

Even though 12 Senate Republicans joined the Democrats to send the measure to the President’s desk, eight more would have to follow suit in the Senate to override the veto.

Democrats are also eyeing other strategies for preventing the President from expanding the wall with funds Congress previously allotted for other purposes, including military construction projects. One such avenue is simply to bring repeated votes on Rep. Joaquin Castro (D-TX) disapproval resolution — a plan suggested by Senate Minority Leader Chuck Schumer (D-NY). Democrats are also considering efforts to attach the language as an amendment to larger bills, including 2020 spending measures and reauthorization of defense funding — legislation that’s “a natural fit” for the disapproval resolution.

Minority Leader Schumer signaled that Senate Democrats would force additional votes on resolutions of disapproval, as allowed under the National Emergencies Act, to prolong an issue that divides Republicans.

Trump Signs Conservation, Public Lands Bill into Law

President Donald Trump signed a bill on March 12 permanently reauthorizing the Land and Water Conservation Fund and designating several million acres of new public lands and waters.

The measure, S. 47, cleared Congress in February and includes language to extend the \$900-million-a-year Land and Water Conservation Fund, which is largely financed from receipts from oil and gas drilling along the Outer Continental Shelf. In signing the law, Trump issued a signing statement suggesting two relatively modest provisions raised some constitutional concerns.

Congress failed to reauthorize the Land and Water Conservation Fund before its September 30, 2018, deadline—a lapse that has prevented local communities from accessing funds for future community parks and biking and hiking trails.

The public lands portion of the bill includes land exchanges in various states, additions to wilderness areas, and boundary revisions or additions to the Death Valley National Park, Mojave National Preserve, and Joshua Tree National Park.

The measure also is meant to improve access for fishing, hunting, and other outdoor recreation on certain public lands.

As Muller Report is Released, House Democrats Say Probes Will Continue

On Friday, March 22, Special Counsel Robert Muller delivered his much-anticipated report from the Russian election interference investigation to Attorney General William Barr. The completion of the report marks the end of the nearly two-year investigation that saw incitements, guilty pleas, and convictions of several Trump associates on issues unrelated to the central focus of alleged collusion between the Trump campaign and officials tied to the Russian government.

Attorney General Barr notified leaders of the House and Senate Judiciary Committees that Robert Muller had delivered his report, noting that he would likely be prepared to deliver a summary of the principal conclusions of the report later; Barr followed up with those conclusions on Saturday, March 23.

In his letter over the weekend to Judiciary Committee leaders, Barr noted that the Special Counsel had obtained a number of indictments and convictions of individuals and entities in connection with his investigation, which have all been made public. Barr also noted that the Special Counsel referred several matters to other offices for further action. Barr goes on to note that the report does not recommend any further indictments, nor are there any sealed indictments that have yet to be made public.

Barr said the Muller report was broken down into two parts, one dealing with Russian interference in the 2016 investigation and possible obstruction of justice by President Trump based on his actions and comments after investigations began.

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With regard to the Russian interference and collusion investigation, Barr told Congress that the Special Counsel did not find that the Trump campaign, or anyone associated with it, conspired or coordinated with the Russian government in these efforts, despite multiple offers from Russian-affiliated individuals to assist the Trump campaign.

In looking at obstruction of justice charges, Barr said that the Muller made a “thorough factual investigation” into those matters but chose not to make a traditional prosecutorial judgement but rather set out evidence on both sides of the question and left unresolved what Muller viewed as “difficult issues” of law and fact concerning whether the President’s actions and intent were in fact obstruction.

Barr noted that absence of any legal conclusions leaves it to the Attorney General to determine if the President’s conduct constituted a crime. Barr told Congress that he and Deputy Attorney General Rod Rosenstein have concluded that the evidence gathered by Muller’s team is not sufficient to establish an obstruction of justice offense. Barr noted that their conclusions was made “without regard to, and is not based on, the constitutional considerations that surround the indictment and criminal prosecution of a sitting president.” In his letter, Barr specifically noted that since Muller did not establish that the President was involved in the underlying Russian election interference investigation, it would be difficult to show Trump had intent to interfere with the investigation.

While the White House touts the outcome of the Muller report, Congressional Democrats say they plan to continue their own investigations of the White House.

“We’re going to move forward with our investigations of obstruction of justice, abuses of power, corruption, to defend the rule of law, which is our job,” House Judiciary Chairman Jerrold Nadler (D-NY) said at a news conference in New York. “It’s a broader mandate than the special prosecutor had.”

The strategy poses risks for the Democrats, particularly if voters prove tired of talk of investigating the President now that Mueller has completed his work. In addition, the probes could overshadow their agenda, particularly on issues like health care that helped the party take back the House in 2018.

Within an hour of Attorney General William Barr delivering a summary of Mueller’s report to Congress, Nadler said his panel will call the attorney general to testify about “very concerning discrepancies and decisions at the department” in its interpretation of Mueller’s findings, particularly the decision not to pursue an obstruction of justice prosecution.

Investigations in the Democratic-controlled House stretch across six committees, including Nadler’s Judiciary panel along with the Intelligence, Financial Services and Oversight Committees. The topics for investigation include alleged public corruption, presidential abuses of power, banking relationships, tax returns and efforts to quash embarrassing stories about the President in coordination with the National Enquirer.

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Green New Deal Voted Down in Senate

Earlier this month, Senate Majority Leader Mitch McConnell (R-KY), outlined and introduced the “Green New Deal,” which is based off nonbinding resolutions (H. Res. 109 and S. Res. 59) introduced by Rep. Alexandria Ocasio-Cortez (D-NY) and Sen. Ed Markey (D-MA).

The text of the measure credits federal efforts during World War II and the New Deal with creating “the greatest middle class that the United States has ever seen,” but says that many communities were excluded from those benefits.

Despite introducing the measure that the Senate voted on after returning from a week-long recess, Leader McConnell opposed the resolution, but planned to use the vote as a litmus test for Senate Democrats—many who are running to be President of the United States.

The resolution would establish as policy that the U.S. has a duty to meet five core goals:

- Achieve net-zero greenhouse gas emissions through a transition fair to all.
- Create millions of good, high-wage jobs and ensure economic security for all.
- Invest in sustainable industry and infrastructure.
- Secure clean air and water, climate resiliency, healthy food, access to nature, and a sustainable environment for future generations.
- Promote justice and equity by ending and undoing the effects of discrimination against marginalized groups, including indigenous peoples, communities of color, deindustrialized and depopulated communities, the poor, women, the elderly and the young, persons experiencing homelessness, and those with disabilities.

The measure would lay out several policies to achieve the goals, including by meeting all U.S. demand for electricity with “clean, renewable, and zero-emission” sources. Other policies include:

- Investments to build resiliency against climate change.
- Rebuilding infrastructure to eliminate pollution and guarantee access to clean water.
- Upgrading the energy and water efficiency of every building in the country and promoting distributed and “smart” power grids.
- Collaborating with farmers and ranchers to decarbonize the agricultural sector. Overhauling the transportation sector through investments in public transit, high-speed rail, and zero-emission infrastructure and manufacturing.
- Enforcing labor and environmental protections in trade rules, procurement standards, and border adjustments to keep jobs in the U.S.
- Removing greenhouse gases already in the atmosphere through “proven low-tech solutions” such as land preservation and creating new forests on treeless land.
- Promoting international adoption of similar policies through exchange of technology, expertise, and funding.

The resolution would also call for providing everyone in the U.S. with health care, housing, and economic security. It includes provisions to support the creation of a jobs guarantee with “family-sustaining” wages and benefits, strengthened collective bargaining rights, and increased protections against “unfair competition and domination by domestic or international monopolies.”

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Leader McConnell introduced the joint resolution using procedures to bypass committee consideration and force a vote to put Green New Deal supporters on the record. Senate Democrats have opposed the move, and Sen. Chris Murphy (D-CT) called on Democrats to vote “present”.

After the measure failed to pass the Senate, with Democrats voting “present” rather than in favor of the legislation, Minority Leader Schumer signaled that Senate Democrats would launch a new panel on climate while targeting tax and infrastructure bills for new environmental protections, while Speaker Nancy Pelosi is backing a bill to more strongly enforce emissions standards of the Paris Agreement.

Flood Insurance Extension with Debt Relief Offered by Democrats

The National Flood Insurance Program’s \$20.5 billion of debt would be canceled under a new package from House Democrats. The proposal, offered by Financial Services Chairwoman Maxine Waters (D-CA), would also reauthorize the flood insurance program through fiscal year 2024.

The proposal represents the Democrats’ opening bid to address the future of the program, which insures about 5 million properties across the United States. Absent a long-term authorization, the program has been kept alive with temporary extensions while lawmakers struggle to find a long-term deal.

The current authorization expires on May 31, giving lawmakers just over two months to avoid a lapse in the program’s key authorities ahead of the 2019 hurricane season.

Without an extension, the Federal Emergency Management Agency (FEMA) will not be able to issue new policies after May 31, and its borrowing authority will be reduced to \$1 billion from \$30.4 billion. Lawmakers have passed 10 short-term extensions of the program since the last major reauthorization (Public Law 112-141) expired at the end of fiscal 2017.

The measure from Waters would also authorize any necessary funding through fiscal 2028 for FEMA grants to help states launch revolving loan funds to reduce flood risks and damages.

The program would be modeled after the Environmental Protection Agency’s Drinking Water State Revolving Loan Fund. The proposal is similar to legislation (H.R. 1610) introduced by Reps. Charlie Crist (D-FL) and Roger Williams (R-TX).

Loans could be issued to homeowners, businesses, nonprofit groups, and local governments. Eligible projects would include structural elevation, flood-proofing, and relocating buildings outside of high-risk flood zones.

Funds couldn’t be used for certain high-value properties or high-income homeowners, or to acquire property from an unwilling seller.

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States would have to match 10 percent of FEMA's contribution. They could forgive loans issued to low-income homeowners, as long as the subsidies don't exceed 30 percent of FEMA's grant. Another proposal would authorize \$200 million annually for five years for FEMA's Pre-disaster Mitigation Grant Program.

It would also authorize the following annual amounts:

- \$20 million through fiscal 2024 for FEMA to provide technical and financial assistance to states, tribes, and communities.
- \$7 million over five years for FEMA grants to states and communities to expand the use of flood mitigation practices beyond the minimum requirements.

Many policyholders are required to purchase a separate policy for expenses to comply with heightened building code and floodplain standards. The measure would double the maximum "Increased Cost of Compliance" coverage to \$60,000. Funds could be used for additional types of mitigation and acquiring other property.

FEMA would have to offer a reduced premium rate for mitigation methods that could be deployed in dense urban neighborhoods.

A third proposal would authorize \$400 million a year through fiscal 2023 for FEMA's flood mapping program.

Maps would have to incorporate remote sensing and other geospatial technology. FEMA would have to establish a digital display for flood maps that could include detailed information on individual properties.

It would also have to develop a process using updated topographic data to remove low-risk structures in bulk from high-risk designations on flood maps. Property owners and communities can ask FEMA to correct an inaccurate flood map, based on the actual elevation of a property or changes to natural features in the area. The proposal would allow them to file appeals, including with an independent scientific resolution panel that would make a nonbinding recommendation. If a property is removed from a high-risk map area, policyholders could cancel their policies and FEMA would provide a prorated refund.

California Lawmakers Take on Federal Privacy Law

Congress should not weaken California's new privacy law in any federal bill, Senator Dianne Feinstein (D-CA) said at a hearing this month.

Sen. Feinstein joined other members of the state's congressional delegation, including House Speaker Nancy Pelosi (D-CA), who have said they would oppose a federal privacy bill that pre-empt the California Consumer Privacy Act. The Californians' stance increases the odds that lawmakers will not end up sending a broad data privacy bill to President Donald Trump's desk this year.

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“I will not support any federal privacy bill that weakens the California standard,” Sen. Feinstein said at the start of the hearing.

The California law, and the European Union’s General Data Protection Regulation that took effect last year, led to the private sector pushing Congress to enact a new law pre-empting states. Privacy advocates and their congressional allies want a tough new federal law that would also give the Federal Trade Commission more tools to regulate privacy.

California’s privacy law serving as a legislative floor is a goal that the bipartisan Commerce Committee group shares, Senator Blumenthal (D-CT) said, adding that he hopes the Senate Commerce bill will come out in the “near future.”

Privacy advocates and some lawmakers argue that federal legislation should set minimum regulatory standards on which states can build.

Some companies have said that a patchwork of state privacy laws is untenable and snuffs out technological innovation. Lawmakers, for their part, are seeing corporate pressure to create a national privacy standard.

Senator Marco Rubio (R-FL) introduced a privacy bill (S. 142) in January that would override more restrictive state laws. The bill has support from a Washington-based technology trade group that counts Alphabet Inc.’s Google, Facebook Inc. and eBay Inc. as members.

Lowey Announces No Congressionally Directed Spending for FY20

Currently there is not enough bipartisan, bicameral support to reinstate the use of earmarks in fiscal 2020, House Appropriations Chairwoman Nita Lowey (D-NY) said in a letter to her colleagues early this month.

Appropriators in both parties, among other lawmakers, had previously raised the possibility of a return to earmarks, arguing they should use more of their power under Article 1 of the Constitution to direct federal spending.

In her Dear Colleague letter, Chairwoman Lowey noted that over the coming months, Democrats in the House and Senate must discuss the issue of earmarks in their respective caucuses and conferences to determine member preferences, solicit ideas to ensure taxpayer dollars are spent wisely, and when applicable, change rules to permit members to request earmarks.

With House Appropriations Subcommittee markups potentially beginning as early as the first week of May, little time was available for the Committee to setup the necessary processes and procedures to appropriately vet earmarks before the fiscal year 2020 appropriations process formally begins.

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Administration Staffing Shuffles

On February 28, 2019, the U.S. Senate confirmed Andrew Wheeler as the fifteenth Administrator of the Environmental Protection Agency. President Donald Trump had announced his appointment as the Acting EPA Administrator on July 5, 2018. Mr. Wheeler had previously been confirmed by the U.S. Senate as the EPA Deputy Administrator on April 12, 2018. A former EPA bureaucrat who also served as an influential Capitol Hill staffer and an energy lobbyist, Wheeler had been acting administrator of the agency since July when he replaced Scott Pruitt.

Shortly after taking over in July, Wheeler's EPA moved ahead with a plan to do away with the Obama-era Clean Power Plan and replace it with a proposed rule to set state guidelines for power-plant emissions of greenhouse gases that contribute to a warming planet. His agency finalized revisions to a 2015 Obama-era rule regulating the disposal of coal ash that gives states and utilities what he called "much needed flexibility" to manage their waste.

He also recommended freezing miles-per-gallon standards for cars and light trucks after the 2020 model year and preventing California and other states from setting tougher standards, saying it will improve safety and keep prices lower for consumers.

Given these and other policy decisions Wheeler's EPA had executed, he faced strong objections from Senate Democrats. Sen. John Barrasso (R-WY) Chairman of the Senate Environment Committee, called Wheeler "uniquely qualified" to lead EPA, the Senate confirmed Wheeler by a vote of 52-47.

Following the conclusion of the government shutdown the White House tapped Acting Interior Secretary David Bernhardt's him to become new Interior Secretary, replacing former Sec. Ryan Zinke who stepped down last year.

Top Democratic appropriators say Acting Interior Secretary David Bernhardt's decision to fund national parks during the government shutdown without consulting Congress may intensify questioning during hearings on his confirmation and the department's 2020 budget. Chair of the House Appropriations Committee's Interior, Environment and Related Agencies Subcommittee Rep. Betty McCollum (D-MN), said "Congress holds the power of the purse, and our subcommittee has every intention of fulfilling our Constitutional authority and responsibility."

During the 35-day government shutdown, Chairwoman McCollum and Sen. Tom Udall (D-N.M.), Ranking Member on the Senate Subcommittee on Department of the Interior, Environment which oversees the Department's budget, said they were not consulted before Bernhardt announced in early January that the National Park Service would dip into entrance fees from visitors to pay certain employees to keep facilities open.

Bernhardt was confirmed as deputy Interior secretary, the No. 2 role, in a 56-39 vote in July 2017. The Interior Department is in charge of public lands and minerals (including oil and gas drilling), national parks, endangered species conservation, wildlife refuges and other parts of the government.

Bill Number (linked to the legislation on Congress.gov)	Sponsor/ Cosponsor	Title and/or Summary	Summary/Status	Latest Action
H.R. 1764	Rep. John Garamendi (D-CA)	The bill to amend the Federal Water Pollution Act	The legislation would amend the Federal Water Pollution Control Act with respect to permitting terms, and for other purposes.	Introduced on March 15 and then referred to the Subcommittee on Water Resources and Environment.
H.R. 1508	Rep. Blumenauer	Move America Act of 2019	The measure would amend the Internal Revenue Code of 1986 to provide for Move America bonds and Move America credits	Introduced on March 5 and was referred to the House Committee on Ways and Means.
H.R. ____ / S. ____	Rep. Marcy Kaptur (D-OH) / Sen. Lamar Alexander (R-TN)	Energy and Water Development Appropriations Act, 2020	The House and Senate will soon begin writing their FY20 Energy and Water Appropriations bill, which includes funding for the Department of Energy, Bureau of Reclamation (Interior), Army Corps of Engineers, and other federal agencies.	Member offices are still receiving and submitting appropriations requests to the House and Senate Appropriations Committees. The House could markup the FY20 bills during April or May, with the Senate likely following suit several weeks later. Consideration of the legislation on the House and Senate floors likely will not occur until later this summer.

H.R. ____ / S. ____	Rep. Betty McCollum (D-MN) / Sen. Lisa Murkowski (R-AK)	Interior, Environment, and Related Agencies Appropriations Act, 2020	<p>The House and Senate will soon begin writing their FY20 Energy and Water Appropriations bill, which includes funding for the Department of the Interior (except the Bureau), Bureau of Land Management, Land and Water Conservation Fund, National Park Service, U.S. Fish and Wildlife Service, and the U.S. Forest Service.</p>	<p>Member offices are still receiving and submitting appropriations requests to the House and Senate Appropriations Committees. The House could markup the FY20 bills during April or May, with the Senate likely following suit several weeks later. Consideration of the legislation on the House and Senate floors likely will not occur until later this summer.</p>
H.R. 1744	Rep. Mark Takano (D-CA)	Energy Storage Systems by Electric Utilities	<p>The bill would provide for the consideration of energy storage systems by electric utilities as part of a supply side resource process, and for other purposes.</p>	<p>The bill was introduced on March 13 and was referred to the Committee on Energy and Commerce, and in addition to the Committee on Science, Space, and Technology.</p>

<p>H.J.Res.31</p>	<p>Rep. Lucille Roybal-Allard (D-CA)</p>	<p>Consolidated Appropriations Act, 2019 (Conference Reports for the Agriculture, Commerce-Justice-Science, Financial Services-General Government, Interior-Environment, State-Foreign Operations, and Transportation-HUD Appropriations bills).</p>	<p>The House and Senate came to an agreement on a Conference Report for the 7 remaining FY19 appropriations bills after holding an official conference on the FY19 Homeland Security Appropriations bill. The Homeland Security section contained approximately \$1.3 billion for border funding in the Rio Grande Valley of Texas and slight reduction in funding for ICE detention beds. The other 6 appropriations bills contained conference reports similar to those that had been previously been released.</p>	<p>The bill was introduced on January 22nd and was passed by both the Senate and the House before being signed into law on February 15th. This bill's enactment finalized full year funding for all federal agencies for fiscal year 2019 through September 30, 2019.</p>
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			<p>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:</p> <p>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. For California, the legislation included the Santa Ana River Wash Plan Land Exchange Act and the California Desert Protection and Recreation Act of 2019, which was a compromise between individual bills introduced by Senator Dianne Feinstein and Congressman Paul Cook in previous Congresses.</p>	<p>Introduced in the Senate on January 8th. The legislation passed the Senate by a vote of 52-48 on February 12th. The measure was then taken up by the House and passed by a vote of 363-62. The bill was signed into law by President Trump on March 12, 2019.</p>
S.47	Sen. Lisa Murkowski (R-AK)	<p>Natural Resources Management Act (renamed the John D. Dingell, Jr. Conservation, Management, and Recreation Act)</p>	<p>This bill would provide for conservation, enhanced recreation opportunities, and development of renewable energy in the California Desert Conservation Area.</p>	<p>Introduced in the Senate on January 9th.</p> <p>Included as a provision in S.47, the National Resources Management Act, which has been signed by President Trump, therefore the stand alone bill will not move.</p>
S.67/ H.R. 376	Sen. Dianne Feinstein (D-CA)/ Rep. Paul Cook (R-CA-08)	<p>California Desert Protection and Recreation Act of 2019</p>		

H.R. 268	Rep. Nita Lowey (D- NY)	Supplemental Appropriations Act, 2019	<p>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.</p> <p>The funding provided by this bill is designated as emergency spending, which is exempt from discretionary spending limits and other budget enforcement rules.</p>	<p>Passed the House on January 16th.</p> <p>The Senate has officially moved to proceed to the legislation, and Senate Majority Leader Mitch McConnell has filed for cloture on a substitute amendment. The legislation could pass the Senate and be conferenced with the House as soon as the week of March 25th or April 1.</p>
S.572	Sen. David Perdue (R-GA)	Additional Supplemental Appropriations for Disaster Relief, 2019	<p>This bill provides \$13.6 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.</p> <p>The funding provided by this bill is designated as emergency spending, which is exempt from discretionary spending limits and other budget enforcement rules.</p> <p>This bill was crafted as a compromise between the Senate and the White House to resolve issues related to disaster aid to Puerto Rico.</p>	<p>Introduced in the Senate on February 26. This was expected to be the supplemental appropriations package that moved in the House and Senate, but a subsequent amendment was released to H.R.268 that will now likely move in the Senate.</p> <p>No further activity is expected on this bill.</p>

S. 146	Sen. John Hoeven (R-ND)	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
H.R.1162	Rep. Grace Napolitano (D-CA)	Water Recycling Investment and Improvement Act	This legislation would create a competitive grant program for the funding of water recycling and reuse projects by raising the authorization cap for the Title XVI program from \$50 million to \$500 million. The legislation would also raise the authorization cap from \$20 million to \$30 million for the Reclamation Wastewater and Groundwater Study and Facilities Act.	Introduced in the House on February 13. Has been referred to the Water, Oceans, and Wildlife Subcommittee of the House Natural Resources Committee on 3/4/2019.
S. 40	Sen. John Barrasso (R-WV)	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. Included as a provision in S.47, the National Resources Management Act, which has been signed by President Trump, therefore the stand alone bill will not move.

S. 308/ H.R. 1067	Sen. Dianne Feinstein (D-CA)/ Pete Aguilar (C-CA-31)	Santa Ana Wash Plan Land Exchange Act	<p>The bill would direct the Secretary of the Interior to convey certain Federal lands in San Bernardino County, California, to the San Bernardino Valley Water Conservation District, and to accept in return certain non-Federal lands, and for other purposes.</p>	<p>Introduced in the Senate on January 31st and was referred to the Committee on Energy and Natural Resources.</p> <p>Introduced in the Senate on February 7th and was referred to the House Committee on Natural Resources.</p> <p>Included as a provision in S.47, the National Resources Management Act, which has been signed by President Trump, therefore the stand alone bill will not move.</p>
H.R.579	Rep. Scott Tipton (R-CO-3)	Water Rights Protection Act of 2019	<p>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.</p>	<p>Introduced in the House on January 15th. Referred to the Conservation and Firestry Subcommittee of the Agriculture Committee on 2/7 and to the Water, Oceans, and Wildlife Subcommittee of the House Natural Resources Committee on 2/4.</p>

H. R. 855	Rep. Scott Peters (D-CA-52)	STRONG (Strengthening the Resiliency of our Nation on the Ground Act) Act	The bill would work to minimize the economic and social costs resulting from losses of life, property, well-being, business activity, and economic growth associated with extreme weather events by ensuring that the United States is more resilient to the impacts of extreme weather events in the short- and long-term, and for other purpose	Introduced in the House and referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management on February 7th.
S. 361/HR 807	Sen. Cory Gardner (R-CO) / Rep. Ken Buck (R-CO-04)	Water and Agriculture Tax Reform Act of 2019	The measure would work to amend the Internal Revenue Code of 1986 to facilitate water leasing and water transfers to promote conservation and efficiency.	Introduced referred to the Committee on Finance (Senate) and Ways and Means Committee (House).
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
S.420 /H.R. 1120	Sen. Ron Wyden (D-OR) / Rep. Earl Blumenauer (D-OR-3)	Marijuana Revenue and Regulation Act	A bill to amend the Internal Revenue Code of 1986 to provide for the taxation and regulation of marijuana products, and for other purposes.	The bill was introduced in the Senate on February 14th and was referred to the Subcommittee on Conservation and Forestry. Introduced in the House on February 14th and was referred to the Subcommittee on Conservation and Forestry.

Item # 6



**To: Marina West, General Manager
BGDVWA**

**From: Adan Ortega, Facilitator
CWSA**

Date: April 10, 2019

SUBJECT: Status of Safe Drinking Water Fund Negotiations & Legislative Report

Summary

I would like to report that CWSA is now fully integrated in the negotiations on several bills making their way through the legislature addressing the establishment of a fund to help chronically failing systems. These bills include AB217(E Garcia), AB134 (Bloom), SB 669 (Caballero), and SB 200 (Monning). In addition, the Senate and Assembly budget bills by the Governor stand open (*please see legislative report with links to bills to review committee status*). This means that if the water industry and non-profits pushing the water tax fail to come to terms, the Governor will pressure the legislature to approve the \$1-\$10 meter tax during the budget process. I am in direct contact with Assembly Water, Parks and Wildlife staff, Senate Natural Resources Committee staff, as well as the Speaker's office. Here is details of our approach.

Details

GENERAL STRATEGY: Require the State Water Board to be proactive in fostering compliance by water systems serving disadvantaged communities when adopting new drinking water standards (so no one gets left behind); ramp-up funding for chronically failing systems as a needs assessment is completed by the state water board in 2020-21 (to avoid the possibility that a tax or fee set now will be too little or too much); and expand funding opportunities for systems serving 10,000+ residents in disadvantaged communities (to encourage economies of scale and benefits to areas in more parts of the state).

Intention of proposed amendment #1: Compliance Assistance Plan for Disadvantaged Communities

Issue: As noted by the Legislative Analyst, if current policy bills aimed at helping disadvantaged communities with safe drinking water are adopted as presently configured, the adoption of new MCLs by the State Water Resources Control Board (SWRCB), through the Division of Drinking Water, will trigger new waves of non-compliance that will have to be dealt with in later years.

Proposed Amendment: Would require the SWRCB to have a plan in parallel with adoption of new MCLs, for the deployment of grants, technical assistance and, where necessary and applicable, consolidations for systems that cannot afford to comply with the new standard. While the effective date of the regulation would not be affected, the enforcement timeline for disadvantaged communities affected by a new contaminant standard would align with the roll-out of the compliance assistance plan.

Intention of proposed amendment #2: Funding for the Safe Drinking Water Fund or Trust

Issue: As noted by the Legislative Analyst, reliable estimates don't exist for dealing in total with chronically failing water systems in the state and their O&M needs. The State Water Resources

Control Board is in the process of completing a “needs and cost assessment,” that will be completed in 2020-21, to help currently failing water systems.

Proposed Amendment: The proposed amendment will: a) Allocate from the state budget surplus a more modest sum (\$700M-\$800M) in the trust/fund to deal with the “worst of the worst” cited in a report by the California Urban Water Agencies Association (CUWA); b) Allow for completion of the “needs and cost assessment” by the SWRCB in 2020-21; c) use the results of the “needs and cost assessment” to determine an increase in the annual fee charged by the SWRCB on drinking water systems; d) transfer the added collection to the Safe Drinking Water Fund/Trust.

Intention of Proposed amendment #3: **Grants Enabling Economies of Scale**

Issue: The Division of Financial Assistance under the SWRCB has chosen to limit grants under the disadvantaged communities sections of Propositions 1 and 68 to those water systems serving less than 10,000 residents. There are communities that serve 10,000+ residents where 100% are DAC and/or SDAC, that have been rejected for grants to meet arsenic and other standards.

Proposed Amendment: If the intent is to serve larger numbers of persons through consolidations as well as water systems serving 10,000 persons or more where 100% of the community is disadvantaged, these restrictions should be lifted – especially in confronting new MCLs. The proposed language is affirmative by effectuating the legislature’s intent.

SPECIAL NOTES:

Local Share of Funds: AB217 (E. Garcia) includes a provision that would return 20% of each region’s contribution to the region to meet local priorities through the Division of Drinking Water. CWSA was asked for comments and given the failure of Fi\$Cal. We are suggesting that 50% be allocated for local distribution by the 9 Regional Water Quality Control Boards for distribution through regional agencies such as Mojave Water Authority for programs that help systems serving disadvantaged communities. A general outline of our recommendation is below:

1. Remove or expand the 20% limit given the SWRCB’s/DDW challenges with Fi\$Cal
2. Allocate funding through regional quality control boards to agencies / NGOs for projects addressing the worst of the worst chronically failing systems as well as prioritizing on-going projects that lack funding
3. The funding will be funneled through the Regional Water Quality Control Boards that already have mechanisms to fund local Clean Water Act projects through fines and settlements that are recovered from polluters

Is the State Water Boards “Fee” really a Tax? Given that the current proposal in AB217 is to charge water agencies a surcharge on their fees paid to the state water board annually based on the number of connections, the fee falls under Prop. 26. We are participating in discussions where upon the bill would include a declarative statement that the human right to water is a factor in sustainability of water sources. That would enable the fee to be based on a benchmark established by current programs in urban parts of the state that have already assessed their agencies to clean-up contaminated sources. Some argue that the declared general mission and goal would nullify the provisions of Prop 26. We’ll see.



**CWSA
Status Report Wednesday, April 10, 2019**

Funding

[AB 134](#) (Bloom D) Safe, clean, affordable, and accessible drinking water.

Current Text: Amended: 3/25/2019 [html](#) [pdf](#)

Last Amended: 3/25/2019

Status: 3/27/2019-From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (March 26). Re-referred to Com. on APPR.

Location: 3/27/2019-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would state findings and declarations relating to the intent of the Legislature to adopt policies to ensure that every Californian has the right to safe, clean, affordable, and accessible drinking water. The bill would require, if a Safe Drinking Water Fund or Safe and Affordable Drinking Water Fund is established, the funding to be displayed in the annual Governor's budget, as prescribed, and, at least every 5 years, would require the Legislative Analyst's Office to provide an assessment of the effectiveness of expenditures from the fund.

Position: Watch

Support/Oppose: N/A

[AB 190](#) (Ting D) Budget Act of 2019.

Current Text: Introduced: 1/10/2019 [html](#) [pdf](#)

Status: 1/24/2019-Referred to Com. on BUDGET.

Location: 1/24/2019-A. BUDGET

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This bill would make appropriations for the support of state government for the 2019-20 fiscal year.

Position: Watch

Support/Oppose: N/A

[AB 217](#) (Garcia, Eduardo D) Safe Drinking Water for All Act.

Current Text: Amended: 3/28/2019 [html](#) [pdf](#)

Last Amended: 3/28/2019

Status: 4/1/2019-Re-referred to Com. on APPR.

Location: 3/26/2019-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would enact the Safe Drinking Water for All Act and would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the board to provide a source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure.

Position: Watch

Support/Oppose: N/A

AB 402 (Quirk D) State Water Resources Control Board: local primacy delegation: funding stabilization program.

Current Text: Amended: 3/5/2019 [html](#) [pdf](#)

Last Amended: 3/5/2019

Status: 3/20/2019-In committee: Set, first hearing. Referred to suspense file.

Location: 3/12/2019-A. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. The act requires the state board to provide the local primacy agency, to the extent funds are available from the Safe Drinking Water Account, with an annual drinking water surveillance program grant to cover the costs of conducting inspection, monitoring, surveillance, and water quality evaluation activities specified in the local primacy agreement. The act requires the state board to adopt a schedule of fees and requires a public water system under the jurisdiction of a local primacy agency to pay these fees to the local primacy agency in lieu of the state board. This bill would include enforcement costs as costs covered by an annual drinking water surveillance program grant.

Position: Watch

Support/Oppose: N/A

ACA 3 (Mathis R) Clean Water for All Act.

Current Text: Amended: 3/20/2019 [html](#) [pdf](#)

Last Amended: 3/20/2019

Status: 3/21/2019-Re-referred to Com. on W., P., & W. Measure version as amended on March 20 corrected.

Location: 3/18/2019-A. W.,P. & W.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

This measure, the Clean Water for All Act, would additionally require, commencing with the 2021–22 fiscal year, not less than 2% of specified state revenues to be set apart for the payment of principal and interest on bonds authorized pursuant to the Water Quality, Supply, and Infrastructure Improvement Act of 2014; water supply, delivery, and quality projects administered by the department, and water quality projects administered by the state board, as provided.

Position: Watch

Support/Oppose: n/a

SB 200 (Monning D) Safe and Affordable Drinking Water Fund.

Current Text: Amended: 3/11/2019 [html](#) [pdf](#)

Last Amended: 3/11/2019

Status: 3/22/2019-Set for hearing April 23.

Location: 3/20/2019-S. N.R. & W.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the State Water Resources Control Board. The bill would require the board to administer the fund to provide a stable source of funding to secure access to safe drinking water for all Californians, while also ensuring the long-term sustainability of drinking water service and infrastructure. The bill would authorize the board to provide for the deposit into the fund of federal contributions, voluntary contributions, gifts, grants, and bequests. The bill would require the board to expend moneys in the fund for grants, loans, contracts, or services to assist eligible applicants with projects relating to the provision of safe and affordable drinking water.

Position: Watch

Support/Oppose: n/a

SB 669 (Caballero D) Water quality: Safe Drinking Water Fund.

Current Text: Introduced: 2/22/2019 [html](#) [pdf](#)

Status: 3/19/2019-Set for hearing April 10.

Location: 3/14/2019-S. E.Q.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would establish the Safe Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the State Water Resources Control Board. The bill would require the state board to administer the fund to assist community water systems in disadvantaged communities that are chronically noncompliant relative to the federal and state drinking water standards and do not have the financial capacity to pay for operation and maintenance costs to comply with those standards, as specified.

Support/Oppose: n/a

Governance

AB 508 (Chu D) Drinking water: consolidation and extension of service: domestic wells.

Current Text: Amended: 3/25/2019 [html](#) [pdf](#)

Last Amended: 3/25/2019

Status: 4/9/2019-VOTE: Do pass as amended and be re-referred to the Committee on [Local Government]

Location: 4/9/2019-A. L. GOV.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The California Safe Drinking Water Act requires the State Water Resources Control Board, before ordering consolidation or extension of service, to, among other things, obtain written consent from any domestic well owner for consolidation or extension of service and make a finding that consolidation of the receiving water system and subsumed water system or extension of service to the subsumed water system is appropriate and technically and economically feasible. The act makes any domestic well owner within the consolidation or extended service area who does not provide written consent ineligible, until consent is provided, for any future water-related grant funding from the state, except as provided. This bill would modify the provision that authorizes consolidation or extension of service if a disadvantaged community is reliant on a domestic well described above to instead authorize consolidation or extension of service if a disadvantaged community has one or more residences that are reliant on a domestic well described above.

Position: Watch

Support/Oppose: N/A

SB 414 (Caballero D) Small System Water Authority Act of 2019.

Current Text: Amended: 4/4/2019 [html](#) [pdf](#)

Last Amended: 4/4/2019

Status: 4/4/2019-Read second time and amended. Re-referred to Com. on APPR.

Location: 4/3/2019-S. APPR.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would create the Small System Water Authority Act of 2019 and state legislative findings and declarations relating to authorizing the creation of small system water authorities that will have powers to absorb, improve, and competently operate noncompliant public water systems. The bill, no later than March 1, 2020, would require the state board to provide written notice to cure to all public agencies, private water companies, or mutual water companies that operate a public water system that has either less than 3,000 service connections or that serves less than 10,000 people, and are not in compliance, for the period from July 1, 2018, through December 31, 2019, with one or more state or federal primary drinking water standard maximum contaminant levels, as specified.

Position: Watch

Support/Oppose: N/A

AB 129 (Bloom D) Microfiber pollution.

Current Text: Amended: 3/25/2019 [html](#) [pdf](#)

Last Amended: 3/25/2019

Status: 3/26/2019-Re-referred to Com. on E.S. & T.M.

Location: 3/25/2019-A. E.S. & T.M.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require the State Water Resources Control Board to take specified actions relating to microfiber pollution on or before July 1, 2020, and would require the state board to identify best practices for clothing manufacturers to reduce the amount of microfibers released into the environment. The bill would require, on or before January 1, 2020, a public entity that uses a laundry system, and a private entity that contracts with a state agency for laundry services, to install a filtration system to capture microfibers that are shed during washing.

Position: Watch

Support/Oppose: n/a

AB 223 (Stone, Mark D) California Safe Drinking Water Act: microplastics.

Current Text: Introduced: 1/16/2019 [html](#) [pdf](#)

Status: 2/25/2019-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 2/4/2019-A. E.S. & T.M.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law requires the state board, on or before July 1, 2020, to adopt a definition of microplastics in drinking water and, on or before July 1, 2021, to adopt a standard methodology to be used in the testing of drinking water for microplastics and requirements for 4 years of testing and reporting of microplastics in drinking water, including public disclosure of those results. This bill would require the state board, to the extent possible, and where feasible and cost effective, to work with the State Department of Public Health in complying with those requirements.

Position: Watch

Support/Oppose: n/a

AB 1204 (Rubio, Blanca D) Public water systems: primary drinking water standards: implementation date.

Current Text: Introduced: 2/21/2019 [html](#) [pdf](#)

Status: 3/26/2019-In committee: Set, first hearing. Hearing canceled at the request of author.

Location: 3/11/2019-A. E.S. & T.M.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Would require the adoption or amendment of a primary drinking water standard for a contaminant in drinking water not regulated by a federal primary drinking water standard or that is more stringent than a federal primary drinking water standard to take effect 3 years after the date on which the state board adopts or amends the primary drinking water standard. The bill would authorize the state board to delay the effective date of the primary drinking water standard adoption or amendment by no more than 2 additional years as necessary for capital improvements to comply with a maximum contaminant level or treatment technique.

Position: Watch

Support/Oppose: N/A

SB 1 (Atkins D) California Environmental, Public Health, and Workers Defense Act of 2019.

Current Text: Introduced: 12/3/2018 [html](#) [pdf](#)

Status: 4/9/2019-VOTE: Do pass as amended, but first amend, and re-refer to the Committee on [Judiciary]

Location: 4/9/2019-S. JUD.

Desk	Policy	Fiscal	Floor	Desk	Policy	Fiscal	Floor	Conf. Conc.	Enrolled	Vetoed	Chaptered
1st House				2nd House							

Summary:

Current state law regulates the discharge of air pollutants into the atmosphere. The Porter-Cologne Water Quality Control Act regulates the discharge of pollutants into the waters of the state. The California Safe Drinking Water Act establishes standards for drinking water and regulates drinking water systems. The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species, and generally prohibits the taking of those species. This bill would require specified agencies to take prescribed actions regarding certain federal requirements and standards pertaining to air, water, and protected species, as specified.

Position: Watch

Support/Oppose: n/a

Total Measures: 13

Total Tracking Forms: 13

Yes, we need clean water. But it must remain tax-free

Guest Commentary.  | April 9, 2019 | [COMMENTARY](#), [ENVIRONMENT](#), [JUSTICE](#), [MY TURN](#), [WATER](#)

GUEST COMMENTARY: [Find out more](#) about submitting a commentary.



By Sharon Quirk-Silva, *Special to CALmatters*

Most states don't tax milk, bread, fruit or vegetables because they are essential to human life. Food tax exemptions have been in place since the Great Depression, part of a social covenant formed to help the neediest afford life's essentials.

But Democratic Sen. William Monning of Carmel is leading an effort to tax something even more essential than groceries. Tax bills now under consideration seek to tax the water we use in our homes.

Five years ago, the California Legislature passed a law declaring that water is a basic human right. But the truth is that not everyone in California can count on the safety or reliability of water coming out of their taps or wells.

This proposed water tax seeks to levy taxes on all water users as a way to fund improvements for failing water systems. Proponents argue that water ought to be taxed as a "public good" such as electricity and natural gas.

I applaud the ultimate goal of the water tax to help these inadequate and neglected water systems, but there are better approaches to fix this difficult problem.

Much is at stake. Depending on whom you ask, between 200,000 to 1 million Californians do not have regular access to safe drinking water.

Many of these deficient systems are in the Central Valley. According to the State Water Resources Control Board's database of chronically failing water systems, nearly half of the suppliers who cannot meet basic drinking water safety standards are single well owners.

Local water districts and very small mutual water companies comprise the remainder. There is no doubt we must address this. But the key question is funding. How much will it cost and who will pay?

Sen. Monning's bill, [Senate Bill 200](#), is based on a previous bill he proposed in 2018, that would raise funds through a monthly tax ranging between \$1 to \$4 depending on each household and business meter size.

That proposal stands in stark contrast not just to our collective desire to keep life's essentials free from tax, but to other bills that seek to exempt even more public goods such as diapers and women's sanitary products from taxation.

There is different approach.

Democratic Sen. Ana Caballero of Salinas is proposing [SB 669](#) which would create a trust fund with seed money from the state budget surplus. The Safe Drinking Water Trust fund would provide the opportunity for collective action without new taxation by using the state's budget surplus as a source of seed funding.

Funding could be expanded or reduced depending on the results of the State Water Resource Control Board's needs assessment of chronically failing water systems.

Trust fund money also could be applied to help community water systems afford water treatment systems in order to meet future drinking water regulations.

The budget surplus need not be the only source of funding for the trust fund. Assembly Speaker Anthony Rendon has tasked Democratic Assemblyman Eduardo Garcia from the Coachella Valley to evaluate different options for solutions to the safe drinking water funding question.

Assemblyman Garcia has been reaching far and wide to collect ideas from stakeholders throughout the state. We'll begin to see the results of his efforts and informational hearings as his [Assembly Bill 217](#) makes its way through the legislative process.

We share basic needs for food, water, and products that keep us healthy. Through our collective action, we must pull together to make meeting those basic needs a priority.

Taxing water, food and other essential needs would limit their affordability and betray our collective resolve that no one should be denied the essentials for health, sanitation and freedom from hunger and thirst.

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 Meeting Minutes

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.

Call to Order

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

Pledge of Allegiance

Led by John 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 10:00 AM

Committee reconvenes at 10:06 AM

Public comment: None

CA Water Systems Alliance Update

General Manger West gives her update to the Committee regarding the CA Water Systems Alliance and the options for implementation of the Statewide Water Low-income Water Rate Assistance Program.

Public comment: None

Consent Items

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

Public comment: None

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

Public Comment Period

No public comment.

Verbal Reports

Vice President Corl-Lorono gave a report on her attendance to Sacramento for CA Water Systems Alliance.

Adjournment – Vice President Corl-Lorono adjourned the meeting at 10:29 AM

Approved by:

Vice President Corl-Lorono, Committee Chair