

FINAL

Bay Area IRWMP Coordinating Committee

Agreements and Action Items from September 21, 2009 Meeting

1. Roll Call—Appointed FA representatives present

WS-WQ	WW-RW	FP-SW	Watershed	Other
Molly Petrick, SFPUC	Brian Campbell, EBMUD	Mark Boucher, CCCFCO; Brian Mendenhall, SCVWD	Harry Seraydarian, NBWA; Melanie Denninger, SCC; Jennifer Krebs, SFEP	Paul Helliker, Chair, MMWD; Nadine Hitchcock, Vice- Chair, SCC

Others present:

Patrick Costello (City of Napa)
Thomasin Grim (MMWD)
Dale Hopkins (RWQCB)
Carol Mahoney (Zone 7 Water)
Carl Morrison (Morrison Assoc/SCWA, Z7)
Dave Richardson (RMC)
Jayne Strommer (DDSD)

2. Update on Regional Projects (Information, led by CC/Project Screening Subcommittee)

- Brian Campbell reported that the Risk Reduction project is back on track.

3. Review DWR’s schedule, RAP updates and other related issues (Information, led by CC).

- All regions were accepted or conditionally accepted (with some additional minor conditions to be met) except for Gateway.
- The draft region acceptance recommendation for the Bay Area proceeded smoothly because it explained and justified the overlap with East Contra Costa County and the gap between the Bay Area IRWM region and the Northern Santa Cruz IRWM region. Final decisions are anticipated in October 2009.
- It was noted that the State Coastal Conservancy was contacted regarding grant funded projects, which led to questioning whether Prop 84 funding for this first round might need to be committed and possibly even spent by June 2011; this possible requirement would be due to the State wanting to more precisely estimate cash flow for timing of bond sales. The group acknowledged that such dates would be problematic for large projects, and would favor smaller, well defined phases of projects.
- Brian Campbell explained that DWR was looking for cash flow projections in the Prop 50 process, probably for similar reasons as for Prop 84 cash flow concerns.
- The release of the final RAP decisions could also be a trigger date for when project funds could begin to be “reimbursable”. Announcements on Planning grants may be concurrent.

- The CC noted that they should start thinking about potential issues that will need to be addressed in the Plan update, such as climate change. This stimulated a discussion of how climate change is being handled by other regional groups and State processes. Pat Costello mentioned that urban water management plan updates will require climate change discussions. It was noted that most climate change analyses are focused on water resource supplies, and not demands. This is considered an oversight by some in the Bay Area.

Potential climate change resources/working groups in the Bay Area mentioned include:

- Blueprint planning processes (SACOG, ABAG etc)
- SB 375 activities
- State Transportation Improvement Program (STIP) requirements
- Bay Area Joint Policy Committee – ABAG/BAAQMD/BCDC/MTC (BCDC is surveying local governments)
- Guidance – see statute; Ken Moy (SFEP’s attorney) good to work with. He assisted the predecessor to the CC on Letter of Mutual Understanding (LOMU).
- ABAG/SFEP motivation – CCCP: Comprehensive Planning For Estuary
- Implications on the Bay Area group:
 - Nadine Hitchcock suggested that the CC should review the Goals and Objectives listed in the IRWMP and see if they need updating, and how.
 - The CC should review other regional plans, and it was also suggested that Ted Droettboom (Regional Planning Program Director) for the Joint Policy Committee could be invited to a CC meeting to talk about how climate change is being addressed by the Joint Policy Committee.

4. Discuss Grant Applicants and Grant Administration (Discussion, led by CC)

- The CC reviewed the email from Jennifer Krebs which described SFEP/ABAG’s position on acting as a potential grant administrator for the next round of IRWMP funding.
- Pre-questions included whether this was applicable to planning or implementation, and how many projects might be included in the package? New questions included whether SFEP is accustomed to dealing with multiple partners/proponents?
- In terms of contractual language, it was noted that BACWA was able to get a modification that spelled out DWR’s default options more fully (before they would come after the contracting entity and its “members”). The group wanted to make clear that any entity who might contract with DWR might face difficulties in negotiating away project performance risk.
- The cost/structure of the grant administration was discussed and the following key points were noted:
 - A new staff person would be needed at ABAG, if they were to take this role on (would be supported by ABAG management and legal)
 - Cost of administrator(s) would have to be built into fees.
 - That person would be working in the State Building, supporting Jennifer Krebs.
- Brian Campbell described BACWA’s experience in managing the Prop 50 grants process. The cost breakdown is as follows:
 - Attorney fees for setting up: \$50,000
 - Hard costs: 2% of grant amount, at \$200,000.
- Brian noted that for any potential Prop 84 grant administration, BACWA might require a fee or some tie-in of benefits for managing the grant on behalf of non-BACWA members (they would need some nexus between the cost and benefits because they end up spending management and Board time on the grant-related issues). It was

noted that the current consultant for BACWA grant administration is Avila and Associates.

- The CC agreed to revisit this issue after the release of the draft guidelines by DWR. It was also noted that a Joint-Powers Authority (JPA) option is still an option, and it may be reviewed again with the BACWA or SFEP/ABAG option when the draft guidelines are released, and future activities are clearer.
- Nadine Hitchcock suggested that a matrix showing advantages and disadvantages of a JPA vs an existing entity (e.g. BACWA or SFEP/ABAG) managing the grant be developed. She noted that in the case of a JPA, governance issues may arise and have to be dealt with, and there may be additional laws that need to be followed. Carl Morrison forwarded an example JPA agreement from CABY to members of the CC for reference.

5. Announcements

- The next CC meeting is scheduled for December 7, 2009, from 1.00 pm – 3.00 pm at Room 2 at the Elihu Harris State Building. The BAWF will be having a combined November/December meeting on the same day in Room 2 before the CC meeting.
- Agenda items for the next CC meeting include:
 - i. Plan Update – climate change
 - ii. Development of Planning grant and scope (Melanie Denninger)
 - iii. Presentation on Joint Policy Committee and Climate Change (Jennifer Krebs to talk to potential speaker-Ted Droettboom)