



Legislative Action Committee Meeting Agenda

April 13, 2023 5:30 PM

Mountain View City Hall
2nd Floor Plaza Conference Room
500 Castro Street
Mountain View, CA 94041

Meeting Information:

- Members of the public register for Zoom webinar [\[HERE\]](#)
(NOTE: This link is for members of the public ONLY; Board members will attend in-person unless otherwise noticed in advance of the meeting to the Executive Director and/or the Board President)
 - Meeting also livestreamed on YouTube [\[LINK\]](#)
 - More info on public comment and accessibility given at the end of the agenda
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WELCOME AND ROLL CALL – (Abe-Koga, 5:30 PM)

ORAL COMMUNICATIONS FROM THE PUBLIC ON NONAGENDIZED ITEMS

This portion of the meeting is reserved for persons wishing to address the Board on any matter not on the agenda. State law prohibits the Board from discussing and/or acting on nonagenda items.

1. Consent Agenda
Approve minutes from March 9, 2023 Legislative Action Committee meeting
2. Continue Discussion on Valley Water Bills
2a. AB 939 (Pellerin) Smart Financing for Valley Water Infrastructure
2b. AB 1469 (Kalra) Valley Water – Assisting Unsheltered People
3. Bill Selection Process

ADJOURNMENT

PUBLIC COMMENT

Members of the public wishing to comment on an item on the agenda may do so in the following ways:

1. Email comments to audin@citiesassociation.org
 - Emails will be forwarded to the Legislative Action Committee
 - **IMPORTANT:** identify the Agenda Item number in the subject line of your email. All emails received will be entered into the record for the meeting.

1. Provide oral public comments in-person during the meeting
2. Provide oral public comments virtually during the meeting
 - When the Chair announces the item on which you wish to speak, click the “raise hand” feature in Zoom. Speakers will be notified shortly before they are called to speak.
 - When called to speak, please limit your comments to the time allotted (up to 3 minutes, at the discretion of the Chair).
 - Phone participants:
 - *6 - Toggle mute/unmute
 - *9 - Raise hand

ACCESSIBILITY

We strive for our meetings and materials to be accessible to all members of the public, and welcome feedback and requests for accommodations. Please submit requests for accommodations to audin@citiesassociation.org at least 72 hours in advance of the meeting to allow us to best meet your request. Closed captioning will be enabled for this meeting. For instructions on how to view the closed captioning, please refer [to this Zoom help page.](#)



AB 939: Smart Financing for Valley Water Infrastructure

02.15.23

BACKGROUND

Valley Water is the regional water supply, groundwater management, flood protection, and stream stewardship agency for the 2 million people of Santa Clara County. The agency's enabling state law, the District Act, was enacted in 1951. Since then, Valley Water has merged with other agencies, became an independent special district with its own 7-member elected Board, and grew as the region transformed to one of the state's largest metropolitan areas that is home to the nation's technology economy.

Today, Valley Water is one of the largest water agencies in the state, managing 10 reservoirs and dams, 3 water treatment plants, the largest advanced purified water facility in Northern California, 400 acres of groundwater recharge ponds, and 2 large groundwater basins. The agency constructs and maintains the region's flood risk mitigation infrastructure and is the only water agency in California that is both a state and federal water contractor, requiring engagement in both state and federal water policy. The agency has several billion-dollar and numerous multi-hundred-million-dollar projects underway.

THE PROBLEM

Unfortunately, the agency's state law financing authorizations have not kept up with its growing responsibilities for the water security and flood protection of Silicon Valley. For instance, the District Act contains old, outdated provisions that unnecessarily limit how Valley Water can finance infrastructure projects and short-term debt. These limitations increase the cost of borrowing on large projects by millions of dollars per year.

Additionally, the level of a Valley Water Director's compensation and the time required for the position impacts whether candidates of more modest means, or of more diverse backgrounds, are able to run for a seat on the Valley Water Board. Current law that sets the maximum number of days for which a Director is eligible for compensation at 15 days per month will sunset in 2023, thereby reverting to 10 compensable days per month. Even with the current 15 days per month, more than 100 meeting days each year are worked by Directors but are not compensated. If compensable days revert to just 10 per month, only candidates who are retired or independently wealthy could afford to run for a seat on the Valley Water Board.

THE SOLUTION

AB 939 amends the Santa Clara Valley Water District Act to reduce the cost of financing water and flood protection infrastructure projects, to clean up obsolete provisions, and to address a sunset provision regarding per diem for the Board of Directors of the Santa Clara Valley Water District. Specifically, it will:

- 1) Allow Voters to Decide on G.O. Bonds:** Allow Valley Water to propose general obligation bonds for critical infrastructure paid by an ad valorem property tax approved by 2/3 of the voters. The existing omission of G.O. bond authority is outdated and forces higher financing costs for large-scale public borrowing.
- 2) Fix Broken Revenue Bond Authority:** Valley Water cannot issue revenue bonds based on gross revenue as required by existing law because it has other types of debt backed by net revenue. Issuing bonds based on gross revenue would inappropriately put one creditor above another. By allowing water revenue bonds to be paid from net revenues (instead of gross revenues), as well as from funds already allocated to Valley Water from the County's 1% property tax, the agency's water revenue bond authority will be fixed and available for borrowing.
- 3) Update the Short-Term Debt Cap:** Many local agencies have a short-term debt cap established in Government Code Section 53858. Valley Water's agency-specific cap is just \$8 million, has not been updated in decades, and should be on par with the Government Code.
- 4) Keep a Diverse Board Possible:** Allow a more socio-economically diverse board by removing a sunset date and keeping the maximum number of compensable meeting days at 15 days per month, better reflecting the actual time necessary for the position.

Over time, these reforms will save the people of Santa Clara County tens of millions of dollars through lower-cost financing and will enable qualified candidates to serve on the Valley Water Board regardless of their personal financial circumstances.

FOR MORE INFORMATION

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Assembly Bill 1469

Valley Water – Assisting Unsheltered People Assembly Member Ash Kalra

SUMMARY

Assembly Bill (AB) 1469 amends the Santa Clara Valley Water District Act (District Act) to expand its statutory purposes and allow certain resources to be used for outreach, counseling, transitional housing, or other services for unsheltered people living on public lands and along waterways within Santa Clara County.

BACKGROUND

The Santa Clara Valley Water District (Valley Water) is the regional water supply, groundwater management, flood protection, and stream stewardship agency for the 2 million people of Santa Clara County. The agency's enabling state law, the District Act, establishes and defines Valley Water's purposes, grants limited authority to the seven-member elected board, and authorizes certain expenditures for the purposes defined by the Act.

Valley Water owns and manages 294 miles of streams and habitat, with a mission to protect more than 800 miles of streams throughout Santa Clara County. These areas include threatened and endangered species, sensitive habitats, and public infrastructure critical to water supply, groundwater recharge, and flood risk reduction activities.

In 2022, 77% of the unhoused population in Santa Clara County were unsheltered, with an estimated 2,300 taking refuge on Valley Water's property or land easements. Such circumstances have led to encampments along waterways, both a human and an environmental tragedy. The watersheds in Santa Clara County are prone to flash flooding, surprising unsheltered people and resulting in drownings or serious injury. These conditions also have increased community risks from fires and flooding due to blocked drainages, excavation of banks and levees, and the degradation of water quality from litter. Further, the presence of human waste has facilitated algal blooms that degrade natural and constructed habitats for aquatic species.

In *Martin v. City of Boise*, the U.S. Court of Appeals for the Ninth Circuit held that governments cannot

criminalize sleeping outdoors on public property if there is no real option for sleeping indoors. Amid an unprecedented need for transitional and long-term housing in Santa Clara County, cities and the County often do not have shelter space to offer. Valley Water has very limited authority to expend its revenue outside of purposes listed in the District Act, leaving some human health and safety risks on their lands unaddressed.

SOLUTION

AB 1469 expands the District Act to allow Valley Water's purpose to include assisting unsheltered people living within their jurisdiction in consultation with cities, the County of Santa Clara, and the state, to provide housing or improved outcomes for unsheltered individuals.

This change will allow Valley Water to offer land for transitional housing and other facilities. In addition, this bill would allow Valley Water more flexibility to access revenue from an existing 1% ad valorem property tax to fund outreach, counseling, transitional housing, or other services that unsheltered people deserve and are often required under federal case law.

The population of a small city currently lives on Valley Water properties and easements, resulting in deaths and negative health outcomes for unsheltered individuals, heightened environmental risks, and impaired essential public services. AB 1469 will provide Valley Water with the flexibility needed to direct resources to assist unsheltered people on their lands and humanely address a crisis that can no longer be ignored.

SPONSOR

Santa Clara Valley Water District (Valley Water)

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