



Santa Clara Valley Water District

File No.: 20-0734

Agenda Date: 10/27/2020

Item No.: 8.1.

BOARD AGENDA MEMORANDUM

SUBJECT:

Approve Recommended 2021 Legislative Policy Proposals and Legislative Guiding Principles.

RECOMMENDATION:

Approve Recommended 2021 Legislative Policy Proposals and Legislative Guiding Principles for the first year of the two-year legislative session in the Legislature, and the first year of the two-year session in the 117th Congress; and for local and regional legislative efforts.

SUMMARY:

Annually, the Board reviews and adopts legislative policy proposals and legislative guiding principles that form the framework for advocacy efforts at the local, regional, state, and federal levels. Based on these Board-adopted policy proposals and guiding principles, the Office of Government Relations (OGR) develops strategies to achieve the outcomes outlined in the proposals. These strategies may include advancing Valley Water's interests through legislative, administrative, or regulatory means. OGR uses the guiding principles as the foundation that drives Valley Water efforts in influencing the outcome of numerous legislative and budgetary items that affect Valley Water or its interests.

Process for Development of Legislative Proposals and Priorities and Guiding Principles

OGR solicited legislative proposals and guiding principles from Valley Water staff and the Leadership Team through an interview process in June and July 2020. OGR reviewed the submissions and conducted a planning meeting on September 10, 2020, with the Management Leadership Team and staff who submitted proposals, to review and make recommendations on the submitted proposals as well as the existing proposals and principles. Following the planning session, the recommendations were presented to the Chiefs on September 25, 2020, for discussion, review, and direction. The final recommendations are hereby presented to the Board of Directors for review and approval.

The recommendations are included in summary below and in detail in **Attachment 1**.

2021 LEGISLATIVE PROPOSALS AND PRIORITIES

While OGR received several proposals through the annual policy proposal development process, staff determined that no new proposal rose to the level of state or federal sponsored legislation that could proceed in the current legislative and political environment. However, due to the recent veto of the Board's sponsored state bill, AB 3005, (Rivas), staff is recommending the Board approve new

sponsored legislation to authorize best value contracting for the Anderson Dam Seismic Retrofit Project, and carry over 13 proposals from 2020 into 2021, listed below.

New State Proposal

1. Authorize Best Value Contracting to Ensure Expert Construction of the Anderson Dam Seismic Retrofit Project

Local, State, and Federal Proposals and Priorities to Be Carried Over

1. Seek Permit and Fee Exemptions from Local Jurisdictions to Remove Hazardous Trees from Valley Water Property (Local)
2. Extended Delays in Issuing Permits: Agencies Have Not Been Able to Issue permits in a Timely Fashion Due to Understaffing and Other Staffing Issues (State/Federal)
3. Better Coordination of Mitigation Requirements Among Regulatory Agencies is Needed (State/Federal)
4. Create a Balanced Approach to Watershed-Based Regulatory Permitting and Financing for Public Agencies (State/Federal)
5. Public Entities Need Flexibility in Financial Assurance Mechanisms for Long-Term Management of Compensatory Mitigation Sites (State/Federal)
6. Streamline Water Rights Change Petition Process (State)
7. Recycled Water Indirect/Direct Potable Use Proposal (State/Federal)
8. Funding the Upper Llagas Creek Flood Protection Project through the Water Resources Development Act or Other Appropriations (Federal)
9. U.S. Army Corps of Engineers Levee Vegetation Policy (Federal)
10. U.S. Army Corps of Engineers Section 104/221 Authority (Federal)
11. Dam Evaluation, Rehabilitation, and Repair Legislation (Federal)
12. Improved Water Efficiency Labeling Program (Federal)
13. Pursue a Lower Class Level Under the National Flood Insurance Program's Community Rating System (Federal)

Of the 2020 proposals, there are two proposals being recommended for deletion.

1. Allow Mitigation Credit for Homeless Encampment Cleanup (State)

Staff recommends deleting this proposal as this issue was successfully addressed in the most recent Stream Maintenance Permit.

2. Expedite U.S. Fish and Wildlife Service Permit Processing (Federal)

Staff recommends deleting this proposal as the U.S. Fish and Wildlife Service (Service) is not currently presenting any issues related to timely permitting of our projects. The Watersheds Division has made some changes in its reporting and has worked with the U.S. Army Corps of Engineers to refine its consultation process with the Service.

2021 LEGISLATIVE GUIDING PRINCIPLES

There are six new guiding principles being recommended.

1. Support funding for the characterization, monitoring, and treatment of per- and polyfluoroalkyl substances (PFAS). Where a source of contamination can easily be identified, support the “polluter pays” principle.
2. Support the financing of recycled water facilities through tax-exempt bonds issued directly by a public agency, or on behalf of a public agency-approved public-private partnership, that may own, operate, and/or finance the facilities.
3. Support funding for Valley Water projects and operations during declared local, state, or national emergencies.
4. Support changes to federal law that would allow Valley Water to pay out the entirety of an employee’s accrued vacation.
5. Remove barriers to attracting, recruiting, and retaining a diverse workforce that reflects the community that Valley Water represents.
6. Support legislation, regulations, and policy initiatives that promote a well-trained and fairly compensated workforce.

There are eight modifications being recommended to the 2020 guiding principles.

1. ~~Support~~ ~~Oppose~~ measures that ~~reduce~~ increase or sustain the reliability or quality of Valley Water’s imported water supplies.
2. Support efforts to aggressively protect water quality from contamination in watersheds and the quality of our groundwater basin ~~basins~~ ~~from contaminants~~.

3. Support funding and partnerships to ensure sustainable long-term water supplies, including recycled water and groundwater storage projects.
4. Support legislation, bond measures, or appropriations that fund or could fund efforts in Valley Water's interests, including ~~Valley Water~~ infrastructure projects.
5. Support legislative efforts that ~~better integrate~~ improve integration of water agencies resources in the land use and decision-making processes.
6. Support timely and more appropriate permitting of capital and operations and maintenance (O&M) projects. ~~in order to provide or maintain capacity within river and stream systems.~~
7. Support legislation and funding that facilitates the cleanup of unlawful encampments and reduces or prevents homelessness.
8. ~~Oppose efforts to eliminate~~ Remove barriers to local agencies' ability to issue tax-exempt bonds and Certificates and Participation.

There are 79 guiding principles recommended to carry forward into 2021, which are listed in Attachment 1 beginning on page 19.

FINANCIAL IMPACT:

There is no financial impact associated with this item.

CEQA:

The recommended action does not constitute a project under CEQA because it does not have the potential for resulting in direct or reasonably foreseeable indirect physical change in the environment.

ATTACHMENTS:

Attachment 1: Legislative Policy Proposals/Guiding Principles

UNCLASSIFIED MANAGER:

Don Rocha, 408-630-2338