



## Legislation Text

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**File #:** 2019-0094, **Version:** 1

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**To:** Board of Directors, Sonoma County Water Agency  
**Department or Agency Name(s):** Sonoma County Water Agency  
**Staff Name and Phone Number:** Brad Sherwood 547-1927  
**Vote Requirement:** Majority  
**Supervisory District(s):** Countywide

**Title:**

Federal Affairs Advocacy Representation Agreements and 2019/2020 Legislative Platform

**Recommended Actions:**

In an ongoing effort to obtain and maximize funding in the form of grants and loans for Sonoma County Water Agency projects and programs:

- A) Authorize Sonoma County Water Agency's General Manager to execute an agreement with Alcalde & Fay for federal affairs advocacy representation through December 31, 2020, in the not-to-exceed amount of \$216,800.
- B) Authorize Sonoma County Water Agency's General Manager to execute an agreement with Natural Resource Results, LLC, for federal affairs advocacy representation through December 31, 2020, in the not-to-exceed amount of \$210,000.
- C) Authorize Sonoma County Water Agency's General Manager to execute an agreement with Van Ness Feldman for federal affairs advocacy representation through December 31, 2020, in the not-to-exceed amount of \$203,328.
- D) Approve the Sonoma County Water Agency's 2019/2020 Federal Legislative Platform.

**Executive Summary:**

This item requests approval of Sonoma County Water Agency's (Sonoma Water) 2019/2020 Federal Legislative Platform, as well as authorization to enter into agreements with federal affairs advocates to implement the platform. Legislative advocacy on the federal level leverages funding opportunities for Sonoma Water projects, such as the Russian River Biological Opinion, reservoir re-operations, and extreme weather forecasting. The two-year agreements align with the Congressional calendar year and consultants were chosen based on responses to a Request for Statements of Qualifications.

**Discussion:**

HISTORY OF ITEM/BACKGROUND

Since 1999 Sonoma Water's Board of Directors (Board) has provided direction regarding future federal funding authorizations, funding requests, and legislative and regulatory issues of importance to Sonoma Water. Sonoma Water's federal and state legislative programs have been submitted for inclusion in the County of Sonoma's overall legislative program. The current list of federal advocacy priorities for Sonoma Water includes (the full 2019/2020 Federal Legislative Platform is provided as an attachment to this report):

- 1. Leveraging funding to implement the Advanced Quantitative Precipitation Information system;
- 2. Legislative, regulatory, and funding support for weather-related initiatives, such as revising reservoir

- operations at Lake Mendocino, National Oceanic and Atmospheric Administration's Hydrometeorology Testbed Project Implementation, atmospheric rivers research and drought funding opportunities;
3. Funding to implement the Russian River Biological Opinion;
  4. Support full funding for Corps of Engineers' operations and maintenance activities at Warm Springs and Coyote Valley dams and related fish facilities;
  5. Pacific Coastal Salmon Recovery Fund;
  6. Climate Protection;
  7. Quagga/Zebra Mussel prevention funding and planning;
  8. San Francisco Bay Restoration;
  9. Technical Collaboration with United States Geological Survey and National Oceanic and Atmospheric Administration;
  10. Agricultural Water Enhancement program; and
  11. San Pablo Bay Ecosystem Restoration.

The 118<sup>th</sup> Congress convened in January 2019. Ongoing drought conditions, potential and current impacts of climate change, potential changes in regulations, efforts to collaborate with federal regulatory agencies and the U.S. Army Corps of Engineers (Corps) to implement reservoir reoperations initiatives, prevention of the spread of invasive species, and significant costs of complying with the Russian River Biological Opinion for Water Supply, Flood Control Operations and Channel Maintenance (Russian River Biological Opinion work) all require ongoing work with federal legislators to ensure that Sonoma Water is prepared to respond to current events and upcoming opportunities.

### **Federal Authorization Requests**

While specific project earmarks have not been made by Congress in some time, it is possible to include authorization for a general program in an appropriations bill such as the Energy and Water Appropriations bill. It is recommended that this approach be used for authorizations, when so advised by federal legislators or legislative staff members, to support programs that would further Sonoma Water projects and funding needs, and regional funding needs that are synergistic with and supportive of Sonoma Water programs.

### **Federal Funding Requests**

Sonoma Water staff's recommended top priority is advocating for appropriation of federal funds to implement the measures required under the Russian River Biological Opinion and support for weather related initiatives, such as atmospheric rivers research within the Russian River watershed and funding to support the National Oceanic and Atmospheric Administration's Hydrometeorology Testbed Program (Hydrometeorology Testbed Program). The Hydrometeorology Testbed Program conducts research on precipitation and weather conditions that can lead to flooding, and fosters transition of scientific advances and new tools into forecasting operations. The Hydrometeorology Testbed Program's outputs support efforts to balance water resource demands and flood control in a changing climate. Specific to Sonoma Water, the Hydrometeorology Testbed Program's outputs support efforts to revise reservoir operations, such as at Lake Mendocino.

The Corps and Sonoma Water are both required to implement measures pursuant to the Russian River Biological Opinion under a strict timeline. Coordinated implementation of those measures will reduce costs to Sonoma Water in both the short and long terms. Appropriation of adequate federal funding in the Energy and Water bills will provide greater assurance that the Corps will implement its required measures in a timely manner, will enhance Corps' coordination with implementation of Sonoma Water-required measures so that

projects do not have to be redesigned or redone, and could offset costs Sonoma Water would otherwise have to pay. Local federal projects like Warm Springs Dam and Coyote Valley Dam compete nationwide for Corps funding to cover operating costs, mandated upgrades, safety improvements, and Endangered Species Act compliance programs.

#### SELECTION PROCESS

In October 2018, Sonoma Water conducted a Request for Statements of Qualifications for legislative advocacy consulting services. Seven firms responded to the Request for Qualifications.

Alcalde & Fay, Natural Resource Results, and Van Ness Feldman ranked highest based on their submittals in the areas of expertise, Congressional and Administration contacts, and success in obtaining passage of funding legislation. Each of the top three firms was interviewed and scopes of work were developed for each firm, which emphasized areas of expertise and established Congressional or Administration contacts within each firm, but which also required coordination and support between firms and with the County of Sonoma's legislative program as appropriate.

#### SERVICES TO BE PERFORMED

Under the proposed agreements, Alcalde & Fay, Natural Resource Results, and Van Ness Feldman would continue advocacy efforts on behalf of Sonoma Water to obtain federal funding to facilitate the enactment of favorable legislation and regulations. If the agreements are not approved, Sonoma Water would have reduced effectiveness in securing federal funding for essential projects, and would have limited ability to provide input to legislation and regulatory proposals that would affect Sonoma Water operations. Under the proposed Agreements, the consultants will provide federal legislative advocacy and consulting services with each consultant focusing on specific areas:

- **Alcalde & Fay:** Sonoma Water has been contracting with Alcalde & Fay since 1999. The most recent agreement expired on 12/31/18. The subject agreement has an effective date of 1/1/19. This firm will focus on working with the Corps and Congressional and subcommittee offices on implementation of the Russian River Biological Opinion and assisting Sonoma Water in obtaining federal funding and legislation to support flood control, sanitation, water supply reliability and emergency response, water quality protection, water recycling, and related projects. The cost of services will not exceed \$108,400 in fiscal year 2018/2019, and \$108,400 in fiscal year 2019/2020; the term end date is December 31, 2020. The total agreement amount is \$216,800.
- **National Resource Results:** Sonoma Water has been contracting with National Resource Results since 2011. The most recent agreement expired on 12/31/18; the subject agreement has an effective date of 1/1/19. This firm will focus on government consultation and advocacy services for Sonoma Water's weather-related initiatives, including legislative efforts responding to the drought, the National Oceanic and Atmospheric Administration's Hydrometeorology Testbed Project, atmospheric rivers research and reservoir reoperation initiatives. This firm will also work to secure funding for Dry Creek habitat restoration and enhancement projects; planning and related outreach activities, and coordination with State of California advocacy initiatives. The cost of services will not exceed \$105,000 in fiscal year 2018/2019, and \$105,000 in fiscal year 2019/2020; the term end date is December 31, 2020. The total agreement amount is \$210,000.

- **Van Ness Feldman:** Sonoma Water has been contracting with Van Ness Feldman since 1999. The most recent agreement expired on 12/31/18; the subject agreement has an effective date of 1/1/19. This firm will focus on working with states, local agencies, and other interested parties to maintain and increase federal funding for habitat and fisheries restoration, planning, research, monitoring, and related programs, such as the Pacific Coast Salmon Recovery Fund, prevention of invasive species, and safe medicine disposal programs; this firm also specializes in reviewing environmental regulations, legal analysis and sustainability/alternative energy sources. The cost of services will not exceed \$101,664 in fiscal year 2018/2019, and \$101,664 in fiscal year 2019/2020; the term end date is December 31, 2020. The total agreement amount is \$203,328.

#### RECOMMENDATIONS

Sonoma Water staff recommends that the Board approve its 2019/2020 Federal Legislative Platform, and the federal advocacy agreements needed to support Sonoma Water's ongoing effort to obtain and maximize funding in the form of grants and loans for Sonoma Water projects and programs.

#### **Prior Board Actions:**

- 12/13/2016: Approved first amended agreements between Sonoma Water and Alcalde & Fay, Van Ness Feldman, and Natural Resource Results for legislative and advocacy services. Added \$212,160, \$185,760, and \$201,600 respectively; and adding 24 months to term end.
- 12/09/2014: Approved agreements between Sonoma Water and Alcalde & Fay, Van Ness Feldman, and Natural Resource Results for legislative and advocacy services. Cost \$193,200, \$169,200, and \$183,600 respectively; term end December 31, 2016.
- 12/11/2012: Approved agreements between Sonoma Water and Alcalde & Fay, Van Ness Feldman, and Natural Resource Results for legislative and advocacy services. Cost \$193,200, \$169,200 and \$151,800 respectively; term end December 31, 2014.
- 02/21/2012: Approval of Sonoma Water State and Federal Legislative Priorities for 2012 and 2013
- 01/24/2012: Approval of resolution supporting the San Francisco Bay Restoration Act and joining the San Francisco Bay Restoration Program coalition
- 01/10/2012: Approval of the County of Sonoma 2012 legislative platform
- 06/07/2011: Board Action approving participation in the Local Government Sustainable Energy
- 04/05/2011: Approval of consultation and advocacy agreement with Natural Resource Results for sustainability program public policy planning and related activity in the amount of \$167,000 with the agreement term ending February 2013
- 12/14/2010: Approval of legislative advocacy agreements with Van Ness Feldman (\$192,000) and Alcalde & Fay (\$228,000) in support of federal funding, legislative, and regulatory requests through December 31, 2012
- 03/18/2008: Board Action approving pursuing partnership and advocating for state and federal funding and legislative policy for sustainability
- 02/01/2005: Resolution 05-0104 approving state and federal funding and authorization requests, authorizing the Chair to sign letters of support, authorizing Sonoma Water to organize local and regional coalitions and to reimburse costs of reasonable travel costs for staff and regional leaders to support such funding and authorization requests.

**FISCAL SUMMARY**

<b>Expenditures</b>	<b>FY 18-19 Adopted</b>	<b>FY19-20 Projected</b>	<b>FY 20-21 Projected</b>
Budgeted Expenses	315,064	315,064	
Additional Appropriation Requested			
<b>Total Expenditures</b>	<b>315,064</b>	<b>315,064</b>	
<b>Funding Sources</b>			
General Fund/WA GF			
State/Federal			
Fees/Other	315,064	315,064	
Use of Fund Balance			
Contingencies			
<b>Total Sources</b>	<b>315,064</b>	<b>315,064</b>	

**Narrative Explanation of Fiscal Impacts:**

Budget amounts of \$72,805.84, \$73,139.60, and \$169,118.56 are available from FY 2018/2019 appropriations for the Recycled Water, Water Transmission, and Warm Springs Dam Funds, respectively. No additional appropriation is required. FY 2019/2020 appropriations will be budgeted in that fiscal year.

<b>Staffing Impacts:</b>			
<b>Position Title (Payroll Classification)</b>	<b>Monthly Salary Range (A - I Step)</b>	<b>Additions (number)</b>	<b>Deletions (number)</b>

**Narrative Explanation of Staffing Impacts (If Required):****Attachments:**

Attachment 1: Agreement with Alcalde & Fay

Attachment 2: Agreement with Natural Resource Results, LLC

Attachment 3: Agreement with Van Ness Feldman, LLP

Attachment 4: Sonoma Water Federal Legislative Platform 2019/2020

**Related Items "On File" with the Clerk of the Board:**

