

AGENDA ITEM 6: FEDERAL AFFAIRS AND RWA COMMITTEE

ATTACHMENTS

1. Brown Act Concerns and Principles for Legislative and Other Coordination Meetings
2. Federal Affairs Ad Hoc Committee Memo: Findings and recommendations re: RWA's appropriate role in Federal affairs

Regional Water Authority

Brown Act Concerns and Principles for Legislative and Other Coordination Meetings

The Brown Act generally does not allow a quorum of an agency's governing board to discuss the agency's business outside of a noticed public meeting. This fundamental rule presents complications for coordination meetings of RWA members, given that: (1) RWA effectively has two governing boards for Brown Act purposes; and (2) RWA's Board of Directors consists two representatives from each member or contracting entity and either representative can cast his or her member's or contracting entity's vote in the absence of the other. Accordingly, the key principles to keep in mind in organizing and attending coordination meetings among RWA's members and contracting entities are as follows:

- No more than four members of RWA's nine-member Executive Committee should be present at a meeting concerning a subject within RWA's jurisdiction because five members of that committee constitute a quorum.
- Members of RWA's Board of Directors representing no more than 10 of RWA's members and contracting entities should be present at a meeting concerning a subject within RWA's jurisdiction because representatives of 11 members and contracting entities are a quorum of the Board of Directors.
- Subjects within RWA's jurisdiction generally include subjects on which RWA's Executive Committee or Board of Directors may make a decision, but arguably do not include subjects on which agencies would be take individual actions without RWA making a decision. For example, a meeting to discuss RWA's federal or state legislative efforts would be within RWA's jurisdiction at this time, but a meeting to discuss individual agencies' decisions about buying software might not be.

Practical methods of dealing with the above concerns could include the following:

- RWA members and contracting entities could fill their "staff" seats on RWA's Board of Directors with employees who are unlikely to attend coordination meetings.
- RWA members and contracting entities could: (1) ensure that their "staff" representative on the Board of Directors does not attend any of RWA's coordination meetings; and (2) instead could send a different employee.
- RWA members and contracting entities with representatives on the Executive Committee could ensure that those representatives do not attend RWA's coordination meetings.

- Where an RWA coordination meeting involves a matter that is unlikely to be presented to the Board of Directors or Executive Committee for a decision by RWA as a whole, RWA staff could document that fact in an organizing memorandum to attendees of the coordination meeting ahead of the meeting so that all attendees have a common understanding on that point.

Date: November 29, 2019

To: RWA Board Chairman Paul Schubert, Vice-Chair Kerry Schmitz and members of the RWA Board; Jim Peifer RWA Executive Director

From: Sean Bigley, RWA Federal Affairs Ad Hoc Committee Chair & Anne Sanger, RWA Federal Affairs Ad Hoc Committee Vice-Chair and Members of the RWA Federal Affairs Ad Hoc Committee

Re: Findings and recommendations re: RWA's appropriate role in Federal affairs

Summary of recommendations

After gathering RWA member agency feedback and hours of discussion, the RWA Federal Affairs Ad Hoc Committee Chair recommends that that RWA Executive Director take the following actions to develop some structure and process around RWA's role in the federal affairs policy space:

Recommendation #1 – The RWA should form a volunteer standing committee as a dedicated forum for coordination, collaboration, education and vetting on federal policy areas of regional interest.

Recommendation #2 – The RWA should establish a concise federal policy platform that is adopted by the RWA Board and updated annually.

Recommendation #3 – RWA should play a leadership role in statewide associations that touch federal affairs, like the Association of California Water Agencies and other national organizations, with the RWA Executive Director as lead in these activities.

Recommendation #4 – RWA should consider initiating a facilitated effort to strengthen its communication with outside organizations, federal agencies and Congressional offices. In the past, there has been some confusion with these entities as to whom is speaking for the region. This would allow the RWA member members to speak with one voice and one message.

Recommendation #5 - The RWA Board should evaluate the effectiveness of the standing committee in Recommendation #1, 12-18 months after establishing the standing committee and suggest recommendations to the RWA Board on what, if any, changes should be made – up to and including consideration of a subscription or core program.

Background

In the summer of 2019, the RWA Board Chair Paul Schubert created the RWA Federal Affairs Ad Hoc Committee in order to answer some key questions about RWA's role in federal affairs and develop recommendations to be presented to the RWA Executive Director and the RWA Board. The key questions asked were:

1. What should the RWA's role be in federal affairs, if any?
2. What are the limits of the involvement? Funding, Policy, Relations with federal agencies/regulators (e.g., Reclamation, COE, EPA, NMFS, FWS)?
3. If the RWA gets involved in federal affairs, what resources would the RWA need? Should the RWA rely on the member's advocates (with or without contribution from the RWA), or hire an advocate? Are other resources needed such as communication, legal, other?
4. How should a program be structured at the RWA? Subscription or core program? Should there be a standing committee? What would the staff requirements be for this? Could the RWA hire a consultant to assist with this?
5. What are the immediate needs of the effort? What are the priorities?

The RWA Federal Affairs Ad Hoc Committee was made up of the following RWA member agencies:

Sean Bigley, Chair, City of Roseville
Anne Sanger, Vice Chair, City of Sacramento
Hilary Straus, Citrus Heights Water District
Marcus Yasutake, City of Folsom
Dan York, Sacramento Suburban Water District
Andy Fecko, Placer County Water Agency
Evan Jacobs, California American Water

In developing this recommendation memo to the RWA Board, the Ad Hoc committee wanted to gain a general sense of where the RWA member agencies were in both policy perspectives and their specific thoughts on the appropriate role for RWA in federal affairs. The RWA member survey was sent out in October 2019 and in total the committee received 18 responses and one email. This RWA member survey helped the committee gain context and member perspective which we felt was critical to formulating well-informed and balanced recommendations to the RWA Board. In the analysis of the survey and the one email, the Committee was left with the following key takeaways:

- The level of RWA member agency engagement at the federal level varies and is largely dependent upon its water supply portfolio and source; specifically – are they a CVP contractor or have surface water supplies that are conveyed through Folsom Reservoir or are impacted by Folsom Reservoir operations.
- RWA member agencies generally recognize and value the need for RWA to engage in federal affairs.

- RWA member agencies recognize the need for an RWA policy platform document that is updated on a regular schedule and adopted by the RWA Board (annually).
- RWA member agencies prefer to develop more formal RWA engagement in an iterative fashion – specifically forming a no-cost volunteer effort (standing Federal Affairs Committee) to prove the concept and its value, before considering more formal program models – like a subscription or core program.
- RWA member agencies generally agree that no involvement in federal affairs by RWA is not preferable.
- Some RWA member agencies may be more reliant upon statewide associations, like ACWA, to serve their agencies advocacy needs. This is likely a function of the resources available to each RWA member agency to engage in Federal affairs.
- RWA needs to educate member agencies on where statewide associations are impactful and where they are not as it relates to advancing Sacramento regional interests.
- RWA has a role in influencing the statewide associations, like ACWA, in federal policy matters, to better represent the region’s interests and how they can provide statewide benefits.
- RWA also needs to educate RWA member agencies on where and what the federal relationship is; and what is the Federal Government’s interest in our region.
- Although progress has been made, RWA member agencies recognize the need for better coordination, consistency and communication in the federal affairs policy space, based upon past experiences.
- RWA member agencies identified the following federal policy issues in priority order for the Sacramento urban region: (1) groundwater banking and related infrastructure, (2) adoption and implementation of the Voluntary Agreements; and, (3) surface water planning and related infrastructure.

General recommendations

After gathering feedback and hours of discussion, the RWA Federal Affairs Ad Hoc Committee Chair recommends that that RWA Executive Director take the following actions to develop some structure and process around RWA’s role in the federal affairs policy space:

Recommendation #1 – The RWA should form a standing committee as a dedicated forum for coordination, collaboration, education and vetting on federal policy areas of regional interest.

The standing committee should meet at least monthly, or more often as needed, and should be led by a Committee Chair (volunteer RWA member) appointed by the RWA Board Chair with a clear and defined mandate. The RWA Executive Director and staff should participate as determined by the RWA Executive Director. It is important to acknowledge; however, that both the Executive Director and RWA staff have limited bandwidth and involvement in a volunteer standing committee would be limited.

Such a committee can be formed and structured by volunteer member agencies and we do not believe a consultant is needed to develop a volunteer standing committee.

Additionally, the RWA Federal Affairs Ad Hoc Committee recommends that RWA member agencies invite their federal lobbyists to participate and also use this as a venue for further coordination, information-sharing and collaboration.

Based on research, here are estimated costs for varying levels of RWA engagement:

Options	Voluntary Standing Committee	Subscription Program	Core Program	Assumptions
Staff Costs - Salaries plus benefits	Assumes using existing RWA staff with volunteer RWA member assistance	Assumes using existing RWA staff with volunteer RWA member assistance	\$213,758	Principal Project Manager @ Top Step (\$149,064 x 1.434 (Benefits) = \$213,758
Contract lobbyist		\$ 108,000	\$108,000	\$9,000 per month retainer x 12 months
Travel Costs (RWA staff person)	\$ 10,650	\$ 10,650	\$ 10,650	3 trips to Washington DC annually (4 nights @ \$400/night plus; \$1,500 airfare, plus \$260 per diem, plus cab fare (\$150), plus airport parking (\$40)) = \$3,550 per person per trip
Other misc. costs (recurring)			\$ 2,800	Mileage @ \$100 per month; office supplies at \$1,000; cell phone plan at \$50 per month
Other misc. costs (one-time)			\$ 500	Computer (\$500)
TOTAL ESTIMATED COST	\$ 10,650	\$ 118,650	\$335,708	
Funded by 5 RWA members		\$ 23,730		Per member
Funded by 10 RWA members		\$ 11,865		Per member
Funded by 15 RWA members		\$ 7,910		Per member
Funded by all RWA members (21 Primary; 5 Associate)	\$ 410		\$ 12,912	Per member

Note: To be effective in regional advocacy in federal affairs, the RWA Federal Affairs Ad Hoc Committee recommends that that region engage in advocacy in at least three trips per year to Washington DC, and thus the chart above assumes that as a standard.

Recommendation #2 – The RWA should establish a concise federal policy platform that is adopted by the RWA Board and updated annually.

This federal policy platform will help provide general RWA Board direction and provide staff and RWA agencies with a sense of what policy areas are considered to be of regional concern.

To be effective and nimble, the RWA Federal Affairs Ad Hoc Committee recommends that the RWA federal policy platform be concise and focused on the top 3-5 key issue areas of most importance to the RWA member agencies.

Recommendation #3 – RWA should play a leadership role in statewide associations that touch federal affairs, like the Association of California Water Agencies and other national organizations, with the RWA Executive Director as lead in these activities.

The RWA Federal Affairs Ad Hoc Committee recommends that the RWA Executive Director should be active in this area, representing the region. We also believe it is important for RWA to gain an informed understanding of what role associations do play and what areas that associations won't be able to add value to in regards to specific Sacramento regional interests.

The RWA Federal Affairs Ad Hoc Committee does not feel that participation in statewide association's federal programs alone is a substitute for direct Sacramento regional engagement in federal affairs.

Recommendation #4 – RWA should consider initiating a facilitated effort to strengthen its communication with outside organizations, Federal agencies and Congressional Offices to overcome a conclusion by many RWA member agencies that the region does not speak with “one voice” and there is confusion on the region's identity (i.e., key policymakers don't know who is speaking for the region on regional issues).

It is the sense of the RWA Federal Ad Hoc Committee that there are some valid concerns by RWA member agencies regarding the lack of coordination and consistency of the region's key messages due to the largely decentralized nature of federal affairs engagement and advocacy in the region.

The RWA Federal Affairs Ad Hoc Committee recommends that (1) RWA develop a more defined role for the RWA Executive Director as a key regional spokesperson; and, (2) develop clear protocols and rules among RWA member agencies as it pertains to representation of key federal policy issues; and (3) leverage the recommended Standing Committee to be a venue for federal policy positions (speaking points, letters, etc.) by individual RWA member agencies to be vetted, and if appropriate, endorsed by RWA as a regional federal policy priority.

Recommendation #5 - The RWA Board should evaluate the effectiveness of the standing committee in Recommendation #1, 12-18 months after establishing the standing committee and request recommendations to the RWA Board on what, if any, changes should be made – up to and including consideration of a subscription or core program.

The RWA Federal Affairs Ad Hoc Committee believes that the RWA members see the value of having RWA have a role in federal affairs. That involvement; however, should start off with a volunteer standing committee, allow the standing committee to undertake activities in the next 12-18 months and at the end of that period, the RWA Federal Affairs Ad Hoc Committee recommends that the RWA do an evaluation of whether the volunteer standing committee on Federal affairs should evolve into a program that is formalized (subscription or core program).

The standing committee should immediately focus on advancing potential federal funding opportunities for the Sacramento Regional Groundwater Bank in appropriations bills, the potential 2020 Water Resources Development Act, the Water Infrastructure for Improvements to the Nation (WIIN) Act, Storage and other opportunities. RWA has made significant inroads in the federal space for the Sacramento Regional Groundwater Bank in 2019, sustained, coordinated activities in 2020 should be the priority. Other federal activities should be tracked and advocated on as well, based on the bandwidth available by the standing committee and RWA staff.

Recommendations in regards to the RWA Strategic Plan

With the RWA Strategic Plan about to be re-opened for updates, the RWA Federal Affairs Ad Hoc Committee recommends the following language be added under the “Advocacy Goal” as follows:

Objective C. Develop a venue to assist RWA member agencies in engaging federal policymakers and influencing federal legislative and regulatory water policy areas.

1. Develop, implement and update a regional federal policy platform.
2. Establish RWA as a venue to coordinate and collaborate on federal policy issues, advocacy and related regional communication.
3. Establish an RWA Standing Committee on Federal Affairs made up of volunteer RWA member agencies, implement activities by the RWA Standing Committee and evaluate the value of those activities within 12-18 months and develop recommendations for any additional programmatic changes, if any.

Proposed next steps and action items

The RWA Federal Affairs Ad Hoc Committee recommends that the RWA Board consider these recommendations in late 2019/early 2020 and provide RWA Board direction to the RWA Executive Director on any actions that should be developed and implemented.

Ideal timing for implementation is no later than February 2020 as spring is typically a time of year that the Sacramento region and other interests in the water industry are particularly active in Washington D.C.