

MEMORANDUM



ITEM 5. (b) COMMITTEE REPORTS

December 6, 2021

TO: BOARD OF DIRECTORS

FROM: GOVERNMENT AFFAIRS AND COMMUNITY OUTREACH COMMITTEE

**SUBJECT: MINUTES OF THE GOVERNMENT AFFAIRS AND COMMUNITY
OUTREACH COMMITTEE AND SPECIAL MEETING OF THE BOARD OF
DIRECTORS – DECEMBER 6, 2021**

SPECIAL NOTICE - Teleconference Meeting

Pursuant to AB-361 issued by Governor Newsom in response to the COVID-19 outbreak and as a precaution to protect both staff, its constituents, and elected officials, Upper District held its Government Affairs and Community Outreach Committee meeting and special meeting of the Board of Directors via teleconference on December 6, 2021.

ATTENDANCE:	Anthony Fellow (Chair)	Patty Cortez	Lowry Crook
	Charles Treviño	Ruben Gallegos	Ana Schwab
	Jennifer Santana	Venessa Navarrette	
	Katarina Garcia	Jennifer Aguilar	
	Tom Love	Martin Koczanowicz	

1. **Call to Order.**
2. **Public Comment.** None.
3. **Legislative Update.**
 - a. **Washington D.C.**

Ana Schwab of Best, Best & Krieger provided an update on the President’s Legislative agenda. She mentioned that there is an increase in the funding amounts for the current infrastructure bill. The package as signed into law contains a very generous budget and the option for appropriations should that be necessary. Lowry Crook stated that the EPA is going to give some guidance with the forgivable and grant funding that exists within the package as well.

Director Fellow asked the General Manager if there is an issue with lead piping within the UD system. The General Manager stated that the distribution lines are not an issue, but there may be an issue within the customer lines or fittings. He mentioned that the school districts in the area have been required to do testing in recent years, but if there was an issue it would mostly be due to older fittings. Director Fellow asked if UD could go through MWD for funds to repair these issues and the General Manager agreed that the options exist within the Leak Detection Programs through MWD.

The Large-Scale Water Recycling Bill (H.R.4099) is being followed as well due to the implications to the MWD projects that are in process and Upper District's support of this legislation. Ana explained that there are two pieces of legislation related to lead and copper replacement that she is going to keep an eye on as well.

Ana reported that there was a deadline of December 3, 2021 to approve the budget, but they extended it to February 18, 2022. She explained how difficult it is to get consensus and approve these legislative actions.

Lowry shared the provision on taxable income for rebate items which is within the Build Back Better plan. Director Fellow asked if we should be optimistic for the Build Back Better Plan being approved and Ana stated that they are not at that point yet. She said it will have to go to conference because the legislation still requires major changes for approval. Lowry reported that the White House is confident and that the statement of "before Christmas" might be a little optimistic. He said that the reconciliation process will take at least another week and that there are incentives for the Senate to move forward quickly. It might not be law before the end of the year, but it should move forward in some manner within the next couple of weeks. Ana mentioned that they removed all of the bond provisions and that there are provisions that require additional training and guidance before they will be able to move forward.

Director Fellow asked if there would be a chance that the government would shut down prior to the end of the year and Ana said that with the extension to Feb 18th, it should not be a concern. She mentioned that there are international pieces of legislation in the next few weeks which will ramp up the Congressional movement of the items which concern UD.

4. FY 2021/22 Water Education Grant Program.

Patty Cortez reported on the FY 2021/22 Water Education Grant Program. She explained the way that the program was marketed and the current budget allocation (\$10,000) for the program. Patty reported that UD received 28 grants which totals \$22,672.68. She explained how UD ranked the grants to provide at least the top \$10,000 worth of grants and then the remaining would be based on the board approving a reallocation of the current Education budget. Director Fellow stated that he would like to see all of them funded if possible since they cover a range of ages, districts, and programs. Patty mentioned that UD is back to pre-pandemic levels which is why the grant activity is so much high than the budget. Director Santana also agreed that the grants should be funded. Without Director Treviño, the motion to select an option for board approval could not be made.

The topic was readdressed at the end of the meeting to select option 2 of the staff recommendation. Director Treviño agreed to the motion and the item was moved to the full board for approval.

5. Update to Upper District's 2021-2022 Legislative Policy Principals.

Patty Cortez reported that the board adopted the Legislative Policy Principles document last year and this year there are simply some changes which need to be added. The changes include:

- Support legislation or administrative action that *strongly* protects existing water rights and *oppose legislative action that would infringe upon existing water rights or is inconsistent with water rights priorities/adjudications.*

- *Support tax exemptions for water conservation/efficiency incentives including, but not limited to, turf removal, local stormwater capture (e.g., rain barrels, cisterns), and other measures to reduce consumption of water or enhance the absorption and infiltration capacity of the landscape.*
- *Support continued funding for water efficiency programs including but not limited to U.S. EPA's WaterSense Program*
- *Water Resources Management – SUPPORT legislative/administrative actions and funding to accelerate new local supply development including recycled water, water quality treatment, groundwater remediation and storage, water loss detection and repair, and water conservation measures.*
- *Conservation – SUPPORT administrative/legislative actions and funding for demand management activities and new local supply projects to conserve existing supplies and prepare for a dry future.*
- *Conservation – SUPPORT administrative/legislative actions and funding to reduce water loss. Support the development and implementation of flexible water loss standards for both retail and wholesale water systems.*

Director Treviño asked where disadvantaged communities are being addressed under these priorities. Patty clarified if he wanted something added to address this or if what exists under the Conservation policies was acceptable. He stated that he does want the language of disadvantaged communities added to that priority. Patty stated that language would be drafted and added for approval.

Patty continued with the following changes which include:

- *Drought Related Legislation – SUPPORT administrative/legislative actions that support research into potential water resources and water quality effects of climate change.*
- *Water Quality – SUPPORT administrative/legislative actions to secure funding to help public water systems defray the costs of monitoring and/or remediation of per-and polyfluoroalkyl substances and ensure drinking water and wastewater facilities are not held liable for the cleanup of contamination.*

Director Fellow asked if there needed to be a recommendation to the board. Patty clarified that there would need to be a recommendation and that it needs to include the stipulation that under Conservation, that UD would advocate for funding for projects that specifically target disadvantaged communities.

Director Treviño agreed with the motion with the stipulation as presented, the item will move to the full Board for approval.

6. 2020 Census Data and Redistricting Procedures.

The General Manager mentioned that this was brought to the board in the past as a topic of interest, but at this time there are things that need to be truly considered. He asked Martin Koczanowicz from OMLO to provide a presentation about redistricting. Martin stated that there has been an evolution of the voting rights in California which are stricter than before. He mentioned that there has been a lot of pressure to go into districts to ensure that all of the groups within the community are heard in the political realm. He clarified that there is Federal Criteria, Statutory Criteria, and Traditional Criteria to consider when redistricting. The federal criteria focuses on equal population with a total deviation of less than 10%; the voting rights act which prohibits the dilution of minority groups or creation of minority districts; and prohibits racial gerrymandering. The state law for redistricting includes contiguity, geographic integrity, easily identifiable boundaries, and compactness of population. Communities of Interest (COI) should be considered which encourages fair representation within a district. COIs can be based on lifestyle, economy, demography, geography, political subdivisions, and place-based issues/needs.

Martin stated that the next steps are to provide the 2020 census data, obtain board input and direction and determine a redistricting schedule with Stetson. He clarified that the deadline to complete redistricting is April 17, 2022. He mentioned that UD should have everything in place by the end of February 2022 so that the deadline can be met by final action.

The General Manager mentioned that the data that Stetson provided showed a deviation around 2-4% so it is within the 10%. He mentioned that one division is a majority Asian, three divisions that are a majority Hispanic, and one division that is roughly equal amounts of Caucasian, Hispanic, and Asian. Based on that information, there is not a compelling reason to change the divisions for diversity. The General Manager reported that there are divisional boundaries that bifurcate cities and those cities are split between directors. He has asked Stetson to see if there is an impact to aligning along city boundaries. In the meantime, the General Manager is going to seek proposals from demographers should the directors want to redistrict. The Committee agreed with the General Manager's decision to seek proposals.

7. **Other Matters.** None.

NEXT MEETING: Monday, January 3, 2022 at 4:00 p.m.
cc: General Manager