



Salton Sea Authority Board of Directors Meeting

Thursday, June 28, 2018
10:00 a.m.

Coachella Valley Water District
Steve Robbins Administration Building
75515 Hovley Lane East
Palm Desert, CA 92260
(760) 398-2651



AGENDA: **BOARD OF DIRECTORS MEETING**
DATE: **Thursday, June 28, 2018**
10:00 a.m.
LOCATION: **Coachella Valley Water District**
Steve Robbins Administration Building
75515 Hovley Lane East
Palm Desert, CA 92260
(760) 398-2651

Director John Renison will be attending via teleconference from:
Imperial County Administration Center
Suite 210
940 Main Street
El Centro, CA 92243
(442) 265-1030

I. CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

II. BOARD MEMBER COMMENTS

This is the time set aside for any Board Member to ask questions or address any issue posed by a member of the public.

III. PUBLIC COMMENTS

*Any member of the public may address and ask questions of the Board relating to any matter within the Authority's jurisdiction. **This Public Comments time is reserved for matters not already on the agenda. The law prohibits members of the Board from taking action on matters not on the agenda.***

Citizens are invited to speak on any item listed in the agenda upon presentation of that item.

Remarks shall be limited to a maximum of three (3) minutes unless additional time is authorized by the Board.

IV. CONSENT CALENDAR – Receive, Approve, and File

- A. Minutes of May 24, 2018
- B. Warrant Register Ratification for May 2018
- C. Internal Financial Report for: 7/01/2017 – 4/30/2018

V. ACTION ITEMS

- A. Consider approval of the proposed Salton Sea Authority – Torres Martinez Desert Cahuilla Indians Memorandum of Agreement for the TM Wetlands Phase II Project
- B. Consider adoption of proposed Salton Sea Authority annual budget for Fiscal Year 2017-18
- C. Election of Officers
 - 1. Election of President of Board
 - 2. Election of Vice-President of Board
 - 3. Election of Secretary of Board
 - 4. Election of Treasurer of Board

VI. REPORTS

- A. General Manager's Report on Activities – (Phil Rosentrater, GM/Executive Director, Salton Sea Authority)
- B. Legislative Update – (Phillip Johnson, Assistant Executive Director, Salton Sea Authority)
- C. Standing Report
 - 1. FEDERAL: US Bureau of Reclamation – (Genevieve Johnson, Program Manager for the Salton Sea)
 - 2. STATE: Salton Sea Management Program – (Bruce Wilcox, Assistant Secretary for Salton Sea Policy)
- D. Salton Sea Action Committee – (Juan DeLara, President)

VII. ADJOURNMENT

**NEXT MEETING TIME & LOCATION:
(No regularly-scheduled meeting in July or August)**

Thursday, September 20, 2018

10:00 a.m.

Imperial Irrigation District

Bill Condit Auditorium

1285 Broadway Avenue

El Centro, CA 92243

(760) 482-9618

Any public record, relating to an open session agenda item, that is distributed within 72 hours prior to the meeting is available for public inspection in the lobby at the front desk of the County Law Building located at 82995 Highway 111, Indio, CA 92201.



OFFICIAL PROCEEDINGS

SALTON SEA AUTHORITY

BOARD OF DIRECTORS MEETING

May 24, 2018

I. CALL TO ORDER

The regularly scheduled meeting of the Salton Sea Authority (“Authority” or “SSA”) Board of Directors (“Board”) was called to order by G. Patrick O’Dowd, President, at 10:04 a.m., Thursday, May 24, 2018, at the Imperial Irrigation District, Bill Condit Auditorium, 1285 Broadway Avenue, El Centro, CA 92243, (760) 760-482-9618.

PLEDGE OF ALLEGIANCE

Director O’Dowd led the Pledge of Allegiance

ROLL CALL:

DIRECTORS PRESENT

G. Patrick O’Dowd, President
James C. Hanks, Vice-President
Ryan E. Kelley, Director *
John Renison, Director
Altrena Santillanes, Director
Erik J. Ortega, Director

AGENCY

Coachella Valley Water District
Imperial Irrigation District
Imperial County
Imperial County
Torres Martinez Desert Cahuilla
Imperial Irrigation District

** Director Kelley left at 10:20 a.m., during the first presentation, as noted in the text.*

DIRECTORS PRESENT VIA TELECONFERENCE

V. Manuel Perez, Director

AGENCY

Riverside County

In keeping with the Salton Sea Authority Bylaws, there being at least three of the five member agencies represented, and a single Director carrying the vote of both Directors when the second Director of the same agency is absent, a Quorum was declared, and the meeting proceeded.

DIRECTORS ABSENT

Cástulo R. Estrada, Treasurer
Thomas Torte, Secretary
Marion Ashley, Director

AGENCY

Coachella Valley Water District
Torres Martinez Desert Cahuilla
Riverside County

SALTON SEA AUTHORITY STAFF PRESENT

Phil Rosentrater, Executive Director/General Manager
Bob Hargreaves, Best Best & Krieger, Legal Counsel

MEMBERS OF THE PUBLIC PRESENT

Cindy Byerrum
Crystal Howard
Kristen Johnson
Kaylee Nelson
Andy Horne
Miguel Hernandez
John Garcia
Juan M. DeLara
Pat Cooper
Brian Nestande

AGENCY

Platinum Consulting Group obo SSA
EnviroMine
CVWD
BOR
County of Imperial
Comité Cívico del Valle
Office of Senator Hueso
SSAC, Federated Insurance
Office of RivCo Supervisor Perez
Riverside County

II. BOARD MEMBER COMMENTS

- A. Director Hanks commented that, at IID's board meeting Tuesday, Reclamation expressed concern about the drought contingency plan and the Salton Sea was discussed.
- B. Director O'Dowd commented that ACWA will be hosting a region 9 event the first Friday in November to be held in the Coachella Valley. CVWD will host the lunch program.

III. PUBLIC COMMENTS (none)

IV. CONSENT CALENDAR – Receive, Approve, and File

- A. Minutes of April 26, 2018
- B. Warrant Register Ratification for April 2019
- C. Internal Financial Report for 07/01/2017 – 03/31/2018

*Director Hanks **moved** that the Consent Calendar be approved. **Seconded** by Director Perez. **Unanimously carried** by roll-call vote: Directors O'Dowd, Hanks, Perez, Kelley, Renison, Santillanes, and Ortega.*

V. PRESENTATIONS

A. Briefing on Water Bond Proposed for November 2018 General Election

Mr. Gerald Meral, California Water Director, Natural Heritage Institute, gave a presentation on the 2018 Water Bond Act Initiative, a complementary campaign to June's Prop 68 campaign, for the Board's consideration of supporting the measure.

** Director Kelley left at 10:20 a.m., during this presentation.*

VI. ACTION ITEMS

A. Consider adoption of Resolution to support Meral Water Bond Proposal for November.

Director Perez so moved. Seconded by Director Hanks. Unanimously carried by roll-call vote: Directors O'Dowd, Hanks, Perez, Renison, Santillanes, and Ortega.

B. Consider approval of MOA with the Torres Martinez Tribe for Phase 2 of the Wetlands project.

SSA GM/Executive Director Rosentrater advised the Chairman that staff recommends the eventual passage and adoption of the MOU, but in deference to SSA's partners at the Torres Martinez Tribe, he respectfully requested that this be continued to the next meeting - in June - to give the Tribal Council the opportunity to adopt, and then SSA would follow suit with that action.

There being no objection, it is continued to the June agenda.

C. Consider adoption of proposed Salton Sea Authority annual budget for Fiscal Year 2018-19

SSA GM/Executive Director Rosentrater opened the item, drawing the Board's attention to a draft budget that was included in this agenda for the Board's review – in expectation of formal action next month at the June Board meeting. Mr. Rosentrater reviewed highlights of the budget for the Board, and confirmed Chairman O'Dowd's understanding that, although this was presented as an action item, it is presented for the Board's review for action at the June meeting.

Chairman O'Dowd invited questions or comments, and made a couple of clarifying comments.

VII. REPORTS

A. General Manager's Report on Activities

SSA GM/Executive Director Phil Rosentrater invited questions on his previously submitted report. There were none.

B. Legislative Update

SSA Assistant Executive Director Phillip Johnson reported that the Farm Bill did not pass vote in the House, but it may go up for a revote on the 22nd. He also reported that SSA was running its Prop 68 awareness campaign.

C. Standing Report

1. FEDERAL: US Bureau of Reclamation

KayLee Nelson, of the engineering offices of the Bureau of Reclamation, said the Bureau did not have anything to report. She offered to answer any questions and said the Bureau would be working with SSA GM/Executive Director Phil Rosentrater to set up a meeting for the possible marina work.

2. STATE: Salton Sea Management Program

Bruce Wilcox, Assistant Secretary for Salton Sea Policy reported that the easement issues are nearly resolved for the Species Conservation Habitat project so it can be advertised. • He is working with Riverside County and SSA on north lake issues. • So far the State has not received money from their Memorandum of Understanding with the Bureau of Reclamation. • The ongoing USDA grant to the SSA covers water conservation projects and air quality. • Dust suppression projects are expected to gel soon. • The Farm Bill contains many amendments beneficial to the Salton Sea but additional work is underway between the SSA, CNRA, and consultants to ensure the final Farm Bill contains amendments consistent with the SSA federal legislative platform adopted by the SSA Board. • Eleven water import proposals were presented at a workshop held by Imperial County; there is currently no funding for import/export; it may take the committee three weeks to select likely projects. Mr. Wilcox answered questions at the end of his report.

D. Salton Sea Action Committee (SSAC)

Juan DeLara, SSAC President, introduced Mike Sutton and Chuck Tobin who were present from SSAC. He reported that they had hand-delivered the check for the Prop 68 awareness campaign mentioned at last meeting. He told of several upcoming presentations they would be giving, and of an upcoming meeting with Bruce Wilcox and Phil Rosentrater to update SSAC's road show presentation.

VIII. ADJOURNMENT

There being no further business, Chairman O'Dowd asked if there were any more comments before adjourning. GM/Executive Director Phil Rosentrater clarified that any mention of a Prop 68 campaign is an awareness campaign, not an advocacy campaign.

Chairman O'Dowd entertained a motion to adjourn.

Director Renison so moved. Seconded by Director Hanks. Unanimously carried.

The meeting adjourned at 10:49 a.m.

NEXT MEETING TIME & LOCATION:

The regularly-scheduled meeting will be held

Thursday, June 28, 2018

10:00 a.m.

Coachella Valley Water District

Steve Robbins Administration Building

75515 Hovley Lane East

Palm Desert, CA 92260

(760) 398-2651

DRAFT

Checking Account Activity
May 1, 2018 through May 31, 2018



Warrant Date	Warrant Number	Vendor Name	Amount
05/11/2018	EFT	American Express	-5,656.12
05/14/2018	16379	Ace Direct	-682.81
05/14/2018	16380	Best, Best & Krieger	-4,850.80
05/14/2018	16381	Bravata, Lisa	-180.77
05/14/2018	16382	Davis Farr LLP	-9,692.00
05/14/2018	16383	Platinum Consulting Group LLC	-9,065.57
05/14/2018	16384	Rosentrater, Phil	-1,427.36
05/14/2018	16385	Seroy, Linda	-193.14
05/14/2018	16386	RivCo EDA	-12,475.60
05/15/2018	EFT	Rabobank Credit Card	-1,709.29
05/23/2018	16387	Johnson, Phillip	-356.98
05/23/2018	16388	Petty Cash	-171.53
05/23/2018	16389	Riverside County	-325.00
05/23/2018	EFT	Verizon Wireless	-229.20
05/31/2018	EFT	Bank Service Charge	-25.00

Total \$ (47,041.17)

Salton Sea Authority
Profit & Loss
July 2017 - April 2018

	General Fund	Wetlands Grant 1	Wetlands 2	TOTAL
1 INCOME				
2 Local Gov/Member Assessments	\$ 610,000	\$ -	\$ -	\$ 1,220,000
3 State of California Grants	-	239,873	-	239,873
4 Pooled Cash Allocated Interest	1,033	-	-	1,033
5 Miscellaneous Revenue	9,317	-	-	9,317
6 Use of Reserves from PY Excess	-	-	-	410,964
7 TOTAL INCOME	620,351	239,873	-	1,881,188
8 EXPENSE				
9 SSA Administration				
10 Salaries				
11 Salaries - GM / Executive Director	95,810	-	-	220,810
12 Executive Director Support	11,304	-	-	11,304
13 Admin Support A	39,666	-	-	86,266
14 Admin Support B	7,916	-	-	7,916
15 Total Salaries	154,697	-	-	326,297
16 Employee Benefits				
17 Employee Benefits - GM / Exec. Dir.	27,134	-	-	62,434
18 Employee Benefits - SSA	28,906	-	-	67,606
19 Total Employee Benefits	56,040	-	-	130,040
20 Contract Service / Professional				
21 Admin Support B	26,828	-	-	86,828
22 Executive Support	47,726	-	-	132,726
23 Finance / CPA	63,251	-	-	163,251
24 Finance - Admin Support	6,098	-	-	46,098
25 Audit	9,692	-	-	21,392
26 Total Contract Service / Professional	153,594	-	-	450,294
27 Contract Attorney	19,321	-	-	64,321
28 Equipment Maintenance	6,639	-	-	17,639
29 Capital Equipment (Over \$5K)	-	-	-	5,000
30 Equipment Lease	264	-	-	1,764
31 Insurance	9,876	-	-	22,876
32 Office Exp/Operating Supplies	3,234	-	-	8,234
33 Office Exp/Online Services	935	-	-	3,935
34 Postage, Mail	682	-	-	2,682

Salton Sea Authority
Profit & Loss
July 2017 - April 2018

		General Fund	Wetlands Grant 1	Wetlands 2	TOTAL
35	Printing Services	462	-	-	4,462
36	Dues, Subscriptions	11,525	-	-	24,525
37	Communications	3,340	-	-	11,340
38	Travel/Mileage	69,753	-	-	149,753
39	Technical Support - Consultant	-	-	-	50,000
40	Technical Support - Engineering	-	-	-	5,000
41	Technical Support - General	-	6,335	-	56,335
42	Contract Svc / Website	-	-	-	5,000
43	Utilities	-	-	-	3,000
44	Grants & Advocacy	-	-	-	25,000
45	Project Manager	-	-	-	-
46	Contingency	-	-	-	50,000
47	Unbudgeted Contingency	-	-	-	100,164
48	Use of Reserves from PY Excess	-	-	-	-
49	Total SSA Administration	490,363	6,335	-	1,517,662
50	Wetlands Grant Administration				
51	Contract Svcs/Attorney	992	3,580	-	4,572
52	Contract Svcs/Accountant	-	14,135	-	14,135
53	Total Wetlands Grant Administration	992	17,715	-	18,707
54	Wetlands Grant Technical				
55	Contract Svcs/LCP	-	2,389	-	2,389
56	Contract Svcs/Construction	-	142,902	-	142,902
57	Total Wetlands Grant Technical	-	145,291	-	145,291
58	TOTAL EXPENSE	491,355	169,341	-	1,681,659
59	NET INCOME	\$ 128,996	\$ 70,532	\$ -	\$ 199,528

Salton Sea Authority
Balance Sheet
July 2017 - April 2018

General Fund	Wetlands Grant 1	Wetlands 2	702 Fish Clean Up Trust	TOTAL
--------------	------------------	------------	-------------------------	-------

1 ASSETS

2 Current Assets

3 Checking/Savings

4 Cash - Checking	\$ 76,280	\$ (19,702)	\$ -	\$ -	\$ 56,578
5 Cash - Money Market	332,771	-	-	20,991	353,762
6 Cash - RivCo Fund	62,410	-	-	-	62,410
7 RivCo investment fund	1,080	-	-	-	1,080
8 Cash - Petty Cash	200	-	-	-	200

9 Total Checking/Savings	472,741	(19,702)	-	20,991	474,030
---------------------------------	---------	----------	---	--------	---------

10 Accounts Receivable	7,630	168,596	-	-	176,226
-------------------------------	-------	---------	---	---	---------

11 Other Current Assets

12 Due from Other Funds	50,934	-	-	-	50,934
13 Other Receivables	-	-	-	-	-

14 Total Other Current Assets	50,934	-	-	-	50,934
--------------------------------------	--------	---	---	---	--------

15 Total Current Assets	531,304	148,894	-	20,991	701,190
--------------------------------	---------	---------	---	--------	---------

16 TOTAL ASSETS	531,304	148,894	-	20,991	701,190
------------------------	----------------	----------------	----------	---------------	----------------

17 LIABILITIES & EQUITY

18 Liabilities

19 Current Liabilities

20 Accounts Payable	52,039	42,797	-	-	94,836
----------------------------	--------	--------	---	---	--------

21 Credit Cards

22 Credit Card Payable	620	-	-	-	620
23 Credit Card Payable (AE)	4,684	-	-	-	4,684

24 Total Credit Cards	5,304	-	-	-	5,304
------------------------------	-------	---	---	---	-------

25 Other Current Liabilities

26 Due to Other Funds	-	50,934	-	-	50,934
27 Deferred Revenue	-	42,797	-	-	42,797

28 Total Other Current Liabilities	-	93,731	-	-	93,731
---	---	--------	---	---	--------

29 Total Current Liabilities	57,343	136,529	-	-	193,871
-------------------------------------	--------	---------	---	---	---------

30 Total Liabilities	57,343	136,529	-	-	193,871
-----------------------------	--------	---------	---	---	---------

31 Equity

32 Fund Balance	344,966	(58,167)	-	20,991	307,790
33 Net Income	128,996	70,532	-	-	199,528

34 Total Equity	473,962	12,365	-	20,991	507,318
------------------------	---------	--------	---	--------	---------

35 TOTAL LIABILITIES & EQUITY	\$ 531,304	\$ 148,894	\$ -	\$ 20,991	\$ 701,190
--	-------------------	-------------------	-------------	------------------	-------------------

Memorandum

To: Salton Sea Authority Board of Directors
From: Phil Rosentrater, GM/Executive Director
Date: June 28, 2018
Re: Memorandum of Agreement between the Salton Sea Authority and the Torres Martinez Tribe for Torres Martinez Wetlands Project (Phase II)
CM No. V.A – 06/28/18

BACKGROUND:

The SSA, under contract with the State of California and in partnership with the Torres Martinez Tribe of Desert Cahuilla, has delivered – on time and on budget – Phase I of the first state- funded project ever completed at the Salton Sea.

The SSA and its partners recognize that in order to safeguard human health, ecosystem habitat and economic opportunity of the communities around the sea in addition to the water security and health of state, national and multinational stakeholders, this small but monumental step must be repeated many times over, in larger scope and at accelerated pace that includes an expanding collaborative of federal, state and local agencies and private sector stakeholders.

With due diligence and a sense of urgency, SSA and the TM Tribe are working in cooperation and consultation with the state of California to launch the second phase of the TM Wetlands project under terms outlined in the attached Memorandum of Agreement. The MOA, which closely resembles the MOA that successfully delivered Phase I of this project, has been reviewed and approved as to form by SSA legal counsel, and subsequently adopted by the Torres Martinez Tribal Council.

Phase II will tier off the infrastructure installed in Phase I (i.e., Solar PV array and water distribution system) and will roughly double the acreage of this wetlands project located on tribal land adjacent to the Whitewater River/Coachella Valley Storm Channel, and up-slope from the receding Salton Sea. Phase II will be designed to enhance seepage control and improve circulation and aeration for the benefit of fish. Phase II will also explore use of shallow groundwater to minimize ongoing operating costs while maximizing resource sustainability.

The MOA calls for SSA to serve as lead agency for the project under contract with the California Natural Resources Agency Department of Water Resources, and in partnership with the TM Tribe. A Funding Agreement between the Department of Water Resources and the Salton Sea Authority is

expected to support this MOA, and is expected to be provided to the SSA Board to be considered for adoption at its next meeting in September 2018. While the agencies involved in Phase II remain the same as Phase I, the funding source will change -- from state funds provided under Proposition 84 to a new source, Proposition 1.

Therefore, transmitted herewith, please find for your consideration and approval the draft Memorandum of Agreement. Upon the Salton Sea Authority Board approval of the Agreement the Funding Agreement with the state can be secured, and in all due haste the environmental and permitting work can be initiated for this project.

RECOMMENDATION:

The Salton Sea Authority Staff recommends that the Salton Sea Authority Board approve the attached Memorandum of Agreement with the Torres Martinez Tribe.

Respectfully,

Phil Rosentrater
GM/Executive Director

Attachments: Copy of Draft Memorandum of Agreement

**AMENDMENT OF MEMORANDUM OF AGREEMENT
BETWEEN THE SALTON SEA AUTHORITY
AND THE TORRES MARTINEZ DESERT CAHUILLA INDIANS
REGARDING WETLANDS GRANT 2017-2019**

WHEREAS, the Salton Sea Authority (“Authority”) is a joint powers agency, existing pursuant to a Joint Powers Agreement (“JPA”), created to work with the State of California, the federal government and others to restore the Salton Sea, including the protection of endangered species, fisheries, water fowl and recreation; and

WHEREAS, the Torres Martinez Desert Cahuilla Indians (“Tribe”) is a federally recognized sovereign Indian nation that administers lands, waters, wetlands, wildlife, lakeshore, habitat and other trust resources contiguous to and underlying the Salton Sea, and is a member of the Authority; and

WHEREAS, the Authority, in cooperation with the Tribe, applied for <and has been awarded by California Department of Water Resources (“Resources”)>, a grant in the amount of \$1,500,000 (“Grant”) pursuant to a Funding Agreement with the State of California, California Natural Resources Agency, Department of Water Resources for Habitat Creation Project, Agreement Number XXXXXXXXXX (“Funding Agreement”); and

WHEREAS, pursuant to the Funding Agreement, the Authority and Tribe entered into a Memorandum of Agreement regarding the wetlands grant, dated September 26, 2013 (“Prior MOA”), which delineated their respective obligations in implementing the Funding Agreement;

WHEREAS certain tasks of the Prior MOA were accomplished, and certain payments made by Authority to Tribe; and

WHEREAS, the Authority, in cooperation with the Tribe, have identified the need to extend the Scope of Work of the Funding Agreement using Proposition 1 funding sources to build upon the successful completion of Phase I project components funded by the state Financial Assistance Program (FAP); and

WHEREAS, the goal remains the same: Habitat Enhancement & Creation; and

WHEREAS, the Authority, in cooperation with the Tribe, has identified the following Wetlands Rehabilitation goals (“Phase II Project”):

1. Deepen and aerate ponds to assure propagation of fish populations as suitable for deep water avian habitat
2. Expand the water supply through the installation of one or more shallow wells and pumps to convert Ponds 3 and 4 from ephemeral wetlands to permanent, year-round wetlands (21 acres)
3. Rehabilitate and supply water and flow connectivity to seven (7) existing water cells area (10 acres)

4. Develop new pond areas of up to 25 acres
5. Expand power system to provide a permanent sustainable energy source to power the pumps and create water supply
6. Explore methods and materials for reduction of seepage loss in order to reduce power demand and maximize water supply available for habitat

This scope will add 46 acres of year-round wetlands and will expand the total complex to 95 acres of year-round, sustainable wetlands.

The total acre feet of water for the ponds are as follow:

Pond 2 – 170 acre feet of water or 55,394,743 gallons of water

Pond 3 – 56 acre feet of water or 18,247,680 gallons of water

Pond 4 – 66 acre feet of water or 21,506,194 gallons of water

Totaling 292 acre feet of water or 95,148,617 gallons of water; and

WHEREAS, the Authority has entered into the Amended Funding Agreement with Resources dated _____ that provides the terms and conditions of the Authority's receipt of the Grant and Resources' requirements for implementation of the Revised Project; and

WHEREAS, the Authority and the Tribe desire to work together to implement the Revised Project pursuant to the Amended Funding Agreement, on the terms and conditions provided below.

NOW, THEREFORE, in order to effectuate the above-stated goals, the parties hereby agree as follows:

1. The Authority and the Tribe agree to work together to implement the Project pursuant to the Amended Funding Agreement.
2. Term of this Agreement will commence upon its execution by both Parties ("Commencement Date") and will terminate three years after Commencement Date. The Agreement will terminate at any time Resources refuses to fund continuation of Revised Project or the Amended Funding Agreement terminates.
3. Salton Sea Authority responsibilities, as described more fully in the Revised Work Plan, attached hereto as Exhibit "B":
 - (a) Prepare and certify required CEQA documentation and obtain any necessary state permits.
 - (b) Prepare required NEPA documentation and assist Tribe in acquiring necessary federal permits.

- (c) Prepare any necessary engineering plans for Revised Project.
- (d) Prepare, bid, award and manage construction contracts for Revised Project.
- (e) Pay Tribe \$75,000 services for a Tribal Representative designated by the Tribe, to be invoiced in 12 monthly installments, commencing on _____.
- (f) Pay Tribe \$8,000 for services of Tribal Cultural Monitors for a maximum of forty hours of work.
- (g) Pay Tribe a maximum of \$3,500 for all required Tribal building permits, payment to be made upon application for such permits.
- (h) Pay Tribe administration fees of \$37,500 to be invoiced by the Tribal Finance Director after state funding of the project.
- (i) Oversee Project monitoring activities for three years.
- (j) Perform all tasks required by the Amended Funding Agreement that are not specifically delegated to Tribe pursuant to this Amended MOA and provide Tribe with copies of all reports filed with Resources in compliance with Amended Funding Agreement.
- (k) Indemnify Tribe from any claims made by Authority's agents or contractors arising out of activities in furtherance of the Project to the extent that such claims do not arise from negligence, omissions, or intentional wrongdoing by Tribe, its employees or agents.
- (l) With respect to all payments required by this Agreement by the Authority to the Tribe, Authority will expeditiously submit all proper invoices received from the Tribal Finance Director to Resources for payment. Upon receipt of payment from Resources, Authority will expeditiously transmit payment to Tribe. Any amounts retained by Resources from Tribal payments until Project completion, shall be forwarded to Tribal Accounting Manager upon receipt by Authority. Authority's requirements to pay Tribe pursuant to this Agreement are limited to amounts received from Resources as reimbursement pursuant to the Revised Funding Agreement. Authority shall not have any obligation to pay Tribe from its own funds.

4. Tribe's responsibilities:

- (a) Provide necessary construction and monitoring easements for Project activities on the Site during the term of this Agreement.

- (b) Upon advance courtesy notice to the Tribe from the Authority or its officers, employees, funders, agents and contractors, in a timely manner Tribe will provide site access for Project activities daily, Monday through Friday except federal and Tribal holidays, commencing on Commencement Date and continuing until all Project activities are complete.
 - (c) Cooperate with Authority, its officers, employees, funders, agents and contractors in accomplishing Project activities.
 - (d) Provide Tribal Representative and Tribal Cultural Monitors as reasonably needed to accomplish Project. Tribal Representative and Monitors shall be employees of the Tribe and not of the Authority.
 - (i) Tribal Representative and Monitors will have authority to make routine decisions as necessary to see that Project proceeds in an orderly fashion.
 - (ii) Consensus from Tribal Representative will be obtained by SSA regarding use of funds, contracts, expenditures, etc. following established Tribal or SSA procurement procedures.
 - (e) Issue Tribal Building Permits as required in a timely manner.
 - (f) Operate and maintain Project for a minimum of three (3) years after completion.
 - (g) Provide assurance of continuity of land use designated for this project for the term of the project as defined in the Funding Agreement.
 - (h) Provide three (3) years Project water quality monitoring under the Tribe and develop a Water Quality Assurance Program Plan for water monitoring, using available federal funds.
 - (i) Monitoring to include water quality in the ponds and cells for habitat conditions for migrant birds and aquatic ecosystems.
 - (ii) Annual reports to be presented to the Salton Sea Authority Board.
 - (i) Comply with all requirements of the Amended Funding Agreement, including the requirement that funding recipients give priority consideration in filling vacancies in positions funded by the Funding Agreement to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.
5. This Agreement is not to be construed as affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoined by the Tribe. This Agreement does not authorize or require the termination of any existing trust responsibility of the United States with respect to the Tribe. The Tribe waives its

sovereign immunity for the limited purpose of the enforcement or confirmation of an arbitration award established pursuant to Section 7 of the Agreement. The Tribe does not waive its sovereign immunity to any action beyond those arising in relation to the interpretation of Agreement. The Tribe does not waive any aspect of its sovereign immunity with respect to actions by third parties.

6. Any policy of insurance for the Tribe shall contain a provision that the insurance carrier shall waive any right it may have to raise as a defense the sovereign immunity of an Indian tribe from suit, but that such waiver shall extend only to claims in the amount and nature of which are within the coverage and limits of the policy and it shall not authorize or empower such insurance carrier to waive or otherwise limit the Tribe's sovereign immunity outside and beyond the coverage or limits of the insurance policy approved by the Tribe. No waiver of sovereign immunity of the Tribe shall be given in regard to any potential liability for interest prior to judgment or for punitive damages or for any other limitations on liability imposed by the laws of State of California.
7. Any controversy, dispute or claim between the Authority and Tribe arising under this Agreement that cannot be resolved by good faith negotiations between the parties shall be resolved by binding arbitration pursuant to Article 13.1 of the JPA.
8. In executing this Amended MOA, Tribe and Authority intent to completely supersede the Prior MOA and work plan and acknowledge that all obligations of the prior MOA are fulfilled or terminated and that all amounts owing under the Prior MOA have been paid in full or are forgiven.

IN WITNESS WHEREOF, THE PARTIES AFFIX THEIR SIGNATURES ON THE DATE(S) INDICATED BELOW:

Dated: _____

SALTON SEA AUTHORITY

By: _____

G. Patrick O'Dowd
President

Dated: _____

TORRES MARTINEZ DESERT CAHUILLA INDIANS

By: _____

Thomas TorteZ,
Tribal Chairman

Memorandum

To: Salton Sea Authority Board of Directors
From: Phil Rosentrater, GM/Executive Director
Date: June 28, 2018
Re: Salton Sea Authority Draft Budget FY 2018-19
CM No. V.B – 06/28/18

BACKGROUND:

The Salton Sea Authority is wrapping up a year during which finances have been managed in a stable and fully accountable manner and historic levels of new state funding for the Sea call for an accelerated pace of Salton Sea Authority participation in revitalization efforts, as called for in SSA Guiding Principles and also as codified in state law.

Accordingly, the Authority is heading into what is anticipated to be an extremely busy year and presents a draft budget for FY 2018-2019 that supports aggressive funding procurement and coordination.

The draft FY 2018-19 budget was presented for review and discussion at the SSA *ad hoc* Financial Committee meeting. The draft budget originally proposed that member agency contributions remain constant at \$150,000 each for Imperial and Riverside Counties, IID and CVWD and \$10,000 for the Torres Martinez.

Careful stewardship of funds budgeted in the current year has resulted in a carryover of significant funding to the proposed FY 2018-2019 budget. After adjusting for a double-counting of grant funds in one of the invoiced grant reimbursements, approximately \$55,000 in additional funds will be deposited to the reserve carryover. The SSA *ad hoc* Financial Committee recommended that staff should budget some of the carryover funding toward preparations of robust activity, especially if California voters were to approve Proposition 68 (with up to \$200 Million in funds designated to SSMP projects at the Salton Sea). California voters did indeed approve Prop 68.

While the SSA anticipates receiving grant funding in the coming fiscal year from new grants in the pipeline but not yet finalized, the draft proposed budget for FY 2018-19 remains conservative in counting only those funds known to be committed in existing allocated funds (Prop 1) that have been assigned to specific projects and budgets within SSA jurisdiction (i.e., TM Wetlands – Phase II).

The proposed budget for General Office Staff compensation (Executive Director, Assistant Executive Director, Board Secretary and Administrative Assistant) will remain essentially status quo from prior year. Two SSA full time positions were transferred by SSA board action earlier in the year from temp agency payroll to Riverside County payroll, improving employee compensation without incurring additional budget burden. The FY 2018-19 budget reflects this transfer.

The proposed budget for Professional Services in FY 2018-2019 will increase in the area of Project Management and Legal Counsel in anticipation of heavy workload in contract preparation and review as well as grant procurement support. The addition of new grant funding is expected to include project management budget in the grants that will offset directly-associated staff costs in these areas as workload continues to ramp up.

The proposed budget for other categories of Administrative costs (including Website development, Office Expenses, Online Services, Communications, and Insurance) have been trimmed by over \$16,000 due to services being handled in-house and implementation of cost efficiencies. Budget for travel/mileage is increased by \$10,000 to meet the rising level of coordination activity in the region, in Sacramento, and in Washington, DC.

A proposed budget item of \$5,000 for WRI will resume SSA's support of the CSU archives project which provides a home for and increases access to the plethora of Salton Sea documents from all sources, as well as the new GIS mapping overlay which facilitates map requirements for Salton Sea management planning and other purposes.

The proposed budget calls for a drawdown of Contingency Reserve which starts the FY 2018-19 with a \$386,700 projected carryover from prior year. SSA *ad hoc* Financial Committee directed staff to budget for substantial ramp-up of services required to effectively administer state and federal grant funds flowing through the SSA to accomplish SSMP projects at the Salton Sea. Members of the SSA Board *ad hoc* Finance Committee also recommended a budget proposal that would potentially reduce member agency annual assessments by \$20,000 for those member agencies paying full annual assessment, and a reduction of \$1,300 to the TM Tribe (the pro rata share at same rate as the other SSA agencies).

In a budget scenario based on status quo annual assessment for SSA member agencies, even after allocating resources for an aggressive ramp-up of activity and adjusting for the double-counted grant reimbursement, projected ending cash balance for FY 2018-19 draft budget is expected to be \$247,860 which will be on reserve for any contingent expenses. In a budget scenario where revenues are reduced by a total of \$81,300 as a result of reducing annual assessments as described above, the projected cash balance at close of FY 2018-19 would be \$166,550. Both budget scenarios project ending balances to be above the suggested Operating Cash of \$151,000 needed to cover 60 days of Operating expenses.

As previously noted, subsequent to the release of the draft SSA budget for FY 2018-19 on May 24, an overdue state grant reimbursement billed last year but not received until early June, was found to have been double-counted. Staff promptly disclosed this finding to the SSA Board President and *ad hoc* Financial Committee and worked with the contract CPA to revise the budget with accurate revenues which were overstated by a little over \$200,000 in the May 24 version of the budget. The SSA Board

President recommended that staff prepare a budget for SSA Board consideration that offers two options – Option A with member dues status quo from prior years, and Option B with reduced dues.

In Option A, the projected ending cash balance on 6/30/19 is \$247,870, which is approximately \$97,000 over suggested Operating Cash of \$151,000 (60 days of Operating Expenses).

In Option B, the dues are decreased collectively by \$81,300, which would provide a projected ending cash balance on 6/30/19 of \$166,550, which is approximately \$15,560 over suggested Operating Cash of \$151,000, which is 60 days of Operating Expenses.

The overall budget reflects SSA staff's anticipation of increased projects and activity stemming from the management planning now in progress. New projects are expected to include recovery of management costs which will help to offset some of the increased operating costs. In light of the more aggressive activities foreseen by the SSA, staff is recommending SSA Board approval of Option A- FY 2018-19 Budget.

RECOMMENDATION:

The Salton Sea Authority *ad hoc* Financial Committee has reviewed and approved the draft budget for FY 2018-19. With revenue adjustment as noted, Staff hereby submits the draft budget to the Salton Sea Authority Board for the June 28, 2018 SSA Board meeting and recommends consideration of adoption of Option A.

Respectfully submitted,

Phil Rosentrater
GM / Executive Director

Attachments: FY 18-19 Budget, Option A
FY 18-19 Budget, Option B



**SALTON SEA AUTHORITY
PROPOSED FY 18/19 BUDGET
DRAFT - June 28, 2018**

	A	B	C	D	E
	FY 18	FY 17/18	FY 18/19	\$ Budget	% Budget
	Projections	Total	Total	Variance	Variance
		Budget	Budget		
1 Income					
2 Local Gov/Member Assessments	\$ 610,000	\$ 610,000	\$ 610,000	\$ -	0.0%
3 Grant Funds	-	-	115,900	-	0.0%
4 Carry Over Funds - Prior Year Budget	-	410,964	-	(410,964)	N/A
5 Torrez Martinez	-	-	-	-	0.0%
6 Torrez Martinez Wetlands (FAP)	-	-	-	-	0.0%
5 Pooled Cash Allocated Interest	1,300	-	1,500	1,500	N/A
6 Miscellaneous Revenue	2,000	-	-	-	N/A
7 Total Income	613,300	1,020,964	727,400	-293,564	
8 Expenses					
9 SSA ADMINISTRATION					
10 Salaries					
11 Salaries - GM/Exec Director	125,000	125,000	125,000	-	0.0%
12 Asst GM/Exec Director	20,800	-	74,000	74,000	N/A
13 Admin Support A	44,400	46,600	47,285	685	1.5%
14 Admin Support B	13,500	-	37,106	37,106	N/A
15 Total Salaries	203,700	171,600	283,391	111,791	65.1%
16 Employee Benefits					
17 Employee Benefits GM/Exec Dir	35,300	35,300	36,400	1,100	3.1%
18 Employee Benefits - SSA	55,400	38,700	71,800	33,100	85.5%
19 Total Employee Benefits	90,700	74,000	108,200	34,200	46.2%
20 Contract Service / Professional					
21 Admin Support B	26,800	60,000	-	(60,000)	-100.0%
22 Executive Director Support	47,700	85,000	-	(85,000)	-100.0%
23 Finance / CPA	86,000	100,000	100,000	-	0.0%
24 Finance - Admin Support	6,100	40,000	-	(40,000)	-100.0%
25 Attorney - General	22,000	45,000	95,900	50,900	113.1%
26 Audit	11,700	11,700	11,700	-	0.0%
27 Total Contract Service / Professional	200,400	341,700	207,600	(134,100)	-39.2%
28 Equipment Maintenance	10,400	11,000	11,000	-	0.0%
29 Equipment Purchases	-	5,000	5,000	-	0.0%
30 Equipment Lease	200	1,500	-	(1,500)	-100.0%
31 Insurance	13,000	13,000	8,300	(4,700)	-36.2%
32 Office Exp/Operating Supplies	5,000	5,000	5,000	-	0.0%



**SALTON SEA AUTHORITY
PROPOSED FY 18/19 BUDGET**

DRAFT - June 28, 2018

		A	B	C	D	E
			FY 17/18	FY 18/19		
		FY 18	Total	Total	\$ Budget	% Budget
		Projections	Budget	Budget	Variance	Variance
33	Office Exp/Online Services	1,400	3,000	1,400	(1,600)	-53.3%
34	Postage, Mail	700	2,000	1,000	(1,000)	-50.0%
35	Printing Services	1,100	4,000	4,000	-	0.0%
36	Dues, Subscriptions	11,100	13,000	13,000	-	0.0%
37	Communications	5,400	8,000	5,500	(2,500)	-31.3%
38	Travel/Mileage	93,100	80,000	90,000	10,000	12.5%
39	Contract Svc/ Website	-	5,000	-	(5,000)	-100.0%
40	Utilities	-	3,000	3,000	-	0.0%
41	Contract Svcs/WRI,Archive Mgmt	-	-	5,000	5,000	N/A
42	Technical Support - Engineering	-	5,000	10,000	5,000	100.0%
43	Technical Support - Consultant	-	50,000	40,000	(10,000)	-20.0%
44	Technical Support - General	-	50,000	45,000	(5,000)	-10.0%
45	Grants & Advocacy	-	25,000	25,000	-	0.0%
46	Project Manager	-	-	50,000	50,000	N/A
47	Contingency	-	50,000	-	(50,000)	-100.0%
48	Unbudgeted Contingency	-	100,164	-	(100,164)	-100.0%
49	Total Expenses	\$ 636,000	1,020,964	921,400	(99,564)	-9.8%
50	Net Addition (Use) of Reserves	(22,700)	-	(194,000)	(194,000)	

Projected Beginning Cash 7/1/18	\$ 386,700	
Use of Reserves for FY 18/19 Budget	\$ (194,000)	
Grant Closeout Transfer to General Fund	\$ 55,160	
Projected Ending Cash 6/30/19	<u>\$ 247,860</u>	26.9%
60 Days Operating Reserve	\$ 151,000	
(Under)/Over Reserves	<u>\$ 96,860</u>	



**SALTON SEA AUTHORITY
PROPOSED FY 18/19 BUDGET**

DRAFT - June 28, 2018

	A	B	C	D	E
	FY 18	FY 17/18	FY 18/19	\$ Budget	% Budget
	Projections	Total	Total	Variance	Variance
		Budget	Budget		
1 Income					
2 Local Gov/Member Assessments	\$ 610,000	\$ 610,000	\$ 528,700	\$ (81,300)	-13.3%
3 Grant Funds	-	-	115,900	-	0.0%
4 Carry Over Funds - Prior Year Budget	-	410,964	-	(410,964)	N/A
5 Torrez Martinez	-	-	-	-	0.0%
6 Torrez Martinez Wetlands (FAP)	-	-	-	-	0.0%
5 Pooled Cash Allocated Interest	1,300	-	1,500	1,500	N/A
6 Miscellaneous Revenue	2,000	-	-	-	N/A
7 Total Income	613,300	1,020,964	646,100	-374,864	
8 Expenses					
9 SSA ADMINISTRATION					
10 Salaries					
11 Salaries - GM/Exec Director	125,000	125,000	125,000	-	0.0%
12 Asst GM/Exec Director	20,800	-	74,000	74,000	N/A
13 Admin Support A	44,400	46,600	47,285	685	1.5%
14 Admin Support B	13,500	-	37,106	37,106	N/A
15 Total Salaries	203,700	171,600	283,391	111,791	65.1%
16 Employee Benefits					
17 Employee Benefits GM/Exec Dir	35,300	35,300	36,400	1,100	3.1%
18 Employee Benefits - SSA	55,400	38,700	71,800	33,100	85.5%
19 Total Employee Benefits	90,700	74,000	108,200	34,200	46.2%
20 Contract Service / Professional					
21 Admin Support B	26,800	60,000	-	(60,000)	-100.0%
22 Executive Director Support	47,700	85,000	-	(85,000)	-100.0%
23 Finance / CPA	86,000	100,000	100,000	-	0.0%
24 Finance - Admin Support	6,100	40,000	-	(40,000)	-100.0%
25 Attorney - General	22,000	45,000	95,900	50,900	113.1%
26 Audit	11,700	11,700	11,700	-	0.0%
27 Total Contract Service / Professional	200,400	341,700	207,600	(134,100)	-39.2%
28 Equipment Maintenance	10,400	11,000	11,000	-	0.0%
29 Equipment Purchases	-	5,000	5,000	-	0.0%
30 Equipment Lease	200	1,500	-	(1,500)	-100.0%
31 Insurance	13,000	13,000	8,300	(4,700)	-36.2%
32 Office Exp/Operating Supplies	5,000	5,000	5,000	-	0.0%



**SALTON SEA AUTHORITY
PROPOSED FY 18/19 BUDGET
DRAFT - June 28, 2018**

	A	B	C	D	E
		FY 17/18	FY 18/19		
	FY 18	Total	Total	\$ Budget	% Budget
	Projections	Budget	Budget	Variance	Variance
33 Office Exp/Online Services	1,400	3,000	1,400	(1,600)	-53.3%
34 Postage, Mail	700	2,000	1,000	(1,000)	-50.0%
35 Printing Services	1,100	4,000	4,000	-	0.0%
36 Dues, Subscriptions	11,100	13,000	13,000	-	0.0%
37 Communications	5,400	8,000	5,500	(2,500)	-31.3%
38 Travel/Mileage	93,100	80,000	90,000	10,000	12.5%
39 Contract Svc/ Website	-	5,000	-	(5,000)	-100.0%
40 Utilities	-	3,000	3,000	-	0.0%
41 Contract Svcs/WRI,Archive Mgmt	-	-	5,000	5,000	N/A
42 Technical Support - Engineering	-	5,000	10,000	5,000	100.0%
43 Technical Support - Consultant	-	50,000	40,000	(10,000)	-20.0%
44 Technical Support - General	-	50,000	45,000	(5,000)	-10.0%
45 Grants & Advocacy	-	25,000	25,000	-	0.0%
46 Project Manager	-	-	50,000	50,000	N/A
47 Contingency	-	50,000	-	(50,000)	-100.0%
48 Unbudgeted Contingency	-	100,164	-	(100,164)	-100.0%
49 Total Expenses	\$ 636,000	1,020,964	921,400	(99,564)	-9.8%
50 Net Addition (Use) of Reserves	(22,700)	-	(275,300)	(275,300)	

Projected Beginning Cash 7/1/18	\$ 386,700	
Use of Reserves for FY 18/19 Budget	\$ (275,300)	
Grant Closeout Transfer to General Fund	\$ 55,160	
Projected Ending Cash 6/30/19	\$ 166,560	18.1%
60 Days Operating Reserve	\$ 151,000	
(Under)/Over Reserves	\$ 15,560	

Memorandum

To: Salton Sea Authority Board of Directors
From: Robert Hargreaves, General Counsel
Date: June 28, 2018
Re: Election of Salton Sea Authority Officers
CM No. V.C – 06-28-2018

The following guidelines are provided from the Salton Sea Authority Joint Exercise of Powers Bylaws (December 2016 update):

- 3.1 **Officers:** The officers of the Authority shall consist of the President, Vice-President Secretary, and Treasurer, each of whom shall be selected from the voting members of the Board of Directors
- 3.2 **Term of Office:** The term for all officers shall be one (1) year.
- 3.3 **Election of Officers:** The Authority shall elect, by a majority vote of the Board of Directors, its officers at its last meeting of the fiscal year, and at such other times as there may be a vacancy in any office.
- 3.4 **Rotation of Officers:** It shall be a policy of the Board to encourage rotation of the offices among the Board members.

8.1 The fiscal year of the Authority shall be from July 1 to June 30, following.

 Currently-seated officers are:

	<u>Current:</u>	<u>Agency:</u>	<u>Assumed Office:</u>
President	G. Patrick O'Dowd	CVWD	June 15, 2017
Vice President	James C. Hanks	IID	June 30, 2016
Treasurer	Cástulo R. Estrada	CVWD	January 26, 2017 (finished Dir. Benoit's term) Renewed June 15, 2017
Secretary	Thomas Tortez, Jr.	Torres Martinez	January 26, 2017 (finished Dir. Dessert's term) Renewed June 15, 2017

Staff Report

To: Salton Sea Authority Board of Directors
From: Phillip Johnson, Assistant Executive Director, SSA
Date: June 28, 2018
Re: Legislative Update
CM No. VI.B – 6/28/2018

Staff members from agencies of the Salton Sea Authority are coordinating a unified response to threats and opportunities in the legislative arena at both the state and federal levels.

SSA and its member agencies jointly engaged in the following activities to drive legislative and policy initiatives supported by the Salton Sea Authority Board of Directors:

California Senate/Assembly Bill Summaries

SB-1277 (Hueso) Salton Sea: governance

SSA Position: Watch

Status: Introduced Feb. 16, 2018. Referred to Com. on RLS on March 1, 2018.

This bill would state the intent of the Legislature to enact legislation that would create a governance and administrative structure to manage the day-to-day implementation of the Salton Sea Management Program.

There has already been a meeting with major stakeholders hosted by Senator Hueso to discuss this matter and discussion will continue to be on going. Staff will continue to monitor and will participate in the discussion.

AB-2060 (Garcia) Water: grants: advanced payments

SSA Position: SUPPORT

Status: Introduced Feb. 6, 2018. Referred to Coms. on W., P., & W. and E.S. & T.M. on Feb. 22, 2018. From committee: Do pass and re-refer to Com. on E.S. & T.M. (Ayes 15. Noes 0.) (March 20). Re-referred to Com. on E.S. & T.M. (Committee on Environmental Safety & Toxic Materials) From committee: Amend and do pass as amended and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (April 10). Re-referred to Com. on APPR. In committee: Set, first hearing. Referred to APPR. suspense file on May 9, 2018. Amended in Assembly May 25, 2018. Passed, Ordered to the Senate May 31, 2018. In Senate, Referred to Coms. on EQ. and N.R. & W on June 13, 2018. From committee: Do pass and re-refer to Com. on N.R. & W. (Ayes 5. Noes 0.) (June 20). Re-referred to Com. on N.R. & W on June 21, 2018.

This bill would require the board, within 60 days of awarding a grant from the grant fund (State Water Pollution Control Revolving Fund), to provide a project proponent that requests and demonstrates a need for advanced payment with advanced payment of \$500,000 or 50% of the grant award, whichever is less, for projects in which the project proponent is a nonprofit organization or a disadvantaged community, or the project benefits a disadvantaged community.

The bill would require the advanced funds to be handled as prescribed. The bill would authorize the board to adopt additional requirements for the recipient regarding the use of the advanced payment to ensure that the funds are used properly.

Additionally, Proposition 1 provides that of the \$520,000,000 available for projects that improve water quality or help provide clean, safe, and reliable drinking water to all Californians, the sum of \$260,000,000 is available for grants and loans for public water system infrastructure improvements and related actions to meet safe drinking water standards, ensure affordable drinking water, or both.

The bond act requires that eligible recipients serve disadvantaged communities and are public water systems or public agencies. The bond act prohibits more than 25% of the grant from being awarded in advance of actual expenditures.

This bill would require the board, within 60 days of awarding a grant for these purposes under the bond act, to provide a project proponent that requests and demonstrates a need for advanced payment with advanced payment of \$500,000 or 25% of the grant award, whichever is less. The bill would require the advanced funds to be handled as prescribed. The bill would authorize the board to adopt additional requirements for the recipient regarding the use of the advanced payment to ensure that the funds are used properly.

Staff will continue to monitor the progress of this bill as it could be of great help in the Salton Sea area and may provide a viable financial arrangement in the future for expediting state priorities through local implementing agencies like the Salton Sea Authority and its partner agencies.

SB-100 (De Leon) California Renewables Portfolio Standard Program: emissions of greenhouse gases.

SSA Position: Watch

Status: Introduced on Jan. 1, 2017. Amended in Senate May 1, 2017. Amended in Senate May 17, 2017. Amended in Senate May 26, 2017. Passed the Senate and Ordered to the Assembly May 31, 2017. Amended in the Assembly June 26, 2017. Amended in the Assembly July 18, 2017. Amended in the Assembly Sept. 8, 2017. From committee with author's amendments. Read second time and amended. Re-referred to Com. on U. & E on Sept. 11, 2017.

SB-100 Establishes the 100 percent clean energy act of 2017 which would increase the Renewables Portfolio Standard (RPS) requirement from 50 percent to 60 percent by 2030. This bill will also create a policy of planning to meet all the state's retail Electricity supply with a mix of (RPS) eligible and zero carbon resources by December 31, 2045. With the goal of reaching 100 percent clean energy. Of note this is important to the SSA due to the Salton Sea's geothermal potential and how that may fit in with getting the state to 100 percent by 2045 utilizing zero carbon resources. Salton Sea Authority staff will continue to monitor this bill as it moves forward in 2018.

AB-2208 (Garcia) California Renewables Portfolio Standard Program: local publicly owned electric utilities: electrical and corporations: geothermal, biogas, and biomass energy resources.

SSA Position: SUPPORT

Status: Introduced on Feb. 12, 2018. Referred to Coms. on U. & E. and NAT. RES on March 1, 2018. From committee chair, with author's amendments: Amend, and re-refer to Com. on U. & E. Read second time and amended on March 23, 2018. In committee: Set, first hearing. Hearing canceled at the request of author on April 3, 2018. From committee: Do pass and re-refer to Com. on NAT. RES. (Ayes 10. Noes 0.) (April 18). Re-referred to Com. on NAT. RES on April 19, 2018. Coauthors revised, from committee: Do

pass and re-refer to Com. on APPR. (Ayes 7. Noes 2.) (April 23). Re-referred to Com. on APPR on April 24, 2018. In committee: Set, first hearing. Referred to APPR. suspense file on May 9, 2018. In committee: Held under submission May 25, 2108.

This bill in regards to the California Renewables Portfolio Standard Program, would require that not less than an unspecified percentage of the incremental procurement requirements for each compliance period be satisfied with geothermal, biogas, or biomass energy resources, procured on or after July 1, 2017, until either an unspecified percentage of the total electricity products procured to satisfy the overall procurement requirements are from those energy sources generation or December 31, 2030, whichever occurs first. The bill would require an unspecified of this increment to be procured from the Salton Sea Known Geothermal Resources Area.

Staff will continue to monitor this bill's progress as it specifically calls for geothermal procurement from the Salton Sea.

Federal Bill Summaries

H.R. 2 (Conaway) Agriculture and Nutrition Act of 2018

SSA Position: SUPPORT

Status: Introduced and referred to the House Committee on Agriculture on April 12, 2018. Committee Consideration and Mark-up Session Held. Ordered to be Reported (Amended) by the Yeas and Nays: 26 – 20 on April 18, 2018. Reported (Amended) by the Committee on Agriculture and placed on the Union Calendar, Calendar No. 508.on May 3, 2018. Committee of the Whole House on the State of the Union rises leaving H.R. 2 as unfinished business on May 17, 2018. House vote (198 yeas - 213 nays vote) on May 18, 2018. Passed by the House by the Yeas and Nays: 213 - 211, Received in the Senate on June 21, 2018.

H.R. 2 is the 2018 Farm Bill. The significance of this bill to the Salton Sea revolves around the bill's funding authorizations for RCPP, Watershed Act, USDA rural developmental programs as well as much needed amendments in language to better utilize these programs at the Salton Sea.

The Salton Sea Authority has assembled and distributed a coalition support letter and is working with consultants in Washington D.C. to help move this bill forward with language helpful to the Salton Sea.

H.R.5895 (Simpson) Energy and Water, Legislative Branch, and Military Construction and Veterans Affairs Appropriations Act, 2019

SSA Position: Staff recommends **SUPPORT**

Status: Introduced to the House and the House Committee on Appropriations reported an original measure, H. Rept. 115-697, by Mr. Simpson on May 21, 2018. H. Amdt. 718 (Ruiz) agreed to by voice vote on June 7, 2018. Passed/agreed to in House: On passage Passed by the Yeas and Nays: 235 – 179 on June 8, 2018. Received in the Senate. Read the first time. Placed on Senate Legislative Calendar under Read the First Time June 12, 2018. Motion to proceed to consideration of measure agreed to in Senate by Voice Vote on June 18, 2018. Considered by Senate on June 21, 2018.

H.R. 5895 is a bill that provides appropriations: for U.S. Army Corps of Engineers civil works projects, Department of the Interior for the Central Utah Project and the Bureau of Reclamation, DOE for Energy Programs, and several independent agencies, including the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission.

This bill also includes language requested by local Congressman Ruiz in the house report to support the MOU signed by DOI and CNRA for the Salton Sea plus an amendment to the house report to redirect \$2 million within the Water and Related Resources Account toward projects with a public health benefit, which would allow the Bureau of Reclamation to dedicate additional funding to prevent the potential public health crisis at the Sea.

H.R. 4419 (Newhouse) Bureau of Reclamation and Bureau of Indian Affairs Water Project Streamlining Act

SSA Position: Watch

Status: Introduced and referred to the House Committee on Natural Resources on Nov. 16, 2017. Committee Consideration and Markup Session Held. Ordered to be Reported (Amended) by the Yeas and Nays: 21 – 14 on May 16, 2018.

H.R. 4419 requires the Bureau of Reclamation (BOR) and the Bureau of Indian Affairs (BIA) to accelerate studies and provide more accountability in the agency's process to study the feasibility of new and or expanded surface water storage. H.R. 4419 would provide the same streamlined water project development process for BOR and BIA surface water storage projects that the "Water Resources Reform and Development Act of 2014" (WRRDA) gave to the U.S. Army Corps of Engineers (Corps).

This bill's aim is to reform the current lengthy process at BOR and BIA so that there is an efficient mechanism to build new surface water storage projects in the West. As this may be beneficial to the Salton Sea in the future staff will watch the progress of H.R. 4419 as it progresses through the legislation.

S. 2329 (Hoeven) Water Infrastructure Finance and Innovation Reauthorization Act of 2018

SSA Position: Watch

Status: Introduced and referred to the Committee on Environment and Public Works on Jan. 23, 2018.

S. 2329 would reauthorize WIFIA through fiscal 2024 and would consolidate EPA's and the Army Corps' administration of the programs, allowing the corps to use EPA's administrative infrastructure.

When WIFIA was first created it was a part of the 2014 Water Resources Development Act (WRDA), Congress again is looking to develop a 2018 WRDA and this bill would more than likely be a part of that.

Of note this bill could be extremely helpful in SSA efforts to tie in multiple federal partners on the same projects. This bill also shows the willingness of the Federal government to link together agencies, and thus opens the opportunity for the SSA to show how the SSA has been working over the past few years itself to find ways to achieve that same goal of linking federal agencies together on projects.

S. 32 (Feinstein) - California Desert Protection and Recreation Act of 2017

SSA Position: SUPPORT

Status: Introduced to the Senate on Jan. 5, 2017. Read twice and referred to the committee on Energy and Natural Resources on Jan. 5, 2017. Committee on Energy and Natural Resources Subcommittee on Public Lands, Forests, and Mining. Hearings held on July 26, 2017.

Of note for the SSA the "disposition of revenues" section has remained the same as in S. 2568, the previous year's bill concerning this issue. The specifics that affect SSA and "of note" this only applies to the development of wind or solar energy land managed by the BLM are as follows:

- 25% of the payments go to counties involved.

- 35% of the payments go to “Renewable Energy Resource Conservation Fund” which is managed by the Secretary of the Interior.
- Areas that are eligible for such “funds” that are of note for the SSA are ones around wind or solar development areas that need restoring and protecting such as: wildlife habitat, wildlife corridors, and water resources.

S. 1460 (Murkowski) - Energy and Natural Resources Act of 2017

SSA Position: Watch

Status: Introduced to the Senate, referred to the Senate Committee on Energy and Natural Resources. Hearings held Sept. 19, 2017.

S. 1460 is the major energy bill that will be discussed in 2018, this bill gained a lot of momentum in 2017 but fell short. Of note in this bill provides assistance to geothermal energy.

Specifically, it calls upon that within 10 years of enacting this bill that major producing geothermal sites should be identified to significantly increase new geothermal energy capacity on public land.

The SSA will also push for consideration of a revenue sharing provision to be added in this bill.

H.R. 434 (Denham) - New Water Available to Every Reclamation State Act

SSA Position: SUPPORT

Status: Introduced to the House, referred to the House Committee on Natural Resources on Jan. 11, 2017. Referred to the Subcommittee on Water, Power and Oceans on Feb. 7, 2017.

This bill authorizes the Department of the Interior, for 15 years after this bill's enactment, to provide financial assistance, such as secured loans or loan guarantees, to entities that contract under federal reclamation law to carry out water projects within the 17 western states served by the Bureau of Reclamation, other states where the Bureau is authorized to provide project assistance, Alaska, and Hawaii. Projects eligible for assistance include:

- non-federal water infrastructure projects that would contribute to a safe, adequate water supply for domestic, agricultural, environmental, or municipal and industrial use;

- projects for enhanced energy efficiency in the operation of a water system;
- projects for accelerated repair and replacement of aging water distribution facilities;
- brackish or sea water desalination projects; and
- The acquisition of real property or an interest therein for water storage, reclaimed or recycled water, or wastewater that is integral to such a project.
- Eligible project costs must be reasonably anticipated to be at least \$20 million.

The total amount of federal assistance for a project shall not exceed 80% of its total cost.

Interior shall establish: (1) a repayment schedule for each secured loan based on the useful life of the project, and (2) a uniform system to service the federal credit instruments made available under this bill.

H.R. 3281 (Lamborn) - Reclamation Title Transfer and Non-Federal Infrastructure Incentivization Act

SSA Position: SUPPORT

Status: Introduced to the House, referred to the House Committee on Natural Resources on July 18, 2017. Placed on the Union

Placed on the Union Calendar, Calendar No. 242 on Sept. 27, 2017.

This bill authorizes the Department of the Interior to convey U.S. interest in an eligible reclamation project or facility to an agency of a state political subdivision, a joint action or powers agency, a water users association, or an Indian tribe or tribal utility authority that holds a water service contract for such property and that has the capacity to continue to manage the property for the same purposes for which it has been managed under reclamation law.

Criteria for determining whether facilities are eligible for title transfer:

- (1) the transfer will not have an unmitigated significant effect on the environment
- (2) the qualifying entity intends to use the property for substantially the same purposes the property is being used for at the time Interior evaluates the potential transfer
- (3) the qualifying entity agrees to provide the United States the equivalent of the present value of any repayment obligation or other income stream the United States derives from the assets to be transferred.

Salton Sea Authority staff will continue to watch the progress of this bill as it may expedite facility or land transfers in certain situations at the Salton Sea.

Terminology Reference

Chaptered - After a bill has been signed by the Governor, the Secretary of State assigns the bill a Chapter Number, for example, "Chapter 123, Statutes of 1998," which subsequently may be used to refer to the measure.

Held under submission - action taken by a committee when a bill is heard in committee and there is an indication that the author and the committee members want to work on or discuss the bill further, but there is no motion for the bill to progress out of committee. This does not preclude the bill from being set for another hearing.

Inactive file - The portion of the Daily File containing legislation that is ready for floor consideration, but, for a variety of reasons, is dormant. An author may move a bill to the inactive file if he or she wishes to take it up at a later date. Once a bill is on the inactive file, one day's public notice is needed to place it back on the agenda.

Suspense File - A bill or set of bills, with a fiscal impact, set aside in Appropriations committee by a majority of Members present and voting. These bills may be heard at a later hearing.