

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

**Monday, December 16, 2024
3:00 p.m.**

Committee Members:

Tony R. Fellow, Chair
Ed Chavez, Vice-Chair



248 E. Foothill Blvd, Room 103
Monrovia, CA 91016

(626) 443-2297
www.upperdistrict.org

*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. Professional Services Agreement with Best, Best and Krieger (*staff memorandum enclosed.*)
4. Professional Services Agreement with Aaron Read & Associates, LLC (*Staff memorandum enclosed.*)
5. Upper District's 2025-2026 Legislative Policy Principles (*Staff memorandum enclosed.*)

Oral Reports

6.

Other Matters

7.

Adjournment

Next Meeting: TBD



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.



MEMORANDUM



ITEM: 3

DATE: December 16, 2024
TO: Government Affairs and Community Outreach Committee
FROM: General Manager
SUBJECT: Professional services agreement with Best, Best & Krieger for federal advocacy services

Recommendation

Approve the professional services agreement with Best, Best & Krieger for federal advocacy services for a term from January 1, 2025 through December 31, 2026 for a monthly retainer of \$7,500 and a total not to exceed maximum of \$185,000.

Background

Upper District has contracted with Best, Best & Krieger (BB&K) for federal advocacy services since May of 2014 with representation from Ms. Ana Schwab, Partner, Environmental & Natural Resources, Mr. Lowry Crook, Partner and Madeline Voitier, Assistant Director of Governmental Affairs. Together, they provide a multi-disciplinary and bi-partisan legislative expertise that has positively served Upper District in advancing legislative priorities for the region such as PFAS, WaterSMART/Title XVI funding and water tax parity.

Staff recommends that for the upcoming 119th Congress, Best, Best and Krieger continue to advocate for Upper District's legislative priorities in Washington D.C. The contract scope of work will consist of advocating Upper District's legislative priorities; draft position letters for bills pursuant to Board approval; provide legislative tracking of all new bills for the 2025-26 legislative session; monitor legislative hearings and provide strategic advice on: the Congressional political landscape, positioning with incoming Administration staff, government reorganizations, federal funding opportunities and maintaining existing congressional relationships.

BB&K's advocacy efforts will be managed by the General Manager and/or the Assistant General Manager, External Affairs pursuant to the Board's adopted 2025/26 legislative priorities and policy principles. BB&K will provide monthly written activity reports to the Assistant General Manager, External Affairs and attend the monthly Government and Community Affairs committee. The fee for BB&K remains unchanged from the previous contract terms of a \$7,500 monthly retainer with an allocation of \$5,000 for potential travel expenses.

MEMORANDUM



ITEM: 4

DATE: December 16, 2024
TO: Government Affairs & Community Outreach Committee
FROM: General Manager
SUBJECT: Professional services agreement with Aaron Read & Associates, LLC

Recommendation

Approve the professional services agreement with Aaron Read & Associates, LLC for state advocacy services for a term commencing January 1, 2025, through December 31, 2026 for a monthly retainer of \$10,000 and a total not to exceed maximum of \$245,000.

Background

Upper District has a professional services agreement with Aaron Read & Associates for state legislative advocacy services. Mr. Steve Baker, a principal with Aaron Read, represents Upper District in Sacramento. Mr. Baker's experience in state politics and relationships with Upper District's key legislators, legislative staff and the Governor's Administration prove valuable to Upper District throughout the past legislative sessions. In this concluding legislative session, Mr. Baker and Upper District staff monitored over 4,500 bills that were introduced and amended according to Upper District's adopted legislative priorities. Of those bills, over 200 were identified as priority water bills and actively advocated in 56 priority bills. Additionally, Mr. Baker advocated on behalf of the district on the legislation pertaining to the \$10B water resources and climate resiliency bond measure that was passed by the public in November 2024.

Staff recommends that Upper District continue working with Aaron Read & Associates to provide general legislative advocacy services. Generally, these services include: advocate for Upper District's legislative priorities for the 2025-26 legislative session; draft advocacy position letters for legislation pursuant to Board approval; provide legislative tracking of all new bills for the 2025-26 legislative session; monitor legislative hearings; continue established relationships with returning and new legislators, Department of Water Resources, the State Water Board and Newsom Administration to ensure that Upper District's priorities and projects are recognized as a beneficial contribution toward the goals of the California Water Action Plan.

Mr. Baker's efforts will be managed by the General Manager and/or the Assistant General Manager, External Affairs pursuant to the Board's 2025-26 legislative policy principles. Mr. Baker will provide a monthly written activity report to the Assistant General Manager and attend the monthly Government Affairs and Community Affairs committee. The contract term is reflective of the 2025-26 California Legislative session schedule. The monthly retainer fee for Aaron Read & Associates remains unchanged, in the amount of \$10,000 per month with an allocation of \$5,000 for potential travel expenses.

MEMORANDUM



ITEM 5.

DATE: December 13, 2024
TO: Government Affairs & Community Outreach Committee
FROM: General Manager
SUBJECT: Upper District's 2025-2026 Legislative Priorities and Policy Principles

Recommendation

Staff recommends the Board of Directors adopt the 2025-2026 Legislative Priorities and Policy Principles and authorize the General Manager and/or the Assistant General Manager, External Affairs to direct advocacy consultants on positions consistent with these principles.

Background

These principles will provide general guidance by which the General Manager and/or the Assistant General Manager, External Affairs are authorized to direct resources to advocate for policy positions that are consistent with advancing Upper District's mission and strategic goals.

It lays out a collaborative approach to managing our local watershed, water resources, and water infrastructure to ensure long-term resilience and reliability for the San Gabriel Valley. Once adopted, staff will use this document to recommend policy positions to the Board for their approval and direct advocacy for these priorities and principles at the state and federal level.

The 2025-2026 Legislative Priorities and Policy Principles considers the legislative focus of: Metropolitan Water District of Southern California, Association of California Water Agencies, San Gabriel Valley Water Association, WateReuse, and California Special District Association.

Upper District Legislative Priorities

Recognizing the need to adopt priorities that prioritize the needs of the San Gabriel Valley and reflect a regional approach to water sustainability, Upper District will work to support administrative/legislative actions and funding for the following priorities:

1. Support initiatives and funding that will advance long-term supply reliability improvements and the development of local water resources including recycled water projects such as MWD's Pure Water Southern California, increase groundwater storage and local stormwater projects that improve regional reliability.

2. Support administrative/legislative actions and funding to facilitate watershed restoration projects in the San Gabriel Mountains National Monument.
3. Support legislation and administrative actions that strongly protect existing water rights and oppose policies that would infringe upon existing water rights or is inconsistent with water rights priorities/adjudications.
4. Continue support for imported water supply resiliency and reliability, including progress on the Delta Conveyance Project, Sites Reservoir Project, Agreements to Support Healthy Rivers and Landscapes (Voluntary Agreements), this support includes support of legislation and administrative actions to achieve this goal.
5. Protect drinking water quality and ensure access to safe and reliable drinking water by upholding the polluter pays principle and supporting legislation, administrative action, and funding for water quality projects that treat, monitor and/or remediate per-and polyfluoroalkyl substances.
6. Support tax exemptions for water conservation/efficiency incentives including, but not limited to, turf removal, long-term conversion of non-functional turf, local stormwater capture, and other water use efficiency devices and measures.
7. Support continued funding for water efficiency and infrastructure programs including but not limited to U.S. EPA's WaterSense program and U.S. Department of Interior – Bureau of Reclamation's WaterSMART program.
8. Support legislation and funding for U.S. ACOE projects including but not limited to sediment removal and dam safety.
9. Improve water affordability, especially for disadvantaged communities, without burdening existing ratepayers.

2025-2026 Legislative Policy Principles

The Legislative Policy Principles will guide Upper District's engagement on state/federal legislative and regulatory activities. These principles consider a broader state and regional approach to drought response; drinking water safety, reliability and affordability; water resource management; imported water supply; environmental sustainability, and resiliency.

A. Water Resource Management

SUPPORT legislative/administrative actions and funding to expedite the development of new local resources (including recycled water and direct potable reuse, groundwater storage, stormwater capture, and desalination projects) that augment local and regional supplies.

SUPPORT and promote integrated water resources development by advocating for clear, concise, and expedited regulations/policies that are easily understandable by the regulated community and public.

SUPPORT groundwater storage policy that is implemented in a way that protects existing water rights, water users and adjudications.

SUPPORT legislative/administrative actions that help achieve the state's recycled water goals while limiting one-size-fits-all mandates on the uses of recycled water and specific reductions of wastewater discharges.

SUPPORT legislative/administrative actions that require consideration of cost/benefits, local uses for recycled water and stormwater capture projects, and available state funding to implement programs that mandate reduction or reuse of ocean discharges.

SUPPORT legislative/administrative actions and funding to help enhance local watershed management in the San Gabriel River Watershed that provide water quality benefits, reforestation measures, enhanced reliability and mitigates the effects of wildfires.

SUPPORT legislative/administrative actions that support advancing direct potable reuse projects in California, including but not limited to streamlining the planning, development, and implementation of local and regional potable reuse projects, as well as addressing research gaps, advancing scientific knowledge, and strengthening partnerships and outreach to further the development of potable reuse.

B. Conservation

SUPPORT tax exemptions, legislative/administrative actions and funding for water conservation and efficiency incentives for measures including, but not limited to, turf removal, long term conversion of non-functional turf, rain barrels, cisterns, and other devices to reduce consumption of water or enhance water use efficiency.

SUPPORT funding for water conservation and water-use efficiency programs such as the U.S. EPA WaterSense program, the U.S. Department of Interior – Bureau of Reclamation WaterSMART program, and other water resource projects.

SUPPORT legislative/administrative actions that support wholesale water agencies and water retailers' ability to meet the objectives of *Conservation as a California Way of Life* in a manner that maintains flexibility and local/regional control of water resources management decisions.

SUPPORT legislation/administrative efforts to ensure new conservation mandates and/or regulations are based on science, recognize regional distinctions (such as climate, land use, population, and hydrology), consider water affordability, and assess potential impacts to wastewater operations and recycled water projects.

SUPPORT legislative/administrative actions and funding to reduce system water loss and support the development and implementation of flexible water loss standards for both retail and wholesale water systems.

C. Imported Water Supply

SUPPORT legislative/administrative action and funding that advances Delta Conveyance and California EcoRestore in support of the state's coequal goals of water supply reliability, water storage, Delta ecosystem restoration and the Governor's California Water Resilience Portfolio.

SUPPORT legislative/administrative action and funding for new and/or expanded water infrastructure

that compliments the State Water Project, such as the advancement of Sites Reservoir Project, and Voluntary Agreements.

SUPPORT legislative/administrative actions to modernize and effectively administer the California water rights system in the Delta, including protecting stored water releases.

SUPPORT legislative/administrative actions and funding for the Colorado River System water conservation projects, including implementation of the local drought contingency plans in areas of the state that have increased concern about wholesale water system delivery constraints.

SUPPORT legislative/administrative actions and funding that advance binational water conservation programs that benefit Colorado River supply augmentation and habitat restoration objectives.

D. Drought/Climate Change Related Legislation

SUPPORT legislation/administrative actions that provides funding and regulatory assistance for local and regional drought resiliency and improve system flexibility; facilitate the integration of existing and planned local water supplies, distribution, and regional water facilities.

SUPPORT legislation/administrative actions and funding to accelerate new local supply development (including, but not limited to, recycled water, direct potable reuse, stormwater, groundwater storage/remediation, desalination, water loss detection and repair without compromising the operational, financial, water quality, regulatory, environmental, and customer interests of Upper District and other water and wastewater agencies.

SUPPORT legislative/administrative actions and funding that support research into the accelerating effects of climate change on water resources and water quality.

E. Environmental Planning/Sustainability

SUPPORT legislative/administrative action to improve clarity and workability of the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA).

SUPPORT legislative/administrative actions and funding to enhance watershed management in the San Gabriel Mountains National Monument, the Bay-Delta, and Colorado River watersheds that provide broad public benefits, including water quality and water supply reliability, reduced wildfire risks, greater scientific understanding, reforestation, and other environmental improvements.

SUPPORT legislative/administrative actions and funding for control and eradication of invasive species including, but not limited to, quagga mussels.

F. Water Quality

SUPPORT legislative/administrative actions and funding to protect and improve water quality from various constituents such as chromium 6, nitrate, perchlorate, salinity, uranium, MTBE, per-and

polyfluoroalkyl substances and pharmaceuticals/personal care products and other constituents of emerging concern.

SUPPORT legislative/administrative actions that utilize best available science, occurrence and health affects data, appropriate cost benefit analyses or economic feasibility to protect public health and improve water quality; support the application of these principles when setting maximum contaminant levels (MCLs), setting health advisories, or public notification/response levels, in addition to assessing laboratory capacity, analytical methods, and other regulatory standards or guidance levels.

SUPPORT legislative/administrative actions and funding that apply the “polluter pays” principle of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and other environmental laws, to addressing contamination treatment and mitigation measures to comply with new regulatory standards.

SUPPORT legislative/administrative actions to secure funding to help public water systems defray the costs of monitoring and/or remediation of contaminants to ensure drinking water and wastewater facilities are not held liable for the cleanup of contamination.

G. Emergency Preparedness

SUPPORT legislative/administrative actions that assist the water industry to prepare, respond, and recover from natural disasters, catastrophic events, as well as cyber and physical sabotage. Support funding that provides resources for emergency response, planning, and restoration of service.

SUPPORT legislative/administrative actions and funding opportunities to support retail and wholesale water agencies’ cyber network security.

H. Fiscal Policy

SUPPORT authorizations and appropriations to support and develop local projects through federal infrastructure programs such as the Bureau of Reclamation’s Title XVI, Large Scale Water Recycling, and WaterSMART programs, the Army Corps of Engineers’ programs, and the Environmental Protection Agency’s programs.

SUPPORT legislative/administrative actions to reduce the local cost of financing water projects such as: grant programs, tax-credit financing and tax-exempt municipal bonding; expanded Water Infrastructure Finance Innovation Act (WIFIA); and Water Resources Development Act (WRDA).

SUPPORT legislative/administrative actions efforts that encourage local agency discretion to develop and implement programs that provide safe and affordable drinking water including the Low-Income Household Water Assistance Program (LIHWAP).

SUPPORT legislative/administrative actions to initiate, expedite and secure funding to defray the costs of planning, financing, constructing, repairing, and rehabilitating water infrastructure projects, including but not limited to general obligation bonds, tax-exempt municipal bonds, grants, low-interest loans, and

direct appropriations.

SUPPORT legislative/administrative actions that meaningfully improve water affordability throughout the state at both the individual and the water system level without burdening existing ratepayers or implementing a public goods charge.

I. Water Governance

SUPPORT legislative/administrative actions that improve the governance and long-term sustainability of non-compliant water systems and provide assistance for voluntary consolidations that improve their technical, managerial, or financial capacity.

SUPPORT legislative/administrative actions to ensure that all receiving public water systems are consulted on potential consolidations and protect local agency flexibility in determining fees for service and assessment amounts.