



Salton Sea Authority Board of Directors Meeting

Thursday, March 29, 2018
10:00 a.m.

Imperial Irrigation District
Bill Condit Auditorium
1285 Broadway Avenue
El Centro, CA 92243
(760) 482-9618



AGENDA: **BOARD OF DIRECTORS MEETING**
DATE: **Thursday, March 29, 2018**
10:00 a.m.
LOCATION: **Imperial Irrigation District**
Bill Condit Auditorium
1285 Broadway Avenue
El Centro, CA 92243
(760) 482-9618

Director Santillanes will be attending via teleconference from:
Torres Martinez Desert Cahuilla Indians Tribal Administration
Conference Room
66725 Martinez Road
Thermal, CA 92274

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 (see attached)

- A. Minutes of February 22, 2018
- B. Warrant Register Ratification for February 2018
- C. Internal Financial Report for: 7/01/2017 – 1/31/2018

V. PRESENTATIONS

- A. Briefing on Prop 68 – (Phillip Johnson, Assistant Executive Director, Salton Sea Authority)

VI. DISCUSSION ITEMS

- A. Refining the Roles, Responsibilities and Purpose of Salton Sea Authority

VII. 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 State Recreation Area Update on Activities – (Ray Lennox, California State Parks)
- E. Salton Sea Action Committee –

VIII. ADJOURNMENT

NEXT MEETING TIME & LOCATION:

Thursday, April 26, 2018

10:00 a.m.

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

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

February 22, 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 10:05 a.m., February 22, 2018, at the Coachella Valley Water District, Steve Robbins Administration Building, 75515 Hovley Lane East, Palm Desert, CA 92260, (760) 398-2651.

PLEDGE OF ALLEGIANCE

Director Perez led the Pledge of Allegiance

ROLL CALL:

DIRECTORS PRESENT

G. Patrick O’Dowd, President
James C. Hanks, Vice-President
Cástulo R. Estrada, Treasurer
Thomas Torte, Secretary
Ryan E. Kelley, Director
Altrena Santillanes, Director*
V. Manuel Perez, Director

AGENCY

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

**Director Santillanes arrived at 10:19 a.m., as noted in the text*

DIRECTORS PRESENT VIA TELECONFERENCE

John Renison, Director

AGENCY

Imperial 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

Marion Ashley, Director
Erik J. Ortega, Director

AGENCY

Riverside County
Imperial Irrigation District

SALTON SEA AUTHORITY STAFF PRESENT

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

MEMBERS OF THE PUBLIC PRESENT

Molly Thrash
Cindy Byerrum
Gina Moran
Ray Lennox
Pat Cooper
Bob Wright
Ronald Spears
Vickie Doyle
Fritz E. Bachli
Kaylee Nelson
Kurt Schoppe
Darren Simon
Juan DeLara
Alberto Ramirez
Altrena Santillanes

AGENCY

Northern Arizona University
Platinum Consulting Group
California State Parks
California State Parks
Superintendent Perez
SSAC – EDA

IID
Boston University
Bureau of Reclamation
SA Recycling
San Diego CWA
SSAC
Torres Martinez
Torres Martinez

II. BOARD MEMBER COMMENTS (none)

III. PUBLIC COMMENTS

- A. Fritz Bachli, a resident living about 12 miles from the Salton Sea, expressed grave concern over the current air quality/particle situation - people are getting sick with respiratory problems. He repeated his previous call for a state of emergency to be declared, and urged a long-term plan to bring water in to the Salton Sea in addition to the short term plans.
- B. Ron Spears, past president and former board member of West Shores Chamber of Commerce, expressed his interest in the North Lake project and offered his services.

IV. CONSENT CALENDAR

- A. Minutes of January 25, 2018
- B. Warrant Register Ratification for December 2017
- C. Internal Financial Report for: 7/01/2017 – 01/31/2018

*Director Perez **moved** that the Consent Calendar be approved. **Seconded** by Director Tortez. **Unanimously carried** by roll call vote:*

Aye: Directors Tortez, Kelley, Perez, O'Dowd, Hanks, Estrada, and Renison

Nay: (none)

V. ACTION ITEM

A. Approval of Amended CPA Scope of Work

Salton Sea Authority GM/Executive Director introduced this item. Ms. Cindy Byerrum, MPA, CPA, of Platinum Consulting Group (PCG) has, since November 2016 when she was hired by SSA's Board, provided CPA services allowing financial oversight for the SSA's existing accountant, Ms. Gloria Sampson.

Ms. Sampson retired from her accounting practice effective January 31, 2018, after providing distinguished service to the SSA for nearly a decade. Because Ms. Byerrum is already in place, has an existing contract with SSA, and has familiarity with the operations from a financial standpoint, SSA staff recommended to the SSA's *ad hoc* finance committee at their mid-year review meeting that, to provide continuity, SSA continue the original PCG contract with additional duties added that Ms. Sampson had been overseeing.

A revised contract was prepared, reviewed by legal counsel, and presented to the Board for their consideration.

Ms. Byerrum, founder of Platinum Consulting Group, was introduced and briefly recounted her accounting background and introduced her partner Paul Kaymark, CPA. Their services are focused on small districts and water.

Chairman O'Dowd invited discussion. Director Hanks asked legal counsel Bob Hargreaves if this would provide the front-middle-back desk protection that SSA needs. Mr. Hargreaves replied that he believed that it would.

*Director Perez **moved** that the Consent Calendar be approved. **Seconded** by Director Hanks. **Unanimously carried** by roll call vote:*

Aye: Directors Tortez, Kelley, Perez, O'Dowd, Hanks, Estrada, and Renison

Nay: (none)

** Director Santillanes arrived at 10:19 a.m., during the introduction of the next item.*

VI. PRESENTATIONS

A. QSA Research Project: Salton Sea Authority

Mr. Rosentrater introduced Molly Thrash, a PhD student from Northern Arizona University who is focusing her doctoral research on the Salton Sea and the Quantification Settlement Agreement (QSA) process.

Ms. Thrash had a 15-year career with the federal government doing Native American water rights settlements and irrigation projects in the arid west, as well as major land

development and water for the Navy. Water resources and environmental law is her background and specialty.

She shared the focus of her study via PowerPoint presentation. She will be conducting interviews and listed key players and issues that had come to her attention. The Board members gave her additional recommendations.

Chairman O'Dowd invited Board comment, followed by public comment. Most of the board members commented; two members of the public commented (Mr. Spears and Mr. Bachli).

VII. REPORTS

A. General Manager's Report on Activities

Phil Rosentrater, GM/Executive Director, Salton Sea Authority, had given his report to the Board members in advance, asked if they had any questions. Director O'Dowd raised a couple of questions. He asked staff to put a discussion item on the agenda for next meeting to discuss what the purpose, vision, and direction of this Board is: What is SSA's role going forward? What authority does SSA have? (Must come with financial empowerment also.) Other directors commented as well. Director Hanks would like a clarifying discussion on which is the "preferred plan" and does SSA have an official position? Director Perez brought up Senator Ben Hueso's bill (SB 1277) regarding the Salton Sea. Director Kelley commented that the progress the state has made in the last four years has been directly related to what the SSA – member agencies and staff – has been pursuing and holding them accountable for. He agrees the next step must be discussed, as is frustrated that there are state projects started in 2015 and five years ago that are not yet completed.

B. Legislative Update

Phillip Johnson, Assistant Executive Director, Salton Sea Authority, picked up the thread regarding SB 1277, introduced February 16, which he said is a "place-holder" bill at this point. He has reached out to Senator Hueso's staff to find out what they're really thinking about developing with this bill.

Mr. Johnson had a conference call with member agencies' staff about SB 5 (now Prop 68) and the other November bonds that will have money in them for the Salton Sea and the Salton Sea Authority itself. The result of that fruitful discussion was a brief that he will bring to the Board next month to get their edits. He opened the floor to questions, and Director Perez urged a meeting with Senator Ben Hueso before the process gets too far along (on SB 1277).

C. Standing Report

1. FEDERAL: US Bureau of Reclamation

KayLee Nelson, of the Bureau of Reclamation, said the Bureau did not have an update, but asked the Board if they had any ideas regarding boat ramp locations, as they are still unable to launch a boat to do their water quality testing.

Director O'Dowd asked KayLee to take the message back to the Bureau that there is a big seat at the (governance) table for the Federal Government and the various

agencies that have adjacent responsibilities and investments in and around the Sea, and next month he encouraged the Bureau and the partner agencies to provide some input to the conversation about the governance structure, as there is a very real need for them to have a voice in how we execute going forward.

2. STATE: Salton Sea Management Program

Bruce Wilcox, Assistant Secretary for Salton Sea Policy, was unable to be present. Director O'Dowd expressed his disappointment in Mr. Wilcox's absence, as he thinks it is important for the state to be present at all of our meetings. The state *has* assumed responsibility for all of these issues and he has questions. He would like to get some feedback from him.

D. Salton Sea State Recreation Area Update on Activities

Gina Moran, Sector Superintendent of California State Park, gave the update on the Salton Sea State Recreation Area activities: new exhibit in the visitor's center, bird walks, removal of a date palm so more water flows into Varner harbor, and more. She answered a previous question regarding SB 5 funding, that it is state-wide, but nothing solidified yet. She introduced Ray Lennox who will be acting superintendent at Salton Sea (present on site two to three days a week). They are both based in Borrego Springs.

E. Salton Sea Action Committee (SSAC)

Juan DeLara, President, expressed SSAC's support for the SSA taking a lead in the Salton Sea activities, programs, and plans, as they, in the private sector, are equally frustrated with the lack of progress on the state projects around the Sea.

Mr. DeLara reported on SSAC's activities – reworking their plan, looking at how to best spend their money to benefit the Salton Sea (support Prop 68 and other projects). They are involved in Tierra del Sol

Director Hanks announced upcoming Salton Sea public meetings on March 1 and March 7.

VIII. ADJOURNMENT

There being no further business, Board President O'Dowd invited a motion to adjourn.

Director Kelley so moved. Seconded by Director O'Dowd. Unanimously carried.

The meeting was adjourned at 11:30 a.m.

NEXT MEETING TIME & LOCATION:

Thursday, March 29, 2018

10:00 a.m.

Imperial Irrigation District

Bill Condit Auditorium

1285 Broadway Avenue

El Centro, CA 92243

(760) 482-9618

Warrant Register
February 1, 2018 through February 28, 2018



Warrant Date	Warrant Number	Vendor Name	Amount
02/06/2018	16355	Johnson, Phillip	-285.92
02/06/2018	16356	OfficeTeam	-6,752.68
02/06/2018	16357	Platinum Consulting Group LLC	-1,232.50
02/07/2018	EFT	American Express	-5,865.91
02/07/2018	EFT	Rabobank	50,000.00
02/23/2018	EFT	Verizon Wireless	-574.40
02/28/2018	EFT	Bank service charge	-25.00

Total \$ 35,263.59

Salton Sea Authority
Balance Sheet by Fund
As of January 31, 2018

	101 General	214 Wetlands Grant	702 Fish Clean Up Trust	TOTAL
1 ASSETS				
2 Current Assets				
3 Checking/Savings				
4 Cash - Checking	24,329	-11,916	0	12,413
5 Cash - Money Market	581,535	0	20,991	602,526
6 Cash - RivCo Fund	38,115	0	0	38,115
7 RivCo investment fund	1,031	0	0	1,031
8 Cash - Petty Cash	200	0	0	200
9 Total Checking/Savings	645,210	-11,916	20,991	654,285
10 Accounts Receivable				
11 Accounts Receivable	0	288,786	0	288,786
12 Total Accounts Receivable	0	288,786	0	288,786
13 Other Current Assets				
14 Due from Other Funds	50,934	0	0	50,934
15 Other Receivables	0	78,389	0	78,389
16 Total Other Current Assets	50,934	78,389	0	129,323
17 Total Current Assets	696,143	355,259	20,991	1,072,394
18 TOTAL ASSETS	696,143	355,259	20,991	1,072,394
19 LIABILITIES & EQUITY				
20 Liabilities				
21 Current Liabilities				
22 Accounts Payable				
23 Accounts Payable	52,153	42,797	0	94,951
24 Total Accounts Payable	52,153	42,797	0	94,951
25 Credit Cards	6,084	0	0	6,084
26 Other Current Liabilities				
27 Due to Other Funds	0	50,934	0	50,934
28 Deferred Revenue	0	105,326	0	105,326
29 Total Other Current Liabilities	0	156,260	0	156,260
30 Total Current Liabilities	58,237	199,057	0	257,294
31 Total Liabilities	58,237	199,057	0	257,294
32 Equity				
33 Fund Balance	344,966	-58,167	20,991	307,790
34 Net Income	292,940	214,369	0	507,310
35 Total Equity	637,906	156,202	20,991	815,100
36 TOTAL LIABILITIES & EQUITY	696,143	355,259	20,991	1,072,394

Salton Sea Authority
Revenue & Expenditure by Fund
July 2017 through January 2018

	101 General	214 Wetlands Grant	TOTAL
1 Ordinary Income/Expense			
2 Income			
3 Local Gov/Member Assessments	610,000	0	610,000
4 State of California Grants	0	375,924	375,924
5 Pooled Cash Allocated Interest	748	0	748
6 Miscellaneous Revenue	150	0	150
7 Total Income	610,898	375,924	986,823
8 Expense			
9 SSA ADMINISTRATION			
10 Salaries	93,037	0	93,037
11 Employee Benefits	31,353	0	31,353
12 Contract Service / Professional	111,270	0	111,270
13 Contract Attorney	7,234	0	7,234
14 Equipment Maintenance	5,590	0	5,590
15 Equipment Lease	176	0	176
16 Insurance	9,551	0	9,551
17 Office Exp/Operating Supplies	2,952	0	2,952
18 Office Exp/Online Services	770	0	770
19 Postage, Mail	444	0	444
20 Printing Services	462	0	462
21 Dues, Subscriptions	10,608	0	10,608
22 Communications	1,991	0	1,991
23 Travel/Meetings	42,520	0	42,520
24 Total SSA ADMINISTRATION	317,958	0	317,958
25 WETLANDS GRANT ADMINISTRATION			
26 Contract Svcs/Attorney	0	2,129	2,129
27 Contract Svcs/Accountant	0	14,135	14,135
28 Total WETLANDS GRANT ADMINISTRATION	0	16,264	16,264
29 WETLANDS GRANT TECHNICAL			
30 Contract Svcs/LCP	0	2,389	2,389
31 Contract Svcs/Construction	0	142,902	142,902
32 Total WETLANDS GRANT TECHNICAL	0	145,291	145,291
33 Total Expense	317,958	161,555	479,513
34 Net Ordinary Income	292,940	214,369	507,310
35 Net Income	292,940	214,369	507,310

Memorandum

To: Salton Sea Authority Board of Directors
From: Phil Rosentrater, GM/Executive Director
Date: March 29, 2018
Re: Briefing on Prop 68
CM No. V.A – 03-29-18

GENERAL:

Per request from SSA Directors, SSA staff initiated discussions with partners agencies and contractors to develop a unified message that can build public awareness regarding Proposition 68 on the June 5 statewide ballot.

If passed by the voters, Proposition 68 would provide up to \$200 million dollars for projects in the Salton Sea Management Plan, with \$30 million of that amount potentially handled directly by the SSA.

SSA staff will provide a brief presentation on the coordination of this effort.

Respectfully submitted,

Phil Rosentrater
GM/Executive Director

Memorandum

To: Salton Sea Authority Board of Directors
From: Phil Rosentrater, GM/Executive Director
Date: March 29, 2018
Re: Refining Roles, Responsibilities and Purpose of the Salton Sea Authority
CM No. VI.A – 03-29-18

GENERAL:

At the previous SSA board meeting (February 2018), the Board President with concurrence of the other board members called for a discussion to refine the roles, responsibilities and purposes of the Salton Sea Authority in light of the pressing need for implementation of the SSMP as well as the new and emerging opportunities for historic progress spearheaded with local resources.

The Salton Sea Authority and its local partner agencies have accomplished much since 2014, a year of leadership vacuum created when the Governor Brown abolished the Salton Sea Restoration Council.

The state created the Restoration Council as an interagency state working group with representation from SSA and its partner agencies as well as other stakeholders. The state-led working group actually accomplished zero work because it never held a single meeting. Governor Brown abolished the Restoration Council prior to updating the Salton Sea Restoration Act with passage of AB 71.

Realizing time is of the essence and a vacuum of leadership at the Sea is not in the interests of the local stakeholders, the SSA board on December 20, 2012, adopted a set of Guiding Principles for Legislative Action. Number one on the list of three driving principles is the directive to Assert Local Leadership."

The SSA has remained resolute in its declaration, as part of its Guiding Principles, in the necessity to "Assert Local Leadership" rather than allow external forces including the state, to dictate terms, conditions and outcomes that profoundly impact quality of life locally in addition to water security for the American southwest.

The SSA and its member agencies set aside differences and have continued to work together in a variety of joint efforts to successfully create a consensus plan for revitalization that is realistic and achievable.

The SSMP represents historic progress at the Sea -- a realistic plan, with achievable projects that are supported with approved designs and permits with funding already allocated by the state in order to begin construction. A summary report of the progress at the Sea is attached to this memo for reference. The Salton Sea has never before enjoyed this level of consensus and support for a path forward.

Local agencies, joint powers authorities and stakeholders at the Sea that have been instrumental in driving this progress forward are focused upon consolidating these gains and building greater capacity to implement the SSMP in an expeditious manner. Ongoing concerns among these stakeholders with the performance of the state in fulfilling its obligations at the Sea has given rise to discussion of ways to accelerate the sluggish pace of state progress in implementing the SSMP.

With the prospects of significant additional funding for the SSMP from pending park and water bonds, Salton Sea Authority Directors have expressed interest in empowering the SSA in relationship with the state in order to accelerate SSMP implementation.

Under existing law -- the Salton Sea Restoration Act (AB 71 -- Perez) -- the Secretary of CNRA is required to lead Salton Sea restoration efforts in consultation and coordination with the Salton Sea Authority. Among other provisions, the Act also authorizes the Salton Sea Authority to lead a feasibility study, in coordination and under contract with the Secretary of CNRA. As a direct result of this Act and modest funding (\$2 million) under contract with the state, the SSA successfully delivered to the state -- on time and under budget -- a Financial Feasibility Action Plan as called for in AB 71.

This FFAP formed the basis of the state's Salton Sea Management Plan and the first phase of projects known as the 10 Year Plan which will launch the SSMP.

The local governments comprising SSA as well as the members of the QSA JPA have been engaged with the state in order to drive progress and state accountability at the Sea.

The state further refined the SSA's Financial Feasibility Action Plan to establish a first phase of projects that can be accomplished within the next decade.

After decades of neglect, the state of California has finally proposed a plan to mitigate the negative environmental and human health impacts at the Salton Sea related to reduced water flows and rising salinity levels. The state plan, known as the Salton Sea Management Plan (SSMP), is a minimalist approach designed to require the least amount of water and funding in order to address the state's legal obligations established when the state brokered a 2003 regional water rights settlement on the Colorado River known as the Quantitative Settlement Agreement (QSA).

Concurrent with the SSMP, in November 2017 the State Water Resources Control Board committed in a Stipulated Order to accomplish certain milestones in this plan critical to demonstrating performance in good faith. Stakeholders at the Sea are increasingly concerned that time is again slipping by without significant progress from the state even as the state consumes millions of dollars intended to implement tangible projects as called for in the SSMP and Stipulated Agreement.

In contrast, the Salton Sea Authority (SSA) continues to successfully deliver its projects and assignments at the Salton Sea on time and under budget. In fact the SSA, as lead agency in partnership with the Torres Martinez Tribe, has successfully delivered the very first state funded project at the Salton Sea -- a small but functional wetlands on the northern portion of the Sea.

Also in contrast to the sluggish state performance at the Sea, a joint powers authority for the QSA (involving San Diego County Water Authority, Coachella Valley Water District, and Imperial Irrigation District in partnership with the state) has dutifully executed its obligations under the QSA.

Previous state tinkering with enhanced governance, with the exception of AB 71, has not turned out well. The state proposed a Salton Sea Restoration Council dominated by the state agencies. This was proposed years ago in a Senator Ducheny bill. The Salton Sea Commission never met, and was subsequently abolished by Governor Brown.

By contrast, SSA is comprehensive, yet nimble. It is comprised of the essential land use agencies, water supply agencies and major land-owning entities at the local level that are essential for the development of actionable plans and projects. In terms of costs to implement projects, the SSA is order of magnitude more efficient than the state.

Most important, the SSA actually delivers results when state funds have been invested with this entity. The SSA is the only agency in recent memory that has repeatedly delivered on time and under budget on Salton Sea projects under contract with the state. The fundamental challenge for the SSA is centered less on its fundamental mission and governance or ability to perform. Rather, the central challenge is access to planning decisions and control of funding to implement projects in partnership with the state as called for in AB 71 (Perez).

Respectfully submitted,

Phil Rosentrater
GM/Executive Director, Salton Sea Authority

Summary Report of Historic Events, State and Federal Legislative Actions Impacting Salton Sea

March 29, 2018



Table of Contents

(All items in each section in order by date)

- ***Executive Summary: Pages 2-3***
- ***Salton Sea historical events predating the (SSA): Pages 3-5***
- ***1993: Salton Sea Authority formed/ legislation and agreements Pages 5-6***
- ***Other Legislation and Agreements of Importance to the Salton Sea: Pages 6-12***

Executive Summary

The Salton Sea Authority (SSA) is a Joint Powers Authority formed in early 1990s to lead a collaborative effort to address challenges at the Sea. As articulated in the foundational documents of the JPA, the purpose of the SSA is:

“to ensure continued beneficial uses of Salton Sea, including its primary purpose as a depository for agricultural drainage, storm-water and wastewater flows, together with protection for endangered species, fisheries, water fowl, and recreation.”

At the time of its creation, the principle concern was rising salinity concentration impacting the ecology of the Sea and the Pacific Flyway. The SSA was funded largely by the federal government and completed a number of pilot projects.

In the early 2000s, the SSA participated forcefully in the State Water Resource Control Board QSA hearings to insist that the state accept responsibility for restoring and mitigating impacts to the Sea. The original QSA agreements largely ignored the Sea. In the subsequent QSA agreements and accompanying legislation, the State took ultimate responsibility for mitigating impacts to the Sea resulting from the QSA.

In the mid-2000s as the state prepared its restoration plan, the SSA developed and advocated for a comprehensive solution. The state’s effort resulted in a plan that was considered infeasible, and the state’s interest in the Sea waned. The SSA continued to lobby for a comprehensive solution. In the early 2010s, the SSA pushed hard to re-engage the state. A turning point came in legislation authored by Assemblyman Perez when the SSA was named to conduct a comprehensive feasibility analysis “in cooperation and consultation” with the state. The SSA’s analysis, completed on time and under budget, served as the foundation for the state’s Salton Sea Management Plan and the current subset of projects known as the 10 Year Plan.

In addition to participation in developing the state’s 10-year plan, the SSA has completed important wetlands projects. SSA served as lead agency in partnership with the Torres Martinez Tribe to deliver – yet again, on time and within budget -- the first state-funded project ever to become fully functional at the sea.

The primary goal of SSA has been to develop consensus among its member agencies for a shared vision for the Sea and to forge a cohesive local voice for revitalization of the Sea in concert with state and federal partners. Experience has shown that unless the local entities speak with one voice, they are largely ignored individually. Outside agencies use the lack of agreement among the locals as an excuse to avoid commitment of resources needed to accomplish progress at the Sea.

The SSA Board of Directors recognized that it is incumbent upon the members of the SSA to Assert Local Leadership (Principle #1 in the SSA board-adopted “Guiding Principles”) in order to define and achieve consensus supporting a comprehensive vision of a revitalized Salton Sea in terms that respect local priorities.

The SSA and its partners have achieved historic consensus on the start of a comprehensive vision for the Sea – a 10 Year Plan with real projects that are designed and permitted, with enough funding to begin construction. There is yet additional consensus on the fact that this long-awaited start is at last a credible start but by no means a final plan; and that the SSA must continue to engage in principled discussion to define its purpose, role and responsibilities in leading progress at the Salton Sea.

Salton Sea historical events predating the (SSA):

- **700 A.D.:** Lake Cahuilla arises in the Salton Sink when the Colorado River silts up its normal egress to the Gulf of California and swings northward through two overflow channels. Lake is subjected to wet and dry climatic cycles over intervening years, filling up and drying out four times.
- **1774:** Spanish make first contact with the Cahuilla people, ancestors of present day Torres Martinez Desert Cahuilla Indians. There are 6,000 members of the tribe.
- **1840:** Colorado River flooding recorded to the Salton Sink. New River possibly formed at this time.
- **1849:** ‘49ers begin crossing Imperial Valley on their way to California gold fields, crossing the mountains via Carriso Creek and Warner’s Hot Springs.
- **1853:** Imperial Valley recognized as potential desert “garden spot” if it can be adequately irrigated.
- **1876:** U.S. Government establishes Torres Martinez Desert Cahuilla Indian Reservation with a grant of 640 acres.
- **1891:** 20,000 acres of land on the northern side of the Salton Sink are withdrawn from public use for the Torres Martinez Band of Desert Cahuilla Indians.
- **1901:** Imperial Canal brings water from the Colorado River to the Imperial Valley.
- **1904:** Silt blocks the Imperial Canal preventing it from supplying water to the Imperial Valley.
- **1905:** Temporary diversion of the Colorado River, constructed to replace water from the blocked canal, is breached by floodwaters. River changes course and flows into Salton Sink.

- **1907:** Floodwaters continue to fill Salton Sea until in February Southern Pacific Railroad closes the river breach.
- **1909:** Thinking the Salton Sea would be gone by the 1920s, the U.S. Government reserves in trust an additional 10,000 acres of land under the sea for the benefit of the Torres Martinez Band.
- **1911:** Imperial Irrigation District formed; discussions begin promoting a new canal to supply water to the Valley.
- **1924:** President Coolidge issues an executive order setting aside lands under the Salton Sea as a permanent drainage reservoir.
- **1928:** Congress authorizes construction of Boulder Dam and the All-American Canal that will result in control of the Colorado and elimination of flooding.
- **1930:** Salton Sea Wildlife Refuge established for protection of ducks, geese and shore birds under Executive Order 5498 (President Hoover).
- **1942:** The All-American Canal begins supplying water to Imperial Valley.
- **1948:** The Coachella branch of the canal begins carrying water to Coachella Valley.
- **1955:** Salton Sea State Park dedicated; at the time the second largest state park in California.
- **1958:** M. Penn Phillips Co., a subsidiary of Holly Corp., maps out a community on the West Shore of Salton Sea, calling it Salton City.
- **1960:** North Shore Beach and Yacht Club Estates opened on North side of Sea.
- **1961:** The California Department of Fish and Game predicts the Salton Sea will eventually die because of increasing salinity levels by 1980 or 1990.
- **1976:** California Constitution Article X, Section 2 added stating “Water resources of the State be put to beneficial use to the fullest extent of which they are capable.”
- **1976:** Tropical storm Kathleen sweeps through Imperial Valley, flooding farmland and increasing level of Salton Sea. Above average rainfall for the next seven years, along with increased agricultural runoff and increased flows from Mexico, cause flooding of shoreline resorts.

- **1977:** Tropical storm Doreen sweeps through Imperial Valley, the second “100-year storm” in two years.
- **1984:** State Water Resources Control Board determined (Decision 1600) water loss could be prevented through reasonable conservation measures; IID developed comprehensive water conservation plan
- **1988:** State Water Resources Control Board set a long-term conservation goal at 367,900 AF (WRO 88-20), endorsed the idea of conserved water transfer from IID to MWD, and acknowledged unavoidable adverse impacts to the Salton Sea
- **1988:** Salton Sea Task Force formed. It is the forerunner of the Salton Sea Authority, consisting of representatives from local government agencies.
- **1992:** 150,000 eared grebes die on Salton Sea, capturing national attention. Congress then passed the Reclamation Projects Authorization and Adjustment Act (Public Law 102-575) which directed the Secretary of the Interior to “conduct a research project for the development of a method or combination of methods to reduce and control salinity, provide endangered species habitat, enhance fisheries, and protect human recreational values at the Salton Sea.”

(1993) Salton Sea Authority formed in a joint powers agreement among the counties of Riverside and Imperial as well as the Coachella Valley Water District and the Imperial Irrigation District.

- **Purpose of SSA written in the (JPA):** The purpose of the Agreement is to create a public agency to exercise the common power of directing and coordinating actions relating to improvement of water quality and stabilization of water elevation and to enhance recreational and economic development potential of the Salton Sea and other beneficial uses, recognizing the importance of the Salton Sea for the continuation of the dynamic agricultural economy in Imperial and Riverside Counties. *(JPA agreement at the end of the binder for reference)*
- **SB 223 (Kelley) 1999 “Infrastructure financing: Salton Sea Authority” Chapter 59:** This bill authorizes the Salton Sea Authority, a joint powers authority, to utilize this law to form an infrastructure financing district to fund the construction of, and purchasing electrical power for, projects for the reclamation and environmental restoration of the Salton Sea.

Section 53395.9 is added to the Government Code, to read:

(a) The Salton Sea Authority, a joint powers authority formed by the County of Imperial, the County of Riverside, the Coachella Valley Water District, and the Imperial Irrigation District, may use the provisions of this chapter to form an infrastructure financing district for the purpose of funding the construction of, and purchasing electrical power for, projects for the reclamation and environmental restoration of the Salton Sea. To the extent of any conflict, the provisions of this section shall prevail over any other provision of law. Any district formed pursuant to this section shall be known as “The Salton Sea Infrastructure Financing District.”

(b) For purposes of this chapter, the Salton Sea Authority is a “city.”

(c) The Salton Sea Infrastructure Financing District may exist for up to 40 years from the date of its formation.

(d) No public funds accruing to the Salton Sea Authority pursuant to this section shall be utilized for purposes of treating or making potable, agricultural tailwaters flowing into the Salton Sea.

- **AB 959 (Kelley) 2002 “Joint powers agreements: Salton Sea Authority” Chapter 19:** This bill authorizes the Torres Martinez Desert Cahuilla Indians to enter into a joint powers agreement to participate in the Salton Sea Authority. The bill also provides that on and after January 1, 2002, the Authority shall not have the power to authorize or issue bonds pursuant to the Marks-Roos Local Bond Pooling Act of 1985 unless the funded public improvements will be owned and maintained by the Authority or one or more public agency members and the revenue streams pledged to repay the bonds derive from the authority or one or more of its public agency members.
- **AB 71 (Perez) 2013 “Salton Sea Restoration” Chapter 402:** This bill requires the Secretary of the Natural Resources Agency, in consultation and coordination with the Salton Sea Authority, to lead Salton Sea restoration efforts. This bill authorizes the Authority to lead a restoration funding and feasibility study, in consultation with the agency, as prescribed. This bill also requires the secretary to seek input from the Authority with regard to specified components of restoration of the Salton Sea.
- **(2014) MOU between Dept. of Interior and (SSA):** Through this MOU DOI and SSA committed to sharing available technical and scientific information and expertise, for the purpose of collaboration in connection with actions affecting resources at the Sea, and identification of opportunities for practical and implementable projects for mitigation and improvement of conditions in and around the Sea.
- **S. 612 (Cornyn) 2016 “WIIN Act” Public Law No: 114-322:** Maintained (WRDA) 2007 funding authorization for the Sea, and specifically designated the SSA as a

preferred partner for the funding agreements to be established with the Army Corps of Engineers.

Other Legislation and Agreements of Importance to the Salton Sea:

- **The Salton Sea Reclamation Act of 1998 (Public Law 105-372):** Directed the Secretary of the Interior, through Reclamation, to study options for managing the salinity and elevation of the Sea to preserve fish and wildlife health and to enhance opportunities for recreation use and economic development while continuing the Sea's use as a reservoir for irrigation drainage. Reporting requirements of the Act were met in January 2000, when the Department forwarded a draft EIS/EIR and several other reports to Congress.
- **Prop 50: The California Water Security, Clean Drinking Water, Coastal and Beach Protection Act of 2002:** Under SB 71: Resources Chapter 81 (2005), bill requires that \$12,000,000 be made available from that continuously appropriated fund (Water Security, Clean Drinking Water, Coastal and Beach Protection Fund of 2002) for transfer or direct expenditure for acquisition, grants, or other activities that directly restore the Salton Sea and its transboundary watersheds.
- **Quantification Settlement Agreement (2003):** After prolonged negotiations between the federal government and the water districts that have a right to Colorado River water within the state, a series of agreements were made between the federal government, the State of California, the Imperial Irrigation District (IID), Metropolitan Water District of Southern California (MWD, the Coachella Valley Water District, and the San Diego County Water Authority. These agreements are known collectively as the Quantification Settlement Agreement (QSA). Under the QSA and in conjunction with laws enacted by the Legislature, the various users of Colorado River water within the state agreed to reduce their use to the allowed 4.4 million acre-feet per year over several years. The agreements include a water transfer between IID and other Southern California water districts of up to 300,000 acre-feet per year for at least 35 years and the lining of the All-American Canal to save an estimated 77,000 acre-feet per year. By transferring water out of the Imperial Valley, the QSA water transfer will reduce the amount of water available for agricultural use in the Valley. In turn, this will reduce the amount of water flowing into the Sea—further increasing salinity and causing the Sea's shoreline to recede.
- **Legislation enacted in order to facilitate the implementation of the Quantification Settlement Agreement (QSA):**
 - **SB 277: 2003 (Ducheny) Chapter 611:** Provides that the “Preferred Alternative” (the designated plan for restoring the Salton Sea) developed by the Secretary for

Resources provide the maximum feasible attainment of: (1) the restoration of the long-term stable aquatic and shoreline habitat for the historic levels and diversity of fish and wildlife that depend on the Sea, (2) the elimination of air quality impacts from the restoration project, and (3) the protection of water quality.

Creates the Salton Sea Restoration Fund (with various potential sources of money for the fund).

Allows the Department of Water Resources to engage in future water transfers to achieve the goals of the restoration.

Requires the Department of Food and Agriculture to report on the third-party impacts of the water transfer between Imperial Irrigation District (IID) and the San Diego County Water Authority.

- **SB 317: 2003 (Kuehl) Chapter 612:** Allows the Department of Fish and Game to authorize the “incidental take” of fully protected species resulting from the impacts of the QSA, including the water transfer.

Allows for two additional water transfers from IID to the Metropolitan Water District of Southern California (Met) of 800,000 acre-feet each, the proceeds of which would go towards the restoration effort (often referred to as the “(c)(1)” and “(c)(2)” water).

Requires the Secretary for Resources to develop a Preferred Alternative, in consultation with the appropriate state agencies, local agencies, and the Advisory Committee. The study shall be submitted to the Legislature by December 2006. (The Preferred Alternative was submitted by the Secretary to the Legislature in May 2007.)

Relieves IID of any liability from reduced inflows to the Sea due to any required water conservation efforts.

Establishes an ecosystem restoration fee to be assessed on any future, non-QSA related water transfers out of IID’s service area.

- **SB 654: 2003 (Machado) Chapter 613:** Extends the time to spend a prior-year appropriation of \$235 million for the lining of the All-American Canal (including the Coachella Branch) and groundwater recharge projects, with the conserved water going to Metropolitan Water District.

Creates a joint powers authority with the Department of Fish and Game and several local agencies in order to finance environmental mitigation costs relating to the QSA.

Requires that costs up to \$133 million for mitigation of negative impacts of the QSA water transfer shall be paid by IID, Coachella Valley Water District, and the San Diego County Water Authority and that \$30 million shall be paid by the same agencies to the Salton Sea Restoration Fund. No further funding requirements for the restoration of the Sea by these agencies is required and all future costs to mitigate the impacts of the water transfer and restore the Sea shall be the state's responsibility.

- **SB 1214: 2004 (Kuehl) Chapter 614:** Requires that the financing plan developed by the Secretary for Resources consider funds that are, or may be available, including the Salton Sea Restoration Fund, bond funds, federal funds, money available from an infrastructure financing district, and user or other fees.

Directs the Secretary for Resources to assess the protection of recreational opportunities and the creation of improved local economic conditions surrounding the Sea. However, recreation and economic development would not be considered restoration goals on par with the previously stated goals of wildlife habitat, air quality, and water quality protection.

Broadens the scope of the restoration plan to include the agricultural lands surrounding the Sea and the tributaries and drains that provide water to the Sea.

- **H.R.2828: 2004 (Calvert) Water Supply, Reliability, and Environmental Improvement Act, Public Law No: 108-361:** (Sec. 201) Directs the Secretary of the Interior, by December 31, 2006, in coordination with the State and the Salton Sea Authority, to complete a feasibility study on a preferred alternative for Salton Sea restoration.
- **H.R.1495: 2007 (Oberstar) Water Resources Development Act of 2007, Public Law No: 110-114: (Sec. 3032):** \$30 million in federal funding for Salton Sea restoration authorized for appropriations, for pilot projects at the Sea. \$5 million max for each project. Before carrying out a pilot project under this section, the Secretary of the Interior shall enter into a written agreement with the State that requires the non-Federal interest for the pilot project to pay 35 percent of the total costs of the pilot project. No appropriations were ever made through this WRDA provision, but Congress re-authorized this in 2016 under the WIIN Act, while also designating the Salton Sea Authority as the preferred non-federal partner.

- **Prop 84: The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006:** Proposition 84 funds are deposited into SSRF (Salton Sea Restoration Fund) and are being used for a number of different things that involve the Salton Sea. To date the State declares in their SSMP 10-year plan that approximately \$21 million has been received from Prop 84.
- **SB 51: 2010 (Ducheny) “Salton Sea Restoration Council” Chapter 303:** This bill establishes the Salton Sea Restoration Council as a state agency in the Natural Resources Agency to oversee the restoration of the Salton Sea. For the purpose of developing a restoration plan, the bill requires the council to evaluate Salton Sea restoration plans and, by June 30, 2013, report to the Governor and the Legislature with a recommended Salton Sea restoration plan.

The bill prescribes requirements relating to the composition and administration of the council. The council is required to include an executive committee, a science committee, a local government forum, and a stakeholder forum, as specified. The executive committee is required to serve as the governing body of the council and provide guidance and oversight on behalf of the restoration program.

The bill also requires the Department of Fish and Game and the Department of Water Resources to implement specified activities relating to the restoration of the Salton Sea. The bill requires the Department of Fish and Game and the Department of Water Resources to provide staff services that the council requires to carry out its activities and requires the directors of these departments to enter into interagency agreements with other state agencies to provide staff services.

The Salton Sea Restoration Council never met and was later abolished by Governor Jerry Brown. Governance of the Salton Sea restoration activities was subsequently defined by AB 71 (Perez) which requires the Secretary of the Natural Resources Agency, in consultation and coordination with the Salton Sea Authority, to lead Salton Sea restoration efforts.

- **2014 California State Water Bond (Proposition 1):** \$80.5 million of this water bond was allocated in the 2016 governor’s budget for projects at the Salton Sea.
- **AB 1095: 2015 (Garcia) “Salton Sea: restoration projects” Chapter 722:** This bill required that, on or before March 31, 2016, the Natural Resources Agency to submit to the Legislature a list of shovel-ready, as defined, Salton Sea restoration projects, including information regarding project costs and project completion timelines.

Not only did this lead to that submittal of shovel ready projects, it also prompted Governor Edmund G. Brown Jr.’s Salton Sea Task Force, created in May 2015, which has directed agencies to develop a comprehensive management plan for the Sea that will:

- Meet a short-term goal of 9,000 acres to 12,000 acres of habitat and dust suppression projects, and
- Set a medium-term plan to construct 18,000 acres to 25,000 acres of habitat and dust suppression projects.
- **(2016) MOU between Dept. of Interior and California Natural Resources Agency:** Through this MOU the DOI and CNRA recognize the unique roles of the tribes around the Salton Sea as well as the local governments, non-profits, philanthropic, and academic institutions as having jurisdiction, resources, decision making roles, and common interests at the Sea, and will be essential to include in consultation and coordination with any plans affecting the Sea.

The MOU also pledges from the DOI: \$20 million to operation and maintenance with the SSMP, \$10 million for state managed monitoring of SSMP projects, USGS scientific and technical support and input, as well as consideration of a pilot project under phase 2 of the Colorado River Basin Study to continue the ongoing innovative and collaborative efforts underway at the Sea to increase security for California's Colorado River water supplies, consistent with DOI's efforts to increase security for other Basin States' water supplies.

- **SB 1416: 2016 (Stone) "Voluntary contribution: Revive the Salton Sea Fund"**
Chapter 219: Created a Revive the Salton Sea Fund allowing voluntary designation of personal income tax refunds to be deposited in the Revive the Salton Sea Fund. Contributions will be allocated to the Natural Resources Agency for distributions of competitive grants to provide funds or supplement funding of the state, county and local agencies, nonprofit, and projects identified as necessary for the restoration and maintenance of the Salton Sea and to develop a mechanism to provide ongoing public awareness, as specified.

The contributions to the fund shall be used for the following items: (1) Programs to create statewide public awareness and grassroots support for the restoration of the Salton Sea. (2) Programs to engage the public through promotion and education about the Salton Sea. (3) Current and future projects identified as necessary for restoration and maintenance of the Salton Sea, including projects identified by the Salton Sea Authority.

- **SB 839: 2016 "Public resources" Chapter 340:** Authorizes the Department of Water Resources to use design-build procurement for projects at the Salton Sea. Design build authorization means that the Department of Water Resources would be able to utilize a single contractor who would then themselves contract with the designer and builder at the beginning of the process.

- **SB 615: 2017 (Hueso) “Salton Sea restoration” Chapter 859:** This bill specifies that any barrier in the Salton Sea within or below a certain elevation would not be considered a dam and would provide that the construction of facilities to separate fresh water from highly saline water for the purposes of implementing restoration activities pursuant to the act shall not be subject to review, approval, inspection, or fees associated with certain laws relating to dams and reservoirs.

The bill also renames the state’s comprehensive management plan for the Salton Sea the “John J. Benoit Salton Sea Restoration Plan,” and would recognize the State Water Resources Control Board’s role in the restoration of the Salton Sea.

- **(2017) State Water Resources Control Board agreement (WRO 2002-0013):** The agreement, initiated by Imperial Irrigation District, Imperial County, and San Diego County Water Authority, brings greater assurance of state commitment to live up to its responsibilities under previously negotiated water transfer agreements and state law. The new agreement lays out specific yearly acreage goals for the state’s Salton Sea Management Program (SSMP) as well as defining the State Board’s oversight role in the process. The (WRO 2002-0013) also calls for the development of a long-term plan for the Sea by at least 2022.
- **SB 5: 2017 (De Leon) California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access for All Act of 2018, (Subsequently designated as Proposition 68 for the June 5, 2018 statewide ballot):** SB- 5 authorizes the issuance of \$4 billion in State General Obligation bonds to finance parks, water, climate adaptation, coastal protection, and outdoor access programs. This bond is to be placed on the June 5th, 2018 statewide primary direct election as Proposition 68. If Prop 68 passes it will redirect unused/unclaimed bond funds from older bonds into programs in this bond, specifically \$200 million to be available to the Natural Resources Agency for implementation of voluntary agreements if certain state projects have not submitted on or before June 1, 2018.

Of note for the SSA this bond would specifically grant \$30 million to the Salton Sea Authority. Of this amount, not less than \$10 million shall be available for purposes consistent with the New River Water Quality, Public Health, and River Parkway Development Program. Also, of note this bond would make available \$170 million to the Natural Resources Agency for restoration activities identified in the Salton Sea Management Program Phase I: 10 Year Plan.



APPENDIX

**JOINT POWERS AGREEMENT
CREATING THE
SALTON SEA AUTHORITY**

THIS JOINT POWERS AGREEMENT ("Agreement") is made and entered into by and between the following public agencies:

- A. County of Imperial
- B. County of Riverside
- C. Coachella Valley Water District
- D. Imperial Irrigation District
- E. Torres Martinez Desert Cahuilla Indians

REVISED December 2003

(The above are individually and collectively referred to herein as the "PARTY" or "PARTIES", "MEMBER" or "MEMBERS", or "MEMBER AGENCY" or "MEMBER AGENCIES".)

PREAMBLE

WHEREAS, 8000 square miles in Riverside, Imperial, and San Diego Counties and the Republic of Mexico drain to the Salton Sink, the natural low point which is located approximately 278 feet below sea level; and

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WHEREAS, over the eons, the Colorado River has broken from its course to the Gulf of California and flooded the Salton Sink, creating an inland fresh water sea known as Lake Cahuilla; and

WHEREAS, when the Colorado River reestablished its flow to the Gulf of California, isolating the inland sea from a significant source of fresh water inflow, the Lake Cahuilla (Salton Sea) receded and dried, creating a salt sink; and

WHEREAS, in 1905, the Colorado River again broke into the Salton Sink, recreating the Salton Sea; and

WHEREAS, in 1907, through the efforts of the early pioneers, the Colorado River was returned to its channel flowing to the Gulf of California again isolating the Salton Sea; and

WHEREAS, the Salton Sea re-dissolved the salts from the salt sink and became as salty as the ocean by 1920; and

WHEREAS, the Salton Sea receded until reaching equilibrium with the agricultural drainage, storm-water and wastewater flows from the Imperial, Coachella and Mexicali Valleys; and

WHEREAS, the equilibrium has resulted in changes in the elevation and the salinity of the

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Salton Sea as the sea has no outlet other than evaporation and is dependent on the agricultural, storm-water and wastewater flows for its existence; and

WHEREAS, fishery and wild fowl habitat have developed as a result of the water body created by these agricultural drainage, storm-water and wastewater flows, which have created substantial benefits for fish and wild fowl; and

WHEREAS, recreational activities, including fishing, boating and water sports, have developed as result of the water body created by these agricultural drainage, storm-water and wastewater flows; and

WHEREAS, these conditions have resulted in the development of land and commercial activities around the Sea, creating an economy benefiting Imperial and Riverside Counties, the State of California and the United States; and

WHEREAS, the Salton Sea provides tremendous recreational opportunities and environmental benefits to the State of California, the United States, and to the Republic of Mexico; and

WHEREAS, the elevation of the Salton Sea varies as a result of changes in inflows and weather conditions; and

WHEREAS, the salinity of the Salton Sea is currently at 44,000 ppm, which is threatening

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the continued reproduction of fish in the Salton Sea.

THEREFORE, there exists a need for a local agency to work with the State of California, the federal government, and the Republic of Mexico in the development of programs to ensure continued beneficial uses of the Salton Sea, including its primary purpose as a depository for agricultural drainage, storm-water and wastewater flows, together with protection of endangered species, fisheries, water fowl, and recreation.

RECITALS

- A. WHEREAS, each of the PARTIES herein is a public agency and each is authorized and empowered to contract with all the other parties for the joint exercise of powers under Article I and II, Chapter 5, Division 7, Title 1 (commencing with Section 6500) of the California Government Code; and
- B. WHEREAS, each of the PARTIES to this Agreement has the authority and power to direct and coordinate actions relating to improvement of water quality and stabilization of water elevation and to enhance recreational and economic development potential of the Salton Sea and to create a separate public agency to carry out such activities; and
- C. WHEREAS, the PARTIES recognize the immediate necessity for coordinated planning, and in the future for construction, operation, and maintenance of works and facilities for optimizing the beneficial uses of the

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Salton Sea; and

- D. WHEREAS, the continued use of the Salton Sea as a repository for agricultural runoff is a beneficial service to the Imperial Valley, Mexicali Valley and Coachella Valley; and
- E. WHEREAS, the continued use of the Salton Sea as a natural catch basin is beneficial for several thousand square miles of storm runoff in eastern San Diego County, southern Riverside County, the majority of Imperial County, and a major portion of northeastern Baja California; and
- F. WHEREAS, the control of the problems related to the Salton Sea are of regional, state and international significance beyond the capacity of any local agency.

COVENANTS

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES OF THE PARTIES HERETO, AND THE PROVISIONS, CONDITIONS AND TERMS PROVIDED FOR HEREIN, THE PARTIES AGREE AS FOLLOWS:

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ARTICLE I

CREATION AND PURPOSES

1.1 Creation of Public Agency.

There is hereby created a public agency to be known as the "Salton Sea Authority" (hereinafter referred to as the "Authority"). The Authority is formed by this Agreement pursuant to the provisions of Articles I and II, Chapter 5, Division 7, Title 1 (commencing with Section 6500) of the Government Code of the State of California. It is the intent of the PARTIES that the Authority shall be a public agency separate and apart from any PARTY.

1.2 Purpose.

The purpose of the Agreement is to create a public agency to exercise the common power of directing and coordinating actions relating to improvement of water quality and stabilization of water elevation and to enhance recreational and economic development potential of the Salton Sea and other beneficial uses, recognizing the importance of the Salton Sea for the continuation of the dynamic agricultural economy in Imperial and Riverside Counties. The purpose of this Agreement shall be accomplished and said power exercised in a manner hereinafter set forth, subject, however, to such restrictions as are applicable to Coachella Valley Water District in the manner of exercising such powers, as required by Government Code Section 6509.

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ARTICLE II

POWERS OF THE AUTHORITY

2.1 The Authority shall have the power common to the PARTIES to do any and all of the following:

- A. To make and enter into contracts, leases and other agreements, including contracts with federal, state and other governmental agencies;
- B. To employ agents, employees, consultants, advisors, independent contractors and other staff;
- C. To incur debt, liabilities and obligations;
- D. To acquire, hold or dispose of property by eminent domain, lease, lease purchase or sale;
- E. To acquire, construct, manage, maintain and operate any buildings, works or improvements;
- F. To sue and be sued in its own name, except that the Authority shall not sue its own MEMBERS;
- G. To raise revenue, to levy and collect rates, fees and charges, and to issue bonds, notes, warrants and other evidences of indebtedness to finance costs and expenses incidental to the purpose of the Authority. All such levies, fees and charges shall be approved by a unanimous vote of the Board of Directors;

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- H. To designate committees of the Board of Directors of the Authority to serve at the pleasure of the Board of Directors, and to prescribe the manner in which proceedings of such committees shall be conducted;
- I. To invest surplus funds pursuant to Government Code Section 6509.5 or any other applicable State law; and
- J. To undertake projects, singularly or in cooperation with other agencies.

These projects may relate to:

- (1) surface elevation of the Salton Sea;
- (2) salinity of the Salton Sea;
- (3) fish and wildlife of the Salton Sea;
- (4) public recreation facilities and opportunities;
- (5) protection and enhancement of water quality in the Salton Sea;
- (6) reduction or elimination of threats to public health, safety and welfare;
- (7) conservation of water;
- (8) encouragement of compatible planning and development adjacent to and in proximity of the Salton Sea;
- (9) establishment of on-going maintenance and operations programs to accomplish the purposes of the Authority;
- (10) management of by-products resulting from projects undertaken by the Authority including the beneficial reuse of these by-products; and
- (11) acquisition of sufficient revenues to retire debt and to fulfill the

financial obligations of the Authority.

- 2.2 The Authority shall exercise its powers and achieve its purpose within the geographical area depicted on Exhibit "A". The boundaries of such geographical area may be amended by the PARTIES.

REVISED DECEMBER 2003

- 2.3 The PARTIES acknowledge and agree that the Authority shall not exercise the land use powers presently held by the County of Imperial and the County of Riverside and that such powers shall be retained by them.

ARTICLE III

EFFECTIVE DATE

- 3.1 This Agreement shall become effective and the Authority shall be created as of the date on which all of the PARTIES to this Agreement have approved and executed this Agreement.
- 3.2 In the event any additional public agency becomes a MEMBER of the Authority after its formation, all of the existing MEMBERS and the prospective MEMBER shall execute a memorandum specifying the obligations of the prospective MEMBER for contributions towards past or present Authority expenditures.

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ARTICLE IV

GOVERNING BODY

- 4.1 This Agreement and the Authority created hereby shall be administered by the Board of Directors of the Authority. All of the power and authority of the Authority shall be exercised by the Board of Directors, subject, however, to the reserved rights of MEMBER AGENCIES with regard to approval of proposed budgets and assumption of financial obligations.
- 4.2 The Member AGENCIES of the Authority, Imperial County, Riverside County, Imperial Irrigation District, and Coachella Valley Water District shall each have two votes, which may be cast by one MEMBER.
- 4.3 In order to assist in coordinating the duties and the activities of the Authority with other governmental entities, the following may be ex-officio (non voting) MEMBERS of the Authority:
- A. Coachella Valley Association of Governments (CVAG)
 - B. Imperial Valley Association of Governments (IVAG)
 - C. Southern California Association of Governments (SCAG)
 - D. California State Secretary of Resources
 - E. California Department of Fish and Game (CDFG)

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REVISED December 2003

Other ex-officio members may be added by a unanimous vote of the Board of Directors.

- 4.4 Each MEMBER of the Board of Directors shall serve at the pleasure of the appointing MEMBER AGENCY.

ARTICLE V

OFFICERS

- 5.1 The officers of the Board of Directors shall be selected from the Authority's voting membership, including a President, Vice-President, and Secretary.
- 5.2 The officers of the Authority, as selected by the Board of Directors, shall be:
- A. The Treasurer of the Authority shall be the treasurer of Riverside County, who shall be the depositary and have custody of all money of the Authority from whatever source, provided that the Board of Directors may at any time select another treasurer.
 - B. The Controller of the Authority who shall draw all warrants to pay demands against the Authority approved by the Board.

REVISED May 2001

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- 5.3 The Treasurer and the Controller shall comply with all duties imposed under Article 1, Chapter 5, Division 7, Title I, of the California Government Code commencing with Section 6500.
- 5.4 The public officer, officers or persons who have charge of, handle or have access to any property of the Authority shall file an official bond in an amount to be fixed by the Board of Directors.
- 5.5 All of the privileges and immunities from liability, exemption from laws, ordinances and rules, all pension, relief, disability, workers compensation, and other benefits which apply to the activity of officers, agents, or employees of any of the MEMBERS when performing their respective functions shall apply to them to the same degree and extent while engaged in the performance of any of the functions and other duties under this Agreement. None of the officers, agents, or employees appointed by the Board of Directors shall be deemed, by reason of their employment by the Board of Directors, to be employed by any of the MEMBERS or, by reason of their employment by the Board of Directors to be subject to any of the requirements of such MEMBERS.

ARTICLE VI

BYLAWS

JUNE 2, 1993

- 6.1 The Board of Directors shall adopt, from time to time, such rules, regulations and bylaws for the conduct of its affairs as may be required.

ARTICLE VII

SPECIFIC PROJECTS

- 7.1 For matters not deemed to be of general benefit to all PARTIES, the Authority shall function through the identification and implementation of "specific projects." A specific project may involve less than all of the MEMBERS of the Authority, provided that no MEMBER shall be involved without its approval. A separate project budget and written agreement of the PARTIES who consent to participation in a specific project shall be established for each specific project, which budget and agreement shall determine the respective obligations, functions and rights of the MEMBERS involved, and of the Authority. The MEMBERS of the Board of Directors representing the MEMBER AGENCIES who will be involved in financing and implementing the specific project shall be and constitute a "Project Committee" of the Authority for purposes of administration and implementation of the specific project. All "specific projects" shall be approved by a majority vote of the Board of Directors.

ARTICLE VIII

REVENUE BONDS

- 8.1 The Authority shall have the power and authority to issue Revenue Bonds in accordance with State law, Government Code Section 6515.

ARTICLE IX

PROPERTY RIGHTS

- 9.1 To the extent that any funds received by the Authority from any MEMBER are used for the acquisition or construction of assets, the same shall be allocated annually on the books of the Authority to the credit of the said contributing MEMBER.

ARTICLE X

ADMISSION AND WITHDRAWAL OR DISSOLUTION

- 10.1 Admission to Authority.

It is recognized that public entities, other than Imperial and Riverside Counties, the Coachella Valley Water District and the Imperial Irrigation District, may wish to participate in the Salton Sea Authority. Additional public entities may become parties to this Agreement, subject to the terms and conditions as provided by this Agreement and the Authority's Bylaws evidenced by execution of a written addendum to this Agreement, and signed by all of the parties including the additional party.

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10.2 Withdrawal from the Authority.

It is fully anticipated that each party hereto shall participate in the Authority until purposes set forth in this Agreement are accomplished. The withdrawal of any party, either voluntary or involuntary shall be conditioned as follows:

- A. In the case of a voluntary withdrawal following a properly noticed public hearing, written notice shall be given to the Authority, one hundred twenty (120) days prior to the effective date of withdrawal;
- B. Withdrawal shall not relieve the party of its proportionate share of any debts or other liabilities incurred by the Authority prior to the effective date of the parties' notice of withdrawal;
- C. Withdrawal shall result in the forfeiture of that party's rights and claims relating to distribution of property or funds upon termination of the Authority as set forth in paragraphs 10.3 and 10.4 below.

10.3 Dissolution of Authority.

Upon dissolution of the Authority, there shall be a partial or complete distribution of assets and discharge of liabilities as follows:

- A. Upon withdrawal of any MEMBER of the Authority prior to dissolution, the withdrawing MEMBER shall forfeit its proportionate share of the assets of the Authority and shall contribute its proportionate share or otherwise

defined share towards the discharge of any enforceable liabilities incurred by the Authority as the same appear on the books of the Authority.

- B. Upon dissolution of the Authority, each MEMBER shall receive its proportionate or otherwise defined share of the assets of the Authority within a reasonable amount of time after dissolution, and each MEMBER shall contribute its proportionate or otherwise defined share toward discharge of any enforceable liabilities incurred by the Authority as the same appear on the books of the Authority.

- 10.4 The distribution of assets may be made in kind or assets may be sold and the proceeds thereof distributed to the MEMBERS at the time of dissolution after the discharge of all enforceable liabilities.

ARTICLE XI

LIABILITIES & INDEMNITY

11.1 Liabilities.

The debt, liabilities, and obligations of the Authority shall be the debts, liabilities, and obligations of the Authority alone and not of the parties to this Agreement to the extent permissible under Government Code section 895.2.

REVISED FEBRUARY 1999

11.2 Indemnity.

JUNE 2, 1993

Each party hereto agrees to indemnify and hold the other parties harmless from any liability imposed on the other parties for damage, actual or alleged, to persons or property arising out of or resulting from negligent acts or omissions of the indemnifying party or its employees arising out of the performance of this Agreement. Where the Board of Directors itself or its agents or employees are held liable for injuries to persons or property, each party's liability for contribution or indemnity for such injuries, if any, shall be based proportionately upon the contributions (less voluntary contributions) of each Member. In the event of liability imposed upon any of the parties to this Agreement, or upon the Board of Directors created by this Agreement, for injury which is caused by the negligent or wrongful act or omission or any of the parties in the performance of this Agreement, the contribution of the party or parties not directly responsible for the negligent or wrongful act or omission shall be limited to One Hundred Dollars (\$100.00). The party or parties directly responsible for the negligent or wrongful acts or omissions shall indemnify, defend, and hold all other parties harmless from any liability for personal injury or property damage arising out of the performance of this Agreement.

ARTICLE XII

TERM, RESCISSION OR TERMINATION

12.1 This Agreement shall remain in effect until it is terminated as provided for herein.

JUNE 2, 1993

12.2 This Agreement may be extended or terminated by written consent of a majority of the MEMBER AGENCIES evidenced by certified copies of resolutions of their governing bodies; provided, however, that no such termination shall be effective until all revenue bonds and other forms of indebtedness issued pursuant hereto, and the interest thereon, shall have been paid or adequate provision of such payment shall have been made in accordance with the resolution of the Authority authorizing the issuance thereof.

ARTICLE XIII

DISPUTES UNDER AGREEMENT

13.1 Any controversy or claim between any two or more parties to this Agreement, or between any such party or parties and the Authority with respect to disputes, demands, differences, controversies, or misunderstandings arising in relation to interpretation of the Bylaws or this Agreement, or any breach thereof, that cannot be settled through mediation or other consensus building processes, shall be submitted to and determined by arbitration. Mediation (or other consensus building processes) shall have, at minimum, thirty (30) days to resolve differences prior to arbitration. The party desiring to initiate arbitration shall give notice of its intention to arbitrate to every other party to this Agreement and the Authority. Such notice shall designate as "respondents" such other parties as the initiating

party intends to have bound by any award made therein. Any party not so designated but which desires to join in the arbitration may, within ten (10) days of service upon it of such notice, file a response indicating its intention to join in and to be bound by the results of the arbitration, and further designation of any other parties it wishes to name as a respondent. Within twenty (20) days of the service of the initial demand for arbitration, the initiating party and the respondent shall each designate a person to act as an arbitrator. The two designated arbitrators shall mutually designate a third person to serve as arbitrator. The three arbitrators shall proceed to arbitrate the matter according to the provisions of Title 9 of Part 3 of the Code of Civil Procedure, Section 1280 et seq. The Parties to this Agreement agree that the decision of the arbitrators will be binding.

ARTICLE XIV

NOTICES

- 14.1 Notices under this Agreement shall be sufficient if addressed to the principal office of each of the PARTIES hereto and shall be deemed given upon deposit in the U.S. Mail, First-Class, Postage Pre-Paid.
- 14.2 All notices, statements, demands, requests, consents, approvals, authorizations, agreements, appointments or designations hereunder shall be given in writing and addressed to the principal office of each MEMBER of the Authority.

JUNE 2, 1993

ARTICLE XV

MISCELLANEOUS

- 15.1 The section headings herein are for convenience only and are not to be construed as modifying or governing language in the section.
- 15.2 This Agreement is made in the State of California and under the Constitution and law of this State and is to be so construed.
- 15.3 This Agreement may be amended from time to time in writing by unanimous vote of the PARTIES; provided, however, that any such amendment shall take into consideration the holders of any revenue bonds or other forms of indebtedness which are outstanding in accordance with any resolution of the Authority authorizing the issuance thereof.
- 15.4 This Agreement shall be binding upon and shall inure to the benefit of the successors of the PARTIES.
- 15.5 If any one or more of the terms, provisions, promises, covenants or conditions of this Agreement shall to any extent be adjudged invalid, unenforceable, void or voidable, for any reason whatsoever by a court of competent jurisdiction, each and all of the remaining terms, provisions, promises, covenants, and conditions of this

JUNE 2, 1993

Agreement shall not be affected thereby and shall be valid and enforceable to the fullest extent permitted by law.

15.6 The PARTIES shall not assign any rights or obligations under this Agreement without the written consent of all other PARTIES.

15.7 This Agreement shall be reviewed five years from the date of its execution to determine whether the Authority shall continue.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement by authorized officials on the dates indicated below.

JUNE 2, 1993

Dated: AUG 4 1993

RIVERSIDE COUNTY

By Patricia A. Larson
Patricia Larson, Chairman
Board of Supervisors

ATTEST:

L. Gerald A. Maloney
Secretary to the Board

(SEAL)

Dated: 9-7-93

IMPERIAL COUNTY

By Wayne J. Van De Graaff
Wayne J. Van De Graaff, Chairman
Board of Supervisors

ATTEST:

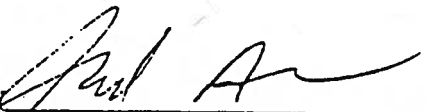
Linda K. Weaver
Linda K. Weaver, Clerk of the Board

(SEAL)

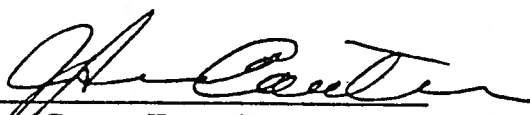


Dated: August 16, 1993

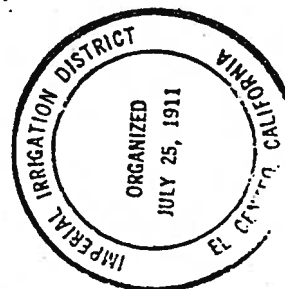
IMPERIAL IRRIGATION DISTRICT

By 
Lloyd Allen, President
Board of Directors

ATTEST:



J. Penn Carter, Esq., Secretary to the Board

(SEAL)

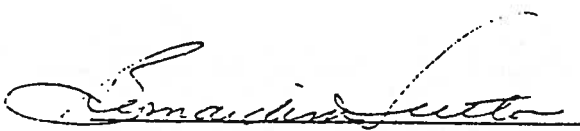


Dated: August 12, 1993

COACHELLA VALLEY WATER DISTRICT

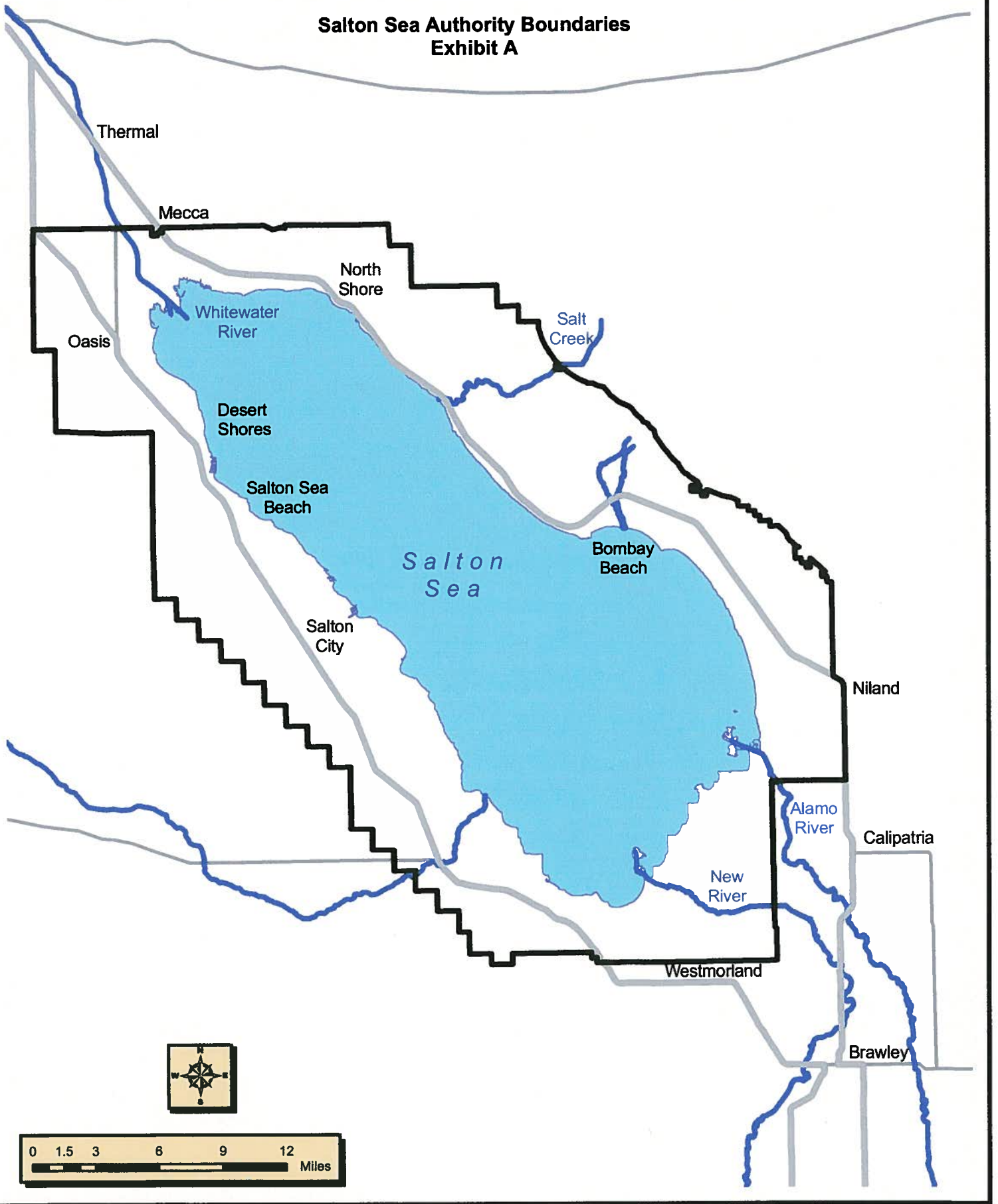
By 
Tellis Codekas, President
Board of Directors

ATTEST:


Secretary to the Board

(SEAL)

Salton Sea Authority Boundaries Exhibit A



ADDENDUM TO THE JOINT POWERS AGREEMENT
CREATING THE SALTON SEA AUTHORITY
TO INCLUDE THE TORRES-MARTINEZ
DESERT CAHUILLA INDIANS AS A MEMBER

This Addendum to the Joint Powers Agreement creating the Salton Sea Authority is made and entered into by and between the following governmental entities:

- A. County of Imperial;
- B. County of Riverside;
- C. Coachella Valley Water District;
- D. Imperial Irrigation District; and
- E. Torres-Martinez Desert Cahuilla Indians.

(The above are individually and collectively referred to herein as the "Party", "Parties", "Member", "Members", "Member Agency" or "Member Agencies").

PREAMBLE

WHEREAS, in 1993, the Salton Sea Authority ("Authority") was created by the adoption of a Joint Powers Agreement ("JPA") by the County of Imperial, County of Riverside, Coachella Valley Water District, and Imperial Irrigation District (collectively "Original Members"); and

WHEREAS, the Original Members created the Authority to exercise the common power of directing and coordinating actions relating to improvement of water quality and stabilization of water elevation and to enhance recreational, economic development potential, and other beneficial uses of the Salton Sea, recognizing the importance of the Salton Sea for the continuation of the dynamic agricultural economy in Imperial and Riverside Counties; and

WHEREAS, the Torres-Martinez Desert Cahuilla Indians ("Tribe") is a tribal entity recognized by the United States as a sovereign dependent nation, which owns land lying under and adjacent to the Salton Sea and within the boundaries of the Salton Sea Authority. The Tribe has undertaken and intends to continue to undertake environmental restoration projects in and adjacent to the Salton Sea within the boundaries of the Salton Sea Authority; and

WHEREAS, participation of the Tribe in the Salton Sea Authority will facilitate coordination of environmental restoration activities related to the Salton Sea; and

WHEREAS, the State of California enacted *Government Code* §6530, effective January 1, 2002, authorizing participation of Tribe in the Salton Sea Authority; and

WHEREAS, Tribe shall be considered a public agency with respect to the JPA, only for the purposes of this joint exercise of powers pursuant to Articles I and II, Chapter 5, Division 7, Title 1 (commencing with section 6500) of the California Government Code; and

WHEREAS, Original Members and Tribe desire to amend the Salton Sea Authority's JPA to provide for the addition of the Tribe as an additional member and as a full member; and

WHEREAS, Section 10.1 of the JPA authorizes the admission to the Authority by execution of a written addendum to the JPA, signed by all of the parties, including the additional party; and

WHEREAS, Section 3.2 of the JPA provides that upon the addition of an additional member to the JPA, all of the existing members, and the prospective member shall execute a memorandum specifying the obligations of the prospective member for contributions towards past or present Authority expenditures.

NOW, THEREFOR, IN CONSIDERATION OF THE MUTUAL COVENANTS AND PROMISES OF THE PARTIES HERETO, AND THE PROVISIONS, CONDITIONS AND TERMS PROVIDED FOR HEREIN, THE PARTIES AGREE AS FOLLOWS:

SECTION I

FULL MEMBERSHIP OF TRIBE

Effective January 1, 2002, Tribe shall be a Member Agency of the Authority with all powers and responsibilities enumerated in the JPA, as modified by this Addendum. This Addendum is intended to both amend the JPA with respect to Tribal participation and to fulfill the requirement of Section 3.2 of the JPA with respect to Tribal obligations.

SECTION II

TRIBAL RIGHTS, REPRESENTATION AND VOTES

Tribe shall have rights under the JPA equal to those of the Original Members, including the right under Section 4.2 to two (2) votes, and to designate two (2) members to the Authority's Board of Directors, each of which members shall have the right to cast the Tribe's two (2) votes in the absence of the other Tribal member. The Tribe shall no longer be considered an ex-officio member pursuant to Section 4.3(f) of the JPA.

SECTION III

AUTHORITY POWERS LIMITED ON TRIBAL LAND

The Authority's powers enumerated in Section 2.1 of the JPA shall be exercised on and with respect to Tribal trust property only upon the consent of the Tribe and the Secretary of the Interior of the United States. Consistent with Section 2.3 of the JPA, the Authority shall not exercise the land use powers presently held by the Tribe with respect to Tribal trust property.

SECTION IV

TRIBAL OBLIGATIONS FOR CONTRIBUTIONS TOWARDS PAST OR PRESENT AUTHORITY EXPENDITURES

With respect to Section 3.2 of the JPA, the Tribe shall not have any obligation for contributions towards past or present Authority expenditures, unless expressly agreed to by the Tribe.

SECTION V

TRIBAL SOVEREIGN IMMUNITY

5.1 This Addendum, the JPA, and the Authority's Bylaws are not to be construed as affecting, modifying, diminishing, or otherwise impairing the sovereign immunity from suit enjoyed by the Tribe.

Nothing in the Addendum, JPA or Bylaws authorizes or requires 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 Article XIII of the JPA, except that the Tribe does not waive its sovereign immunity to any intentional or negligent or wrongful acts or omissions or other conduct sounding in tort arising out of the performance of the Addendum, JPA or Bylaws, or any activities undertaken pursuant thereto. The Tribe does not waive its sovereign immunity to any action beyond those arising in relation to the interpretation of the Bylaws, this Addendum, or the JPA. The Tribe does not waive any aspect of its sovereign immunity with respect to actions by non-parties to this Agreement.

5.2 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.

5.3 Notwithstanding the provisions of Section 15.5 of the JPA, a finding that any provision regarding the preservation of tribal sovereign immunity is invalid, unenforceable, void or voidable shall render the remaining terms, provisions, covenants and conditions of this Addendum, the JPA and the Bylaws unenforceable against the Tribe.

SECTION VI

TRIBAL PROCEDURES

To the extent that this Agreement, or the Bylaws, require appointments, ratifications, approvals, or other actions by the member agencies, the Tribe, in its sole discretion, shall determine the procedures it shall use to accomplish such actions.

SECTION VII.

ADOPTION BY AUTHORITY MEMBERS AND TRIBE

This Addendum shall become effective upon formal approval by the governing bodies of the Authority, Original Members, and Tribe.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement by the authorized officials on the dates indicated below.

Dated: JAN 27 2004

COUNTY OF RIVERSIDE

ATTEST:
NANCY ROMERO, Clerk
By [Signature]
DEPUTY
FEB 13 2004 10:54 AM

By [Signature]
Chairman, Board of Supervisors
ROY WILSON
(SEAL)

JAN 27 2004 3.45

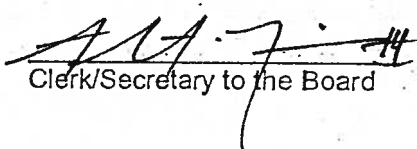
Dated: 02-03-04

COUNTY OF IMPERIAL

By 
Chairman, Board of Supervisors

ATTEST:

(SEAL)


Clerk/Secretary to the Board

Dated:

TORRES-MARTINEZ DESERT
CAHUILLA INDIANS

By _____
Chairman

ATTEST:

(SEAL)

Secretary to Tribal Council

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

Dated: _____

COUNTY OF IMPERIAL

By _____
Chairman, Board of Supervisors


ATTEST:

(SEAL)

Clerk/Secretary to the Board

Dated:

TORRES-MARTINEZ DESERT
CAHUIILLA INDIANS

By 
Chairman

ATTEST:

(SEAL)


Secretary to Tribal Council

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

Dated:

SALTON SEA AUTHORITY

By _____
President, Board of Directors

ATTEST:

(SEAL)

Secretary to the Board

Dated:

COACHELLA VALLEY WATER DISTRICT

By John W. McFalls
President, Board of Directors

ATTEST:

(SEAL)

Julia Fernandez
Secretary to the Board

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

Dated: 1-27-04

IMPERIAL IRRIGATION DISTRICT

By B. B. B.
President, Board of Directors

ATTEST:

Glenn Rivera
Secretary to the Board

(SEAL)



RESOLUTION OF THE BOARD OF DIRECTORS OF
COACHELLA VALLEY WATER DISTRICT

RESOLUTION NO. 2004-38

BE IT RESOLVED by the Board of Directors of the Coachella Valley Water District assembled in regular meeting this 27th day of January, 2004, that the President and Secretary are hereby authorized to execute on behalf of this District, the Addendum to the Joint Powers Agreement Creating the Salton Sea Authority to Change the Boundaries of the Salton Sea Authority's Jurisdiction; and

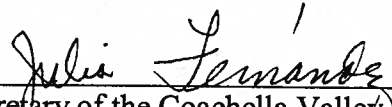
BE IT FURTHER RESOLVED that the President and Secretary are hereby authorized to execute on behalf of this District, the Addendum to the Joint Powers Agreement Creating the Salton Sea Authority to include the Torres-Martinez Desert Cahuilla Indians as a Member.

STATE OF CALIFORNIA)
COACHELLA VALLEY WATER DISTRICT) ss.
OFFICE OF THE SECRETARY)

I, JULIA FERNANDEZ, Secretary of the Board of Directors of the Coachella Valley Water District, DO HEREBY CERTIFY that the foregoing is a full, true and correct copy of Resolution No. 2004-38 adopted by the Board of Directors of said District at a regular meeting thereof duly held and convened on the 27th day of January, 2004, at which meeting a quorum of said Board was present and acting throughout.

Dated this 27th day of January, 2004.

(SEAL)


Secretary of the Coachella Valley
Water District and of the Board
Directors thereof

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: Supervisor Roy Wilson
Supervisor Marion Ashley

SUBMITTAL DATE: January 27, 2004

SUBJECT: Supporting the Salton Sea Authority Joint Powers Authority Amendments

RECOMMENDED MOTION:

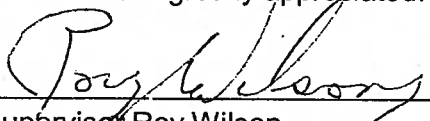
That the Board of Supervisors approve the following amendments to the Joint Powers of Authority of the Salton Sea Authority:

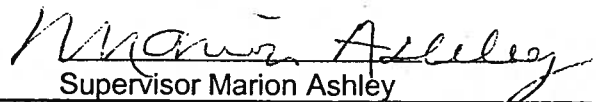
1. Authorize the addition of the Torres Martinez Tribe as a full member of the Salton Sea Authority; and
2. Authorize an expansion of the Salton Sea Authority boundaries as described on the attached map.

BACKGROUND: The Salton Sea Board is currently constituted of representatives from Riverside County, Imperial County, Coachella Valley Water District, as well as Imperial Irrigation District. This Authority has the principal responsibility for the improvement and restoration of the Salton Sea. The operation of the Salton Sea Authority had made the need for certain changes apparent. The first is an expansion of the number of governmental agencies involved. The Torres Martinez Tribe is an obvious and valued stakeholder in the Salton Sea Authority area. State legislation in 2002 was passed to allow the Tribe to participate as a full member of the Salton Sea Authority. The attached Amendment No. 1 allows the Tribe to participate as a member in a similar way to the other agencies. (Some adjustments were necessary to maintain Tribal sovereignty.)

Secondly, the land boundaries of the Salton Sea Authority are being recommended for expansion to allow for a roughly five-mile radius around the Sea. This expansion should allow for a more successful formation of an Infrastructure Finance District to allow restoration funds when desired. The proposed boundaries are shown on Attachment No. 2. Generally, the boundaries are to remain unchanged in the southern half of the Sea because they are already near the five-mile mark and there are limited views of the Sea and other constraints. The proposed boundaries follow the Coachella Valley Water District boundary in the northeast area. A small notch in the north reflects the exclusion of the Riverside County Project Area in Mecca.

These proposed changes should allow the Salton Sea Authority to continue its leadership role and provide the necessary resources for this critical effort. Board consideration and approval of these amendments is greatly appreciated.

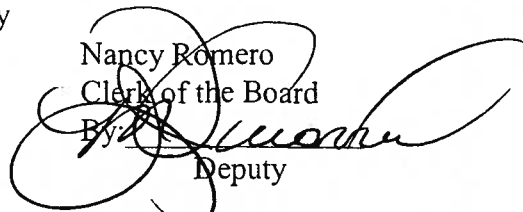

Supervisor Roy Wilson


Supervisor Marion Ashley

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Ashley, seconded by Supervisor Venable and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Buster, Tavaglione, Venable, Wilson and Ashley
Noes: None
Absent: None
Date: January 27, 2004
xc: Supv., Wilson, Supv. Ashley, JPA, COB (2)


Nancy Romero
Clerk of the Board
Deputy

Prev. Agn. Ref.: 3.8 of 10/28/03

Dist. 4

AGENDA NO.

ATTACHMENTS FILED
WITH THE CLERK OF THE BOARD

3 45

OFFICIAL PROCEEDINGS

SALTON SEA AUTHORITY BOARD OF DIRECTORS MEETING

December 18, 2003

of the sea, slope, distance from major highways, land ownership, distance from Sea and available utilities.

The TAC recommended the expanded boundary changes of a 5-mile line from the Sea with the exclusion of federal property and property in San Diego County, following established property lines.

A motion was made by Marion Ashley and seconded by Corky Larson to approve the Authority's boundary changes of a 5-mile line from the Sea with the exclusion of federal property and property in San Diego County, following established property lines. Gary Wyatt opposed the motion for himself and Wally Leimgruber who was absent. The motion carried.

7. TORRES MARTINEZ TRIBE MEMBERSHIP

Legislation, authored by Senator Dave Kelley, was passed January 1, 2002 to allow the Torres Martinez Tribe to be a full member of the Authority. The Tribe is concerned that joining a JPA could affect its sovereign immunity. Attorneys for the Authority and Tribe have written an addendum whereby the Tribe can't be held responsible for any Authority liabilities without Tribal consent. The Addendum has been submitted by legal counsel to each agency's legal counsel with no technical or legal issues raised.

Corky Larson asked for clarification that people on the Authority's Board of Directors be elected official, as opposed to staff.

A motion was made by Marion Ashley and seconded by Roy Wilson to approve the revised Addendum to the Joint Powers Agreement and direct staff to submit the revised Addendum to the Joint Powers Agreement to the member agencies and the Tribe for their review and approval. There were no objections. The motion carried.

8. UPDATE ON RESTORATION PLANNING

Bill Brownlie, Tetra Tech, updated the Board on the geotechnical program. The sampling was completed on October 21st, the lab analysis is 95% complete, and currently the draft report is in internal review awaiting comments and the final lab results.

Tom Kirk spoke on the post-QSA environment. The Authority has been meeting with the Bureau of Reclamation and the Department of Water Resources regarding a joint work program. The State has not responded yet to suggestions for proceeding jointly.

9. SALTON SEA STATE PARK – UPDATE / INFORMATION

Roland Gaebert, Salton Sea State Park, spoke on the State Park visitors, fishing, volunteers, and the new



Memorandum

To: Board of Directors of Salton Sea Authority
From: Phil Rosentrater, GM/Executive Director
Date: November 15, 2016
Re: Amendments to Bylaws

In June 2016, the Board of Directors directed that staff review the Bylaws and propose amendments to conform them to current practice. The following amendments are recommended:

1. **Change of Date of Election of Officers.** Under the current Bylaws, the election of officers is to occur at the first board meeting after the beginning of the fiscal year. The Authority's fiscal year begins July 1, but the Board's first meeting of the fiscal year typically doesn't occur until late September. In order to avoid the summer gap for the new officers, it is recommended that the board election occur at the last meeting of the old fiscal year. That change is reflected in Section 3.3

2. **Election of Treasurer.** The proposed Bylaws amendment of Section 3.1 would include "Treasurer" among the list of officers to be selected from the Board. Currently, Section 5.1 of the JPA agreement provides that the President, Vice-President and Secretary be selected from the JPA Board. Section 5.2 (A) provides that the Treasurer be the Treasurer of the Riverside County, or another person selected by the Board. However, the Bylaws do not provide for the selection of Treasurer. The practice for a number of years has been to select the Treasurer from among the Board members. The proposed amendment would memorialize that practice.

Also, Bylaws Section 3.6(B) provides that the Treasurer be the *depository* of all funds. "Depository" means a place to store funds, like a bank. The proposed amendment changes "depository" to "depositary," which means a person responsible for the proper keeping of funds.

3. **Selection of Controller.** The proposed amendment of Section 3.7 of the Bylaws provides for Board selection of the Controller. Section 3.6(D) of the Bylaws specifies the duties of the Controller, but selection of the Controller is not specifically addressed. The amendment would specifically provide for Board selection.

(Note that Govt Code Section 6505.5 anticipates the Controller position will be filled by an agency employee or by an outside CPA. Due to limited workload the last several years, the Authority Board recently authorized the use of the services of an outside consultant.)

4. **Cleanup items.**

(a) The proposed amendment of Section 4.2 provides that the Board adopt resolutions from time to time to specify the date, time and place of its meetings. This is consistent with the requirements of the Brown Act.

(b) The proposed amendment to Section 6.2 conforms the Bylaws to the current practice of allocating the contributions of the member agencies on a pro-rata basis, except for the Tribe. The Tribe's contribution is based on agreement between the Authority and Tribe.

Respectfully submitted,

Phil Rosentrater
GM/Executive Director

SALTON SEA AUTHORITY

BYLAWS

PREAMBLE

The Salton Sea Authority (hereinafter referred to as the "Authority") is a Joint Powers Agency created to direct and coordinate actions relating to improvement of water quality and stabilization of water elevation and to enhance recreational and economic development potential of the Salton Sea and other beneficial uses, recognizing the importance of the Salton Sea for the continuation of the dynamic agricultural economy in Imperial and Riverside Counties.

ARTICLE I

FUNCTIONS

- 1.1 The functions of this Authority are to undertake projects, singularly or in cooperation with other agencies. These projects may relate to:
- A. surface elevation of the Salton Sea;
 - B. salinity of the Salton Sea;
 - C. fish and wildlife of the Salton Sea;
 - D. public recreation facilities and opportunities;
 - E. protection and enhancement of water quality in the Salton Sea;

- F. reduction or elimination of threats to public health, safety and welfare;
- G. conservation of water;
- H. encouragement of compatible planning and development adjacent to and in proximity of the Salton Sea;
- I. establishment of on-going maintenance and operations programs to accomplish the purposes of the Authority;
- J. management of by-products resulting from projects undertaken by the authority, including the beneficial reuse of these by-products; and
- K. acquisition of sufficient revenues to retire debt and to fulfill the financial obligations of the Authority.

ARTICLE II

MEMBERSHIP

2.1 Members and Voting

The following shall be MEMBERS of the Authority:

- A. County of Imperial
- B. County of Riverside
- C. Coachella Valley Water District
- D. Imperial Irrigation District
- E. Torres Martinez Desert Cahuilla Indians ("Tribe") Revised December 2003

Each MEMBER AGENCY shall have two votes, which may be cast by one person.

2.2 Ex-Officio Members

In order to assist in coordinating the duties and activities of the Authority with other governmental entities, the following may be ex-officio (non-voting) members of the Authority:

- A. Coachella Valley Association of Governments (CVAG)
- B. Imperial Valley Association of Governments (IVAG)
- C. Southern California Association of Governments (SCAG)
- E. California State Secretary of Resources
- F. California Department of Fish and Game (CDFG)

Revised December 2003

Other ex-officio members may be added by a unanimous vote of the members of the Board of Directors.

- 2.3 Each appointee to the Board of Directors shall serve at the pleasure of the appointing MEMBER AGENCY.

ARTICLE III

ADMINISTRATION

- 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.
- 3.5 Removal of Officers: Officers may be removed by a majority vote of the Board. Voting on removal shall take place no sooner than at the next regular meeting following the meeting at which a motion to remove officers was introduced.
- 3.6 Duties of Officers:
- A. Duties of the President: The President shall, if present, preside at all meetings of the Authority and exercise and perform such other powers and duties as may be from time to time assigned to the President by the Authority or provided herein. In any case in which the execution of a document or the performance of an act is directed, the President, unless an act of the Authority otherwise provides, is empowered and directed to execute such document or perform such act.

- B. Duties of Vice President: The Vice President shall perform the duties of the President in his or her absence and when so acting, shall have all the powers of and be subject to all the restrictions upon the President.
- C. Duties of the Treasurer: The Treasurer shall be the depository of funds and have custody of all funds of the Authority from whatever source. The Treasurer shall comply with all duties imposed under California Government Code, Section 6500 et seq.
- D. Duties of the Controller: The Controller of the Authority shall draw warrants or check warrants against the funds of the Authority in the Treasury when the demands are approved by the Board of Directors or such other persons as may be specifically designated by the Bylaws. The Controller shall comply with all duties imposed under California Government Code Section 6500 et seq.
- E. Duties of the Secretary: The Secretary of the Authority shall be responsible for all records of the Authority, including, but not limited to minutes of meetings, membership and mailing lists, and legal documents.

3.7 The Board of Directors shall have the power to appoint such additional officers as may be appropriate, including a Controller consistent with Government Code Section 6505.5.

- 3.8 Each and all of the said officers shall serve at the pleasure of the Board and shall perform such duties and shall have such powers as the Board may, from time to time, determine.

ARTICLE IV

CONDUCT OF MEETINGS

- 4.1 Agenda: Matters to be placed on the agenda for any regular meeting may be filed with the President of the Authority. The agenda for each regular meeting shall be prepared by the President. The agenda shall be prepared pursuant to the provisions of the Ralph M. Brown Act as set forth in California Government Code, Sections 54950 et seq.
- 4.2 Regular Meetings. The Board shall from time to time adopt resolutions that provide for the day, time and place of holding its regular meetings, which place shall be within Imperial or Riverside Counties.
- 4.3 Special Meetings: Special meetings may be called at the request of the President of the Board or a majority of the Board of Directors. Notice of all special meetings shall be provided pursuant to the provisions of the Ralph M. Brown Act as set forth in California Code Sections 54950 et seq.

- 4.4 Ralph M. Brown Act: The meetings of the Board of Directors shall be open to the public and shall be held and conducted in accordance with the provisions of the Ralph M. Brown Act as set forth in the California Government Code Sections 54950, et seq.
- 4.5 Minutes: The Secretary of the Authority shall cause to be kept the minutes of all Board meetings and shall cause a copy of these minutes, along with copies of all ordinances and resolutions enacted to be forwarded to each of the PARTIES hereto.
- 4.6 Quorum: A majority of votes of the PARTIES shall constitute a quorum for the transaction of business.
- 4.7 Actions of the Board: Except as otherwise provided herein or in the Joint Powers Agreement, all actions of the Board shall be passed upon the affirmative majority vote of the Board of Directors of a quorum of the Board of Directors. Formal action, other than appointment of a committee or subcommittee will not ordinarily be taken with respect to any matter not included on the agenda unless a majority of the voting members of the Authority present at the meeting consent to such consideration.

- 4.8 Committee of the Whole: At any regular meeting not held because of a lack of a quorum, members present, if less than a quorum of the Authority, may constitute themselves as a "Committee of the Whole," for purposes of discussing agenda matters or any other matter of interest to the members present. The Committee once constituted shall not take action. The committee shall automatically cease to exist if a quorum of the Authority is present at the meeting.
- 4.9 Motions. Voting members only may make and second motions.
- 4.10 Amendments: A two thirds (2/3) vote of the Board of Directors is required to adopt an amendment to these Bylaws. All proposed Bylaw Amendments shall be mailed to member agencies at least 30 days prior to the meeting where the amendments are to be considered.
- 4.11 Compensation: Board members may be compensated pursuant to Board of Directors policy.

ARTICLE V

BUSINESS OFFICE AND STAFF

- 5.1 Subject to the provisions of paragraph 5.2 below, the Authority's business office shall initially be located at the offices of the County of Imperial.

- 5.2 The Board of Directors may, from time to time, change the location of the Authority's business office and/or utilize the secretarial, clerical and administrative services of other MEMBER AGENCIES, with the appropriate reimbursement for the same, or employ its own personnel to provide such services.

ARTICLE VI

GENERAL ADMINISTRATIVE BUDGET

- 6.1 As soon as possible after the formation of the Authority, at the first meeting of the Board of Directors and annually in the month of May, a general administrative budget shall be adopted by the Board of Directors. The budget shall be prepared in sufficient detail to constitute an operating outline for contributions made by the PARTIES, Federal and State government and fees, charges or assessments and expenditures to be made during the ensuing year for operation, administration, projects, programs, planning, study, debt service (if any) and reserves. The budget shall be adopted by the Board of Directors, subject to ratification by the MEMBER AGENCIES. Until such time as the ratification process has been completed, the budget shall constitute a proposed budget.
- 6.2 Each annual budget shall provide for pro-rata contributions by each participating MEMBER AGENCY, except the Tribe, to be established by the Board of Directors of

the Authority. The contribution of the Tribe shall be agreed upon by the Authority and the Tribe. The initial pro-ration of the budget shall be twenty-five (25) percent of each MEMBER AGENCY after federal or state contributions are deducted.

- 6.3 The contribution from each MEMBER of the Authority specified in any budget shall be due, payable and delivered to the Authority within 60 days after receipt of a billing therefore from the Authority or as soon thereafter as a warrant can issue in the normal course of a MEMBER's business. To the extent permitted by State law, unpaid, past due contributions shall bear interest at the legal rate of interest from the date due to the date paid.

ARTICLE VII

SPECIFIC PROJECTS

- 7.1 For matters not deemed to be of general benefit to all PARTIES (Article VII, above), the Authority shall function through the identification and implementation of "specific projects." A specific project may involve less than all of the MEMBERS of the Authority, provided that no MEMBER shall be involved without its approval. A separate project budget and written agreement of the PARTIES who consent to participation in a specific project shall be established for each specific project, which budget and agreement shall determine the respective obligations, functions and rights of the MEMBERS involved, and of the Authority. The members of the Board

of Directors representing the MEMBER AGENCIES who will be involved in financing and implementing the specific project shall be and constitute a "Project Committee" of the Authority for purposes of administration and implementation of the specific project. All "specific projects" shall be approved by a majority vote of the Board of Directors.

ARTICLE VIII

ACCOUNTING

- 8.1 The fiscal year of the Authority shall be from July 1 to June 30, following.
- 8.2 Full books and accounts shall be maintained for and by the Authority in accordance with practices established by or consistent with those utilized by the Controller of the State of California for like public agencies. In particular, the Treasurer of the Authority shall comply strictly with the requirements of the statutes governing joint power agencies, Chapter 5, Division 7, Title 1 of the Government Code, commencing with Section 6500, including verifying and reporting, in writing, on the first day of January, April, July, and October of each year to the Authority and to the contracting parties to the agreement the amount of money the Treasurer holds for the Authority, the amount of receipts since the Treasurer's last report, and the amount paid out since the Treasurer's last report.

8.3 The records and accounts of the Authority shall be audited annually by an independent certified public accountant and copies of each such audit report shall be filed with the Auditor-Controller of the County of Imperial, County of Riverside, State Controller and each MEMBER of the Authority no later than 15 days after receipt of the audit by the Board of Directors.

8.4 Each MEMBER AGENCY shall have the right to audit the records and accounts of the Authority, the cost and expense of which shall be borne by the MEMBER AGENCY seeking such audit.

ARTICLE IX

PROPERTY RIGHTS

9.1 To the extent that any funds received by the Authority from any MEMBER are used for the acquisition or construction of assets, the same shall be allocated annually on the books of the Authority to the credit of the said contributing MEMBER.

ARTICLE X

DISPUTE RESOLUTION

10.1 Any controversy or claim between any two or more parties to the Joint Powers Agreement, or between any such party of parties and the Authority with respect to disputes, demands, differences, controversies, or misunderstandings arising in relation to interpretation of the Bylaws or this Agreement, or any breach thereof, that cannot be resolved through mediation or other consensus building, shall be submitted to and determined by arbitration. Mediation (or other consensus building process) shall be given, at minimum, thirty (30) days to resolve differences prior to arbitration being implemented. The party desiring to initiate arbitration shall give notice of its intention to arbitrate to every other party to this Agreement and the Authority. Such notice shall designate as "respondents" such other parties as the initiating party intends to have bound by any award made therein. Any party not so designated but which desires to join in the arbitration may, within ten (10) days of service upon it of such notice, file a response indicating its intention to join in and to be bound by the results of the arbitration, and further designation of any other parties it wishes to name as a respondent. Within twenty (20) days of the service of the initial demand for arbitration, the initiating party and the respondent shall each designate a person to act as an arbitrator. The two designated arbitrators shall mutually designate a third person to serve as arbitrator. The three arbitrators shall proceed to arbitrate the matter according to the provisions of Title 9 of Part 3 of the

Code of Civil Procedure, Section 1280 et seq. The Parties to this Agreement agree that the decision of the arbitrators will be binding.

ARTICLE XI

NOTICES

- 11.1 Notices under this Agreement shall be sufficient if addressed to the principal office of each of the PARTIES hereto and shall be deemed given upon deposit in the U.S. Mail, first-class, Postage Pre-Paid.
- 11.2 All notices, statements, demands, requests, consents, approvals, authorizations, agreements, appointments or designations hereunder shall be given in writing and addressed to the principal office of each member of the Authority.

ARTICLE XII

EFFECTIVE DATE

- 12.1 These Bylaws go into effect immediately upon the effective date of the Joint Powers Agreement Creating the Salton Sea Authority.

Bylaws adopted by the Salton Sea Authority on June 30, 1993.

December 2016 update approved by Salton Sea Authority on December 15, 2016.

Staff Report

To: Salton Sea Authority Board of Directors
From: Phillip Johnson, Assistant Executive Director, SSA
Date: March 29, 2018
Re: Legislative Update
CM No. VII.B – 3/29/2018

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: staff recommends **SUPPORT**

Status: Introduced Feb. 6, 2018. Referred to Coms. on W., P., & W. and E.S. & T.M. on Feb. 22, 2018.

This bill is aimed at making it easier for Disadvantaged Communities working on water and waste water projects to receive advance payments for those projects. Existing law only allows for projects under the amount of \$1 million to receive 50% of the advanced payment.

This bill would get rid of the \$1 million cap and replace it with an advanced payment for any project of \$500,000 or 50% of the project cost. Staff will continue to monitor this bill as it could be of great help in the Salton Sea area.

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.

SB-979 (Cannella) Water Quality, Supply, and Infrastructure Improvement Act of 2014.

SSA Position: **Staff recommends SUPPORT**

Status: **Introduced on Feb. 1, 2018. Referred to Com. On RLS on Feb.14, 2108.**

Existing law, the Water Quality, Supply, and Infrastructure Improvement Act of 2014, approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds in the amount of \$7,545,000,000 to finance a water quality, supply, and infrastructure improvement program. The bond act provides that the sum of \$810,000,000 is to be available, upon appropriation by the Legislature, for expenditures on, and competitive grants and loans to, projects that are included in and implemented in an adopted integrated regional water management plan and respond to climate change and contribute to regional water security. The bond act requires \$200,000,000 of that amount to be available for grants for multi benefit storm water management projects.

This bill would make a non-substantive change in those grant provisions. SSA will contact author to see what changes will be implemented.

Federal Bill Summaries

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's 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: Staff recommends 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.