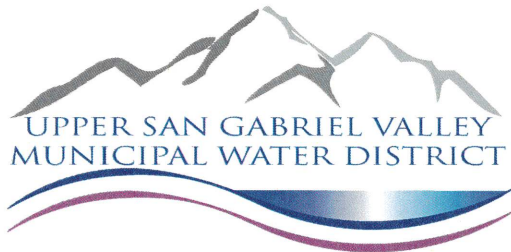


**GOVERNMENT AFFAIRS AND
COMMUNITY OUTREACH
COMMITTEE MEETING
AND
SPECIAL MEETING OF THE
BOARD OF DIRECTORS**



248 E. Foothill Blvd, Suite 200
Monrovia, CA 91016

(626) 443-2297
www.upperdistrict.org

**Monday, February 6, 2023
4:00 p.m.**

Committee Members:

Tony R. Fellow, Chair
Charles M. Treviño, Vice-Chair

SPECIAL NOTICE - Teleconference Accessibility

Pursuant to the newly adopted provisions of the Brown Act and consistent with the Board's Resolution ratifying the declaration of a state of emergency by the State of California in response to the COVID-19 pandemic, the Upper District will hold the public hearing and its board meeting via teleconference or the most rapid means of communication available at the time. Instructions to participate in the teleconference are below:

Attendee Join Zoom Webinar:

<https://us02web.zoom.us/j/81227029466>

Meeting ID: 812 2702 9466

Telephone Dial: (669) 444-9171

Public comments may be made through teleconference when prompted by the Chair during the public comment period. Public comments may also be provided by emailing Venessa@usgvmwd.org in advance of the meeting. Please indicate "PUBLIC COMMENT" in the subject line.

If you have difficulty connecting to the teleconference line, please call (626) 443-2297 or email Ruben@usgvmwd.org. It may take a few minutes to join Zoom or connect via telephone so please join early.

*The Government Affairs and Community Outreach Committee meeting is noticed as a joint committee meeting with the Board of Directors for the purpose of compliance with the Brown Act. Members of the Board who are not assigned to the Government Affairs and Community Outreach Committee may attend and participate as members of the Board, whether or not a quorum of the Board is present. In order to preserve the function of the Committee as advisory to the Board, members of the Board who are not assigned to the Government Affairs and Community Outreach Committee will not vote on matters before the Committee.

Communications

1. Call to Order
2. Public Comment

Discussion/Action

3. Legislative Update
 - a. Washington D.C.
 - b. Sacramento
4. State Bill Summaries and Positions *(staff memorandum attached)*

Oral Reports

5. Discovery Cube Education Program Update
6. FY 22-23 Mid-Year Update – Conservation/Education Outreach

Other Matters

7.

Adjournment

Next Meeting: Monday, March 6, 2023

American Disabilities Act Compliance *(Government Code Section 54954.2(a))*



To request special assistance to participate in this meeting, please contact the Upper District office at (626) 443-2297 or venessa@usgvmwd.org at least 24 hours prior to meeting.



Upper San Gabriel Valley Municipal Water District

February 2, 2023

John Freshman, Ana Schwab, Lowry Crook, and Samantha Sabol

CONGRESS

The 118th Congress: Electing a Speaker, New Committees, Looking Ahead Into 2023

The first week of the 118th Congress started out with a battle in the House of Representatives, determining who the Republican-held majority would elect as Speaker of the House. Nearly 20 members of the House Freedom Caucus, led by Matt Gaetz (R-FL), were holding the line against McCarthy for Speaker. These members nominated and voted for others, including Rep. Jim Jordan (R-OH), Rep. Byron Donalds (R-NY), Rep. Andy Biggs (R-AZ), and even one vote for former President Trump. After a full week of consecutive votes and Republicans engaging in tense negotiations and debates amongst themselves, and with McCarthy himself, he was finally able to take the gavel. The 15th and final vote resulted in McCarthy becoming the 55th Speaker of the House, in a 216-212 vote, with 6 Republicans voting present. Certain members voting 'present' lowered the threshold of votes needed to 215, allowing McCarthy to secure the position. 212 Democrats consistently voted for Rep. Hakeem Jeffries (D-NY) as their Speaker-nominee. Jeffries now stands as the Minority Leader for House Democrats.

This course of events sets Republicans off on a shaky foot, and puts McCarthy in a vulnerable position within his party. He negotiated many items and altered provisions in the House Rules package to appease Republican members and get the votes he needed. Looking into the year ahead, although Republicans hold the majority in the House, they hold a smaller margin than many initially predicted. With the House Freedom Caucus already rebelling within their own party, it is clear Republicans and Speaker McCarthy will have to negotiate more than they expected, and certainly in a more bipartisan way.

Following the Speaker vote, the House went on to pass their [Rules Package](#), which dictate the rules and regulations for House procedure in the 118th Congress. A few key provisions from the new rules package include allowing any member of the House to raise a motion to "vacate the chair", or remove the Speaker, which would then lead to a full House vote. Part of McCarthy's negotiations for Speaker included lowering the number of members needed to bring a "motion to vacate" from 5 to only 1. Other provisions include the ability to shorten voting time, requirements for a 72-hour minimum time period for members to

read bills before voting, and fully eliminating proxy voting. Many remote or virtual allowances have been limited, including requirements for Committee members and witnesses to appear in-person for hearings. The package made a few changes to committee names, renaming the Committee on Oversight and Reform to Committee on Oversight and Accountability, and the Committee on Education and Labor to Committee on Education and Workforce. Republicans also notably chose to keep the allowance of earmarks in the 118th Congress.

First Legislative Week

After passing a rules package, the Republicans in the House took up their first piece of legislation to be voted on: H.R. 23, the Family and Small Business Taxpayer Protection Act. The Family and Small Business Taxpayer Protection Act takes back additional revenue made available to the Internal Revenue Service (IRS) through passage of the Inflation Reduction Act. The funds rescinded through this bill would have been used to enforce IRS operations, the tax return system, and other agency operations.

Additionally, two other pieces of legislation that passed the House created new subcommittees. The House passed H.Res.12, *Establishing a Select Subcommittee on the Weaponization of the Federal Government*, as a select subcommittee under the Judiciary Committee, to investigate the federal government's collection and usage of information on U.S. citizens. Also passed was H.Res. 11, *Establishing the Select Committee on the Strategic Competition Between the United States and the Chinese Communist Party (CCP)*, which received bipartisan support with 146 Democrats voting in favor of the measure. This select committee will focus on ending U.S. reliance on China, and protecting Americans' data from CCP access.

In the Senate, all committee assignments have been determined. All Senate Committee assignments can be found on the Senate website, [linked here](#). Senator Dianne Feinstein (D-CA) was appointed Chairman of the Senate Appropriations Subcommittee on Energy and Water Development. She will also serve on the Senate Committees on Rules and Administration, Judiciary, and the Select Committee on Intelligence. Senator Alex Padilla (D-CA) will serve on the Senate Committees on Environment and Public Works, Homeland Security and Governmental Affairs, Rules and Administration, Budget, Judiciary, and the Joint Committee on Printing.

A few other notable position include Senator Tom Carper (D-DE), who was appointed Chairman of the Senate Committee on Environment and Public Works, while Senator Shelley Moore Capito (R-WV) will serve as Ranking Member. Senator Tammy Duckworth (D-IL) was appointed Chairman of the Subcommittee on Fisheries, Wildlife, and Water.

Senator Joe Manchin (D-WV) will continue to serve as Chairman of the Senate Committee on Energy and Natural Resources, and Senator John Barrasso (R-WY) will serve as Ranking Member. Senator Ron Wyden (D-OR) will serve as Chairman of the Subcommittee on Water and Power. Senator Tammy Baldwin (D-WI) will serve as Chairman of the Senate Committee on Commerce, Science, and Transportation Subcommittee on Oceans, Fisheries, Climate Change, and Manufacturing. Senator Jeff Merkley (D-OR) will serve as Chairman of the Senate Committee on Appropriations Subcommittee on Interior, Environment, and Related Agencies.

The House Republican Conference met and solidified a slate of House Committee Chairs for the 118th Congress. A few Chairs are named directly by the Speaker of the House, these committees include Rules, Administration, Ethics, and select and joint committees. Below are highlights of Chairman and Ranking Member positions in relevant Committees. Also of note, Congressman Mike Simpson (R-ID) will serve as Chairman of House Appropriations Subcommittee on Interior and Environment, and Congressman Andy Harris (R-MD) will serve as Chairman of the Subcommittee on Agriculture, Rural Development, Food and Drug Administration.

Below is a list of upcoming Chairman and Ranking Members for House Committees.

Committee Assignments: U.S. House of Representatives

House Committee on Agriculture

- Rep. Glenn Thompson (R-PA)
- Rep. David Scott (D-GA)

House Committee on Appropriations

- Rep. Kay Granger (R-TX)
- Rep Rosa DeLauro (D-CT)

House Committee on Armed Services

- Rep. Mike Rogers (R-AL)
- Rep Adam Smith (D-WA)

House Committee on Energy and Commerce

- Rep. Cathy McMorris Rodgers (R-WA)
- Rep Frank Pallone (D-NJ)

House Committee on Financial Services

- Rep. Patrick McHenry (R-NC)
- Rep. Maxine Waters (D-CA)

House Committee on Foreign Affairs

- Rep. Michael McCaul (R-TX)
- Rep. Gregory Meeks (D-NY)

House Committee on Homeland Security

- Rep. Mark Green (R-TN)
- Rep. Bennie Thompson (D-MS)

House Committee on Judiciary

- Rep. Jim Jordan (R-OH)
- Rep. Jerry Nadler (D-NY)

House Committee on Natural Resources

- Rep. Bruce Westerman (R-AR)
- Rep. Raul Grijalva (D-AZ)

House Committee on Space, Science, and Technology

- Rep. Frank Lucas (R-OK)
- Rep. Zoe Lofgren (D-CA)

House Committee on Transportation and Infrastructure

- Rep. Sam Graves (R-MO)
- Rep. Rick Larsen (D-WA)

House Committee on Veterans Affairs

- Rep. Mike Bost (R-IL)
- Rep. Mark Takano (D-CA)

House Committee on Ways and Means

- Rep. Jason Smith (R-MO)
- Rep. Richard Neal (D-MA)

Looking Ahead: Farm Bill Reauthorization

The last authorization for the Farm Bill took place in 2018, and extended for five years. This year will be the reauthorization of this critical bill, and will likely prioritize many energy-related provisions and permitting reform.

Background:

The Farm Bill is administered through the U.S. Department of Agriculture and provides investments in rural broadband, economic development, safeguards for healthy food supply, and strengthens environmental conservation. The bill also provides assistance to rural communities for water and wastewater projects.

Looking Ahead: Debt Limit

This year the debt limit will be a priority for Congress to address and amend. The debt limit is set by Congress and establishes the maximum amount the U.S. Treasury may borrow. Any increases to the debt limit do not allow for new spending, rather, it allows the federal government to continue spending measures already approved. The U.S. is projected to reach the debt limit on January 19th, 2023. Treasury Secretary Janet Yellen sent a letter to Speaker McCarthy outlining the issue and the need for “extraordinary measures” to be taken, which should sustain federal spending until early June. There are various types of “extraordinary measures” the Treasury could implement to reduce certain types of intragovernmental and public debt, by borrowing money from other pots of funding, eventually to be paid back. The last time the debt ceiling was raised was December of 2021, to \$31.4 trillion, only enough to extend to this year.

Federal Budget/Appropriations

Congress Passes FY2023 Budget Before End of 2022

The House and Senate finally agreed and voted on the FY2023 federal budget, after a rushing to do so before the Christmas holiday. At the end of September, Congress passed a continuing resolution to continue federal funding through December 16th. On December 14th, the House passed an additional continuing resolution, in the legislative text of [H.R. 1437](#), to avoid a government shutdown for another week. The Senate passed this measure the following day, on December 15th, and the President signed the bill into law the following day. Congress then had until December 23rd to pass a federal budget. Members of the House and Senate Appropriations Committees worked nonstop, rushing to finalize all 12

appropriations bills. Early in the morning of December 22nd, Senate Appropriations Committee released bill text for the FY2023 federal budget, beginning the long series of votes that would follow.

All 12 appropriations bills were packed together as an omnibus, which allows for quicker consideration and passage of large pieces of legislation. The Senate passed the omnibus on December 22nd, and the House passed the package the next day. Both chambers also passed an additional continuing resolution, to allow for more time for the omnibus to become law. This continuing resolution was signed into law on December 23rd, and would continue current federal spending levels until December 30th. FY23 appropriations now await the President's review and signature.

The bill included all agencies and totals \$1.7 trillion in spending, and will establish federal funding measures through September 2023, the end of the next fiscal year. The Energy and Water Development appropriations section of the bill totals \$54 billion. This will fund federal programs through the Department of Energy and the Army Corps of Engineers, in addition to other water management projects. The bill includes \$1.954 for the Bureau of Reclamation for water reliability, conservation, and infrastructure projects.

The Interior, Environment, and Related Agencies appropriations section of the bill totals \$38.85 billion in funding. This section prioritized water and wastewater infrastructure, in addition to public lands and tribal communities. Funding will go towards many programs within the Department of Interior's jurisdiction, to include:

- Bureau of Land Management: \$1.49 billion
- National Parks Service: \$3.47 billion
- U.S. Fish and Wildlife Service: \$1.77 billion
- Bureau of Ocean Energy Management: \$183 million
- Bureau of Indian Affairs: \$2.44 million

This appropriations bill will also fund the Environmental Protection Agency at \$10.135 billion, the U.S. Forest Service at \$7.074 billion, and the Indian Health Service at \$6.95 billion.

PFAS Sections of the bill

Section of the Bill: Defense

- Provides an additional \$30 million for PFAS remediation and disposal technology.
- Provides an additional \$15 million for on-site PFAS remediation technologies.

Section of Bill: Military Construction and Veterans Affairs

- \$574.7 million for Base Realignment and Closure remediation, an increase of \$45 million above the fiscal year 2022 enacted level and \$290 million above the fiscal year 2023 budget request. Within this amount, cleanup of Per- and Polyfluoroalkyl Substances (PFAS) contamination is funded at \$200 million.

Section of Bill: FDA

- Section 3506 of the omnibus bill directs the Department of Health and Human Services (HHS) to conduct a study assessing the safety or risks of PFAS in cosmetics. The study will be conducted within three years, and according to the bill text, HHS can consult with the National Center for Toxicological Research to complete the analysis.

Section of Bill: Department of Agriculture

- \$5 million for testing soil, water, or agricultural products for PFAS, assisting agricultural producers with PFAS mitigation costs

Administration/Regulatory

New WOTUS Regulations

The EPA and Army Corps of Engineers published the final rule revising the definition of waters of the United States. The waters of the United States rule applies to traditionally navigable waters, territorial seas, interstate waters, upstream water resources that could significantly impact these waters. Of significance, in the final rule EPA and the Army Corps provided protections to wetlands that are considered either relatively permanent in their surface water connections to larger water ways or if the wetlands have a significant hydrological or ecological nexus to the protected tributaries. Consistent with the two previous WOTUS rules, from the last two administrations, the final rule is clear that ditches without relatively permanent flows of water, waste treatment systems, and artificial lakes or ponds are not subject to WOTUS permitting rules.

While the publication of this rule was long awaited, it comes as the public also awaits the decision of the Supreme court for *Sackett v. EPA*. The Supreme Court heard oral arguments on October 3, 2022. The decision from the Court may be influenced by the publication of this rule, and the decision itself could potentially change federal Clean Water Act

jurisdiction over wetlands and streams. The case takes into question whether wetlands “adjacent” to large bodies of water are subject to Clean Water Act jurisdiction.

Funding Opportunities

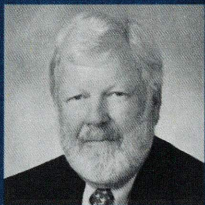
Environmental Protection Agency

The EPA announced its request for applications for \$57 million in funding for two new Brownfields technical assistance opportunities, provided through the Bipartisan Infrastructure Law (BIL). The grants will go specifically toward assessment and cleanup of Brownfield sites, one grant for technical assistance and research, the other will go toward communities. Award amounts range from \$500,000 - \$1 million for the first award, and up to \$5 million for the second. Applications are due February 14th, 2023. More information can be found [here](#).

The EPA announced project funding for environmental justice initiatives serving communities in need. The two Requests for Applications for this funding opportunity are through the Environmental Justice Collaborative Problem-Solving (EJCPS) Cooperative Agreement Program and the Environmental Justice Government-to-Government (EJG2G) Program. Proposal packages are due April 10th, 2023. More information can be found [here](#).

Bureau of Reclamation

The Bureau of Reclamation announced a funding opportunity for Title XVI Water Reclamation and Reuse projects, Desalination Construction projects, and Large-Scale Water Recycling projects. Eligible projects include planning, development, and design activities. Award amount ranges from \$100,000 - \$5 million. Applications are due February 28th, 2023. More information can be found [here](#).



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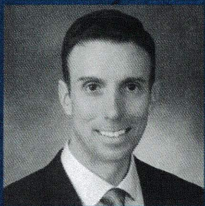
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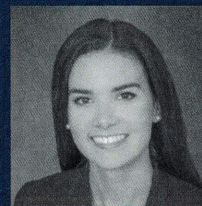
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February 2, 2023

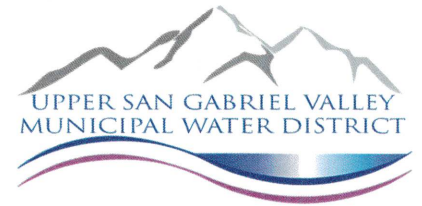
TO: Government Affairs and Community Outreach Committee, Upper San Gabriel
Valley Municipal Water District
FROM: Steve Baker
SUBJECT: February 6, 2023 Legislative Update

The Legislature has opened its 2023-24 legislative session, after organizing both houses, electing leaders, and appointing committees. In the Assembly, Speaker Anthony Rendon will continue as Speaker through the budget process, at which time Robert Rivas (D-Salinas) will take over as Assembly Speaker on July 1st. Assemblymember Rebecca Bauer-Kahan (D-Orinda) will continue as the Chair of the Assembly Water, Parks and Wildlife Committee. In the Senate, the Pro Tem Atkins will continue as the leader for now. Senator Dave Min (D-Irvine) has been appointed as the new Chair of the Senate Natural Resources Committee that oversees water issues.

Earlier in January, the Governor released his proposed 2023-24 fiscal year budget proposal. The Administration is anticipating a \$24 billion deficit that he proposes addressing by deferring numerous categories of spending as well as making significant reductions. Nevertheless, the Governor's budget includes new spending proposals to respond to drought and prevent floods, including \$135 million to support local agencies working to reduce urban flood risk, and \$40 million for ongoing Delta levee projects. The Governor suggests setting aside \$125 million for additional drought contingency to be allocated as part of the spring budget process when additional water data will be available to inform future drought needs. The Governor's January proposal is an opening salvo in an ongoing negotiation that will culminate June 15th when the Legislature is scheduled to adopt a new budget. Already the Legislative Analyst is suggesting the deficit may grow by an additional \$14 billion on top of what the Administration announced.

We look forward to discussing these issues with you on Monday, February 6th.

MEMORANDUM



ITEM 4.

DATE: February 2, 2023
TO: Government and Community Affairs Committee and Board of Directors
FROM: General Manager
SUBJECT: State Legislative Summaries and Positions

RECOMMENDATION

Approve staff recommendation for state legislative bill positions AB 2449 and AB 30 which are consistent with Upper District's 2023-24 Legislative Policy Principles adopted by the Board in January 2023.

State Bill Analysis

AB 2449 (Rubio): Open meetings: local agencies: teleconferences.

Introduced: 1/24/23; **Location:** Assembly –Environmental Safety and Toxic Materials

Summary: Existing law, the San Gabriel Basin Water Quality Authority Act, establishes the San Gabriel Basin Water Quality Authority and provides for its powers and duties. Among other things, the act authorizes the authority to impose an annual pumping right assessment for specified purposes in an amount not to exceed \$10 per acre-foot.

Analysis: This bill would allow for the increase of the annual pumping right assessment for the San Gabriel Basin Water Quality Authority, beginning July 1, 2025, from \$10 to not to exceed the following amounts:

- (1) On and after July 1, 2025, and before July 1, 2030, twenty dollars (\$20) per acre-foot.
- (2) On and after July 1, 2030, and before July 1, 2035, twenty-three dollars (\$23) per acre-foot.
- (3) On and after July 1, 2035, twenty-seven dollars (\$27) per acre-foot.

The annual pumping right assessment is to construct facilities and acquire property, to retire promissory notes, bond anticipation notes, bonds and certificate of participation and other evidences of indebtedness, to pay for administrative costs, and to pay for operations and maintenance of projects constructed by and for the authority, with specified limitations.

STAFF RECOMMENDATION: Support

AB 30 (Ward): Atmospheric Rivers: Research, Mitigation and Climate Forecasting

Introduced: 12/05/22; **Location:** Asm Water, Parks & Wildlife

Summary: Existing law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program in the Department of Water Resources. Existing law requires the department, upon an appropriation for purposes of the program, to research climate forecasting and the causes and impacts that climate change

has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. Existing law also requires DWR to take actions within its existing authority to operate reservoirs in a manner that improves flood protection in the state and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers.

Analysis: AB 30 would rename the Program the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program (Program). The bill would require DWR to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailor decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.

The bill seeks to improve DWR operations for statewide water management operations using the latest research on atmospheric rivers and climate forecasting. In recent years, many ACWA member agencies have recognized how atmospheric river research and the improved forecasting enabled by that research can improve reservoir operation and flood protection. Early projects implemented by ACWA member agencies (e.g., Sonoma Water Agency, Orange County Water District and Turlock Irrigation District) have shown water management benefits from atmospheric river forecasting. Funding for AR/FIRO was included in the 2022 State Budget in AB 179 “Budget Act of 2022” (Chapter 249, Statutes of 2022) for \$16.75 million in ongoing funding. Additional funding for the program is anticipated in the FY2023-24 Budget process.

STAFF RECOMMENDATION: Support