



ENERGY & SUSTAINABILITY COMMITTEE AGENDA

THURSDAY, SEPTEMBER 14, 2023
12:00 p.m.

**CVAG Conference Room
73-710 Fred Waring Drive, Suite 104 (Formerly 119)
Palm Desert, CA 92260**

**Members of the Committee and the public may attend and participate by
video at the following remote location:**

**Blythe City Hall
235 N Broadway, Room A
Blythe, CA 92225**

Members of the public may use the following link for listening access and ability to address the
Energy & Sustainability Committee when called upon:

<https://us02web.zoom.us/j/81377299306?pwd=M1BvaXQxK01GZVNKS2ladEVkYXFVQT09>

**Dial In: +1 669 900 9128
Webinar ID: 813 7729 9306
Password: 652007**

IF YOU ARE UNABLE TO CONNECT VIA DIAL IN OPTION, PLEASE CALL 760-346-1127

Public Comment is encouraged to be emailed to the Energy & Sustainability Committee prior to the meeting at cvag@cvag.org by 5:00 p.m. on the day prior to the committee meeting. Comments intended to be read aloud should be no more than 300 characters.

**THIS MEETING IS HANDICAPPED ACCESSIBLE.
ACTION MAY RESULT ON ANY ITEMS ON THIS AGENDA**

**UNLESS OTHERWISE STATED, ALL ACTION ITEMS WILL BE PRESENTED TO THE
EXECUTIVE COMMITTEE FOR FINAL APPROVAL.**

1. **CALL TO ORDER** – Mayor Oscar Ortiz, City of Indio, Chair

2. **ROLL CALL**

A. Member Roster

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3. **PLEDGE OF ALLEGIANCE**

4. **PUBLIC COMMENTS ON AGENDA ITEMS**

Anyone wishing to address the Energy & Sustainability Committee on items appearing on this agenda may do so at this time. Please limit comments to 3 minutes. At the discretion of the Chair, additional public comment time and/or opportunities during the meeting may be granted.

5. **COMMITTEE MEMBER / DIRECTOR COMMENTS**

6. **CONSENT CALENDAR**

- A. Approve the June 8, 2023 Committee Meeting Minutes

P6

- B. Appoint the Rancho Mirage Councilmember Ted Weill and City of Indio Environmental Programs Coordinator Sara Toyoda as CVAG's representatives on the Solid Waste Advisory Council/Countywide Local Taskforce, and City of Cathedral City Environmental Conservation Manager Deanna Pressgrove and City of Palm Springs Director of Sustainability Lindsey-Paige McCloy as taskforce alternates, for two-year terms

P10

- C. Adopt Resolution No. 2023-003 promoting California Clean Air Day to raise awareness of the importance of improving air quality to improve public health

P12

7. **DISCUSSION / ACTION**

- A. **Update from the California Air Resources Board** – Tracey Harper, CARB Tribal Affairs Liaison **P15**

Recommendation: Information

- B. **Regional Approach to Regulating Mylar Balloons in Public Spaces** – Erica Felci **P17**

Recommendation: Provide direction on pursuing a model ordinance that limits the use of Mylar balloons in public parks across the Coachella Valley

- C. **Contract for Used Oil Recycling Program** – Emily Langenbahn **P22**

Recommendation: Authorize the Executive Director to execute a one-year services contract with HF&H Consultants, LLC for a total not-to-exceed annual amount of \$56,995 for the Used Oil Recycling Program, with the option for two additional years, all contingent on receiving a CalRecycle grant

- D. **Senate Bill 583 and the Proposed Salton Sea Conservancy** – Emmanuel Martinez **P47**

Recommendation: Provide direction to staff on whether to amend the existing oppose until amended position on Senate Bill 583, related to establishing the Salton Sea Conservancy to undertake activities related to the Salton Sea

- E. **Election of Energy & Sustainability Committee Officers** – Tom Kirk **P49**

Recommendation: Elect a Chair and Vice Chair for the Energy & Sustainability Committee for Fiscal Year 2023/2024

8. **INFORMATION**

- A. **Attendance Record** **P51**

- B. **Letter from CVAG Chairman Scott Matas** **P52**

- C. **Update on Property Assessed Clean Energy (PACE) Program** **P53**

- D. **Efforts to fund regional shade and tree initiatives** **P55**

- E. **Demand Side Grid Support and Distributed Electricity Backup Assets Programs** **P57**

- F. **Update on the Inland Regional Energy Network** **P60**

- G. **Update on efforts to identify funding for electric vehicle planning and infrastructure** **P63**

H. **Imperial Irrigation District Governance and Electricity Services Study Update**

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9. **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

Any member of the public wishing to address the Committee on items not appearing on this agenda may do so at this time. Please limit comments to 2 minutes. At the discretion of the Chair, additional public comment time and/or opportunities during the meeting may be granted.

10. **ANNOUNCEMENTS**

The next meeting of the **Energy & Sustainability Committee** will be held on Thursday, November 9, 2023, at noon at the CVAG conference room, 73-710 Fred Waring Drive, Suite 104, Palm Desert, 92260.

The next meeting of the **Executive Committee** will be held on Monday, September 25, 2023, at 4:30 p.m. at the CVAG conference room, 73-710 Fred Waring Drive, Suite 104, Palm Desert, 92260

10. **ADJOURN**

ITEM 2A

**Energy & Sustainability Committee
Member Roster
2023 – 2024**



VOTING MEMBERS	
Agua Caliente Band of Cahuilla Indians	Tribal Vice Chair Candace Patencio Anderson
City of Blythe	Mayor Joseph DeConinck
City of Cathedral City	Councilmember Nancy Ross
City of Coachella	Councilmember Stephanie Virgen
Coachella Valley Water District	Board Member Anthony Bianco
City of Desert Hot Springs	Councilmember Russell Betts
Imperial Irrigation District	Director Karin Eugenio
City of Indian Wells	Mayor Donna Griffith
City of Indio	Mayor Oscar Ortiz, <i>Chair</i>
City of La Quinta	Mayor Linda Evans, <i>Vice Chair</i>
Mission Springs Water District	Director Russ Martin
City of Palm Desert	Councilmember Gina Nestande
City of Palm Springs	Councilmember Ron deHarte
City of Rancho Mirage	Councilmember Ted Weill
Riverside County – District 4	Supervisor V. Manuel Perez
Torres Martinez Desert Cahuilla Indians	Secretary Altrena Santillanes
Ex-Officio / Non-Voting Members	
Riverside County – District 5	Supervisor Yxstian Gutierrez

ITEM 6A

Energy & Environmental Resources Committee Meeting Minutes June 8, 2023



The audio file for this meeting can be found at: <http://www.cvag.org/audio.htm>

1. **CALL TO ORDER** – The meeting was called to order by Chair Oscar Ortiz, City of Indio, at 12:04 p.m. at the CVAG Conference Room, 73-710 Fred Waring Drive, Suite 119, in the City of Palm Desert. Videoconferencing was available from the City of Blythe.
2. **ROLL CALL** – Roll call was taken and it was determined that a quorum was present.

Members Present

Mayor Joseph DeConinck
Councilmember Nancy Ross
Councilmember Stephanie Virgen
Councilmember Russell Betts
Mayor Oscar Ortiz, *Chair*
Mayor Linda Evans, *Vice Chair*
Director Russ Martin
Councilmember Gina Nestande
Councilmember Ron deHarte
Councilmember Ted Weill
Supervisor V. Manuel Perez

Agency

City of Blythe
City of Cathedral City
City of Coachella
City of Desert Hot Springs
City of Indio
City of La Quinta
Mission Springs Water District
City of Palm Desert
City of Palm Springs
City of Rancho Mirage
Riverside County – District 4

Members/ Ex-Officios Not Present

Vice Chair Candace Patencio Anderson
Mayor Donna Griffith
Supervisor Yxstian Gutierrez
Board Member Anthony Bianco
Director Karin Eugenio
Secretary Altrena Santillanes
Board Member Patricia Oygarr

Agua Caliente Band of Cahuilla Indians
City of Indian Wells
Riverside County – District 5
Coachella Valley Water District
Imperial Irrigation District
Torres Martinez Desert Cahuilla Indians
Desert Water Agency

3. PUBLIC COMMENTS ON AGENDA ITEMS

None.

4. COMMITTEE MEMBER / DIRECTOR COMMENTS

Chair Ortiz provided an update on projects reviewed by the Southern California Association of Governments' Energy and Environment Committee.

Executive Director Tom Kirk reported that Agenda Item 6D was being pulled from the agenda. Staff was anticipating another procurement over the summer and would bring the item back to the committee in the fall.

Mr. Kirk also gave the committee an update on the status of addressing graffiti along Interstate 10, which had previously brought to the committee by Councilmember Betts.

Mr. Kirk highlighted CVAG's 50th Anniversary and General Assembly, which will be held Monday, June 26 at 6 p.m. at Desert Island's the Penney and Parlour. He also reported that direct deposit is available for committee members' stipends.

Councilmember Betts announced that the City of Desert Hot Springs just had 80 new EV stations installed.

5. CONSENT CALENDAR

A. Approve May 11, 2023 Committee Meeting Minutes

IT WAS MOVED BY MAYOR EVANS AND SECONDED BY COUNCILMEMBER WEILL TO APPROVE THE CONSENT CALENDAR ITEMS.

THE MOTION CARRIED WITH 11 AYES AND 5 MEMBERS ABSENT.

Vice Chair Patencio Anderson	Absent
Mayor DeConinck	Aye
Councilmember Ross	Aye
Councilmember Virgen	Aye
Board Member Bianco	Absent
Councilmember Betts	Aye
Director Eugenio	Absent
Mayor Griffith	Absent
Mayor Ortiz	Aye
Mayor Evans	Aye
Director Martin	Aye
Councilmember Nestande	Aye
Councilmember deHarte	Aye
Councilmember Weill	Aye
Supervisor Perez	Aye
Secretary Santillanes	Absent

6. DISCUSSION / ACTION

A. Presentation: Regional Climate Change Trends and Implications for Resiliency

Dr. Lynn Sweet from the UCR Center for Conservation Biology presented on regional climate change and its effects on conservation. Member discussion ensued.

No action was taken as this was an informational item.

B. Update on Colorado River Negotiations

Program Manager Emmanuel Martinez introduced Christopher Harris, Executive Director of the Colorado River Board, who joined the meeting via Zoom to provide an update on Colorado River negotiations

Member discussion ensued, including Mr. Harris answering additional questions regarding river negotiations.

Jim Barrett, General Manager from the Coachella Valley Water District, provided additional details on the negotiations.

No action was taken as this was an informational item.

C. Senate Bill 583 and the Proposed Salton Sea Conservancy

Mr. Martinez provided the staff report. Dan Reeves, Chief of Staff for Senator Padilla, joined the meeting by Zoom to describe the legislation's intent. Supervisor V. Manuel Perez described the County's efforts to address regional concerns with the bill.

Public comment was received. Patrick O'Dowd, Executive Director, outlined the Salton Sea Authority's opposition. Antonio Ortega, Government Affairs Communications Officer from Imperial Irrigation District, recommended the Committee support if amended position.

Member discussion ensued.

IT WAS MOVED BY MAYOR EVANS AND SECONDED BY COUNCILMEMBER BETTS TO OPPOSE SENATE BILL 582 RELATED TO ESTABLISHING THE SALTON SEA CONSERVANCY, UNTIL THE LEGISLATION IS AMENDED AND THERE ARE FURTHER DISCUSSIONS THAT SORT OUT DETAILS AND REACH A BETTER POSITION COLLECTIVELY FOR MOVING FORWARD BECAUSE OF THE PASSION THAT IS SHARED FOR THE SALTON SEA

THE MOTION CARRIED WITH 11 AYES AND 5 MEMBERS ABSENT.

Vice Chair Patencio Anderson	Absent
Mayor DeConinck	Aye
Councilmember Ross	Aye
Councilmember Virgen	Aye
Board Member Bianco	Absent
Councilmember Betts	Aye
Director Eugenio	Absent
Mayor Griffith	Absent
Mayor Ortiz	Aye
Mayor Evans	Aye
Director Martin	Aye
Councilmember Nestande	Aye
Councilmember deHarte	Aye
Councilmember Weill	Aye
Supervisor Perez	Aye
Secretary Santillanes	Absent

D. Contract for Used Oil Recycling Program

This item was pulled from the agenda.

7. **INFORMATION** – The following items were provided in the agenda for information only:

A. **Attendance Record**

B. **Update on the Inland Regional Energy Network**

C. **Update on Property Assessed Clean Energy (PACE) Program**

D. **Southern California Edison General Rate Case and Imperial Irrigation District Rate Comparison**

E. **California Air Resources Board- Advanced Clean Fleets regulation**

F. **CVAG Schedule of Meetings for Fiscal Year 2023/24**

8. **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

None

9. **ANNOUNCEMENTS**

The next meeting of the **Energy & Environmental Resources Committee** will be held on Thursday, September 14, 2023, at noon at the CVAG conference room, 73-710 Fred Waring Drive, Suite 119, Palm Desert, 92260.

The next meeting of the **Executive Committee** will be held on Monday, June 26, 2023, at 4:30 p.m. at The Penney & Parlour at Desert Island, 71777 Frank Sinatra Dr, Rancho Mirage, 92270.

The next meeting of the **General Assembly** will be held on Monday, June 26 at 6 p.m. at The Penney & Parlour at Desert Island, 71777 Frank Sinatra Dr, Rancho Mirage, 92270.

10. **ADJOURN** –

Chair Ortiz adjourned the meeting at 1:24 p.m.

Respectfully submitted,

Elysia Regalado
Management Analyst

ITEM 6B

Coachella Valley Association of Governments Energy & Sustainability Committee September 14, 2023



STAFF REPORT

Subject: Representation on the Solid Waste Advisory Council/Countywide Local Taskforce

Contact: Savannah Gil, Program Specialist (sgil@cvag.org)

Recommendation: Appoint the Rancho Mirage Councilmember Ted Weill and City of Indio Environmental Programs Coordinator Sara Toyoda as CVAG's representatives on the Solid Waste Advisory Council/Countywide Local Taskforce, and City of Cathedral City Environmental Conservation Manager Deanna Pressgrove and City of Palm Springs Director of Sustainability Lindsey-Paige McCloy as taskforce alternates, for two-year terms

Background: The Solid Waste Advisory Council was established by the Riverside County Board of Supervisors in 1981. In 1989, the California Integrated Waste Management Act of 1989 (AB 939) was passed, which established mandated solid waste diversion and recycling requirements. With that, the role of the Solid Waste Advisory Council was expanded to include the AB 939 State-mandated duties of a Local Task Force, forming the Riverside County Solid Waste Advisory Council/Countywide Local Task Force (SWAC/LTF).

With this added function, the responsibilities of the SWAC/LTF were increased to include not only making findings and providing advisory recommendations to Riverside County's Planning Commission and Board of *Supervisors* on all substantive waste management issues and solid waste facility land use matters but also assisting the County and its cities in meeting AB 939 requirements, the preparation and revision of the Countywide Integrated Waste Management Plan (CIWMP), reviewing and commenting on solid waste facilities and their expansions for consistency with the CIWMP, and sending recycling goals to the California Integrated Waste Management Board.

Meetings of the SWAC/LTF are held as needed, generally on the third Thursday of the month, and require a quorum of 11 members. The Riverside County SWAC/LTF provides members with the opportunity to assist the County and its cities in complying with AB 939 mandates, plan for adequate waste disposal capacity and facilities, evaluate waste disposal alternatives and technologies, and influence the direction of waste management practices and legislation.

From 2013 to 2015, CVAG was an active member of the SWAC/LTF. There have been no meetings since 2015. In July 2023, CVAG received a letter from the Riverside County Department of Waste Resources requesting that CVAG re-appoint two primary members and two alternate members to represent the region on the SWAC/LTF. CVAG staff solicited volunteers by contacting its member jurisdictions by email. Four individuals expressed interest.

CVAG staff is recommending Rancho Mirage Councilmember Ted Weill, who is CVAG's Vice Chair this fiscal year, and Indio Environmental Programs Coordinator Sara Toyoda be appointed as primary members. Staff is also recommending Cathedral City Environmental Conservation

Manager Deanna Pressgrove and Palm Springs Director of Sustainability Lindsey-Paige McCloy be named as alternates. CVAG staff is recommending the individuals be appointed for two-year terms.

Fiscal Analysis: The SWAC/LTF is organized by the Riverside County Department of Waste Resources. There is no cost to CVAG for this taskforce.

ITEM 6C

Coachella Valley Association of Governments Energy & Sustainability Committee September 14, 2023



STAFF REPORT

Subject: Clean Air Day – October 4, 2023

Contact: Emmanuel Martinez, Program Manager – External Affairs (emartinez@cvag.org)

Recommendation: Adopt Resolution No. 2023-003 promoting California Clean Air Day to raise awareness of the importance of improving air quality to improve public health

Background: California Clean Air Day is an annual event celebrated on the first Wednesday in October. As a project of the Coalition for Clean Air, the purpose of Clean Air Day is to raise awareness about the importance of clean air and encourage individuals, communities, and organizations to take steps to improve air quality. It also serves as a platform to engage communities in collective action to reduce air pollution and protect public health.

The Coalition for Clean Air (CCA) was established in 1971 and is California's only statewide public interest organization advocating for clean air. Past accomplishments of the CCA include establishing California's Smog Check program in 1981 as well as banning the dry cleaning chemical "perc," which is considered toxic.

As part of the CCA's efforts, Clean Air Day is an opportunity to educate the public about the impact of air pollution on health, climate change, and equity. According to organizers, government entities, non-profits and other stakeholders can leverage Clean Air Day to disseminate information through various channels, including social media, public health campaigns, community events, and partnerships with local organizations about the importance of clean air and its nexus to public health. It also provides an opportunity to engage communities and encourage community participation and involvement.

Air Day promotes the health and well-being of communities by emphasizing the link between clean air and public health outcomes. Improving air quality is important to reducing respiratory diseases, cardiovascular problems, and other related health issues. In addition, Clean Air Day is an opportunity to advocate for policies and initiatives that support clean air goals. Organizations can collaborate with other stakeholders, such as environmental agencies, transportation departments, and policymakers, to advocate for stricter emission standards, sustainable transportation options, and regulations that reduce air pollution sources.

According to the CCA, Clean Air Day reaches 2 million participants across the state of California. This year Clean Air Day will be targeting kids and students ranging from Pre-K through college age. CCA has created pledges for elementary students, middle school students and high school students that include age-appropriate pledge tasks for each group. More information about the Coalition for Clean Air and Clean Air Day can be found at CleanAirDay.org.

CVAG staff recently received a request from the South Coast Air Quality Management District to support the efforts. CVAG staff recommends the adoption of the attached resolution.

Fiscal Analysis: There is no cost to adopting the resolution.

RESOLUTION NO. 2023-003

**A RESOLUTION OF THE
COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS
RECOGNIZING CALIFORNIA CLEAN AIR DAY**

WHEREAS, Air pollution contributes to higher rates of cancer and heart and lung diseases, which adversely affect health; and

WHEREAS, Riverside County and the Coachella Valley are non-attainment areas and have amongst the poorest air quality in the United States; and

WHEREAS, Emissions from vehicles, industry, and even household sources significantly affects the natural environment, air quality and well-being of Coachella Valley residents; and

WHEREAS, Individual actions such as not idling vehicles, walking or biking to work and school, carpooling, and conserving energy can directly improve air quality in our region; and

WHEREAS, government employees, vendors and elected officials have tremendous power to help lower emissions; and

WHEREAS, Pledges by individuals have shown to result in action; and

WHEREAS, Education about air quality can raise community awareness, encourage our community to develop better habits and improve our community health; and

WHEREAS, Californians will be joining together across the state to clear the air on October 4, 2023; and

WHEREAS, the Coachella Valley Association of Governments is committed to the health of our residents, workforce, visitors, and community at large; now, therefore be it

NOW THEREFORE BE IT RESOLVED that CVAG encourages individuals to recognize that the first Wednesday of October as "Clean Air Day" to protect the health and well-being of our residents, visitors, and workforce.

PASSED AND ADOPTED, by the Executive of the Coachella Valley Association of Governments, County of Riverside, State of California on September 25, 2023.

By: _____

Scott Matas

CVAG Chair

Witnessed By: _____

Tom Kirk

Executive Director

ITEM 7A

Coachella Valley Association of Governments Energy & Sustainability Committee September 14, 2023



STAFF REPORT

Subject: Update from the California Air Resources Board

Contact: Emmanuel Martinez, Program Manager – External Affairs (emartinez@cvaq.org)

Recommendation: Information

Background: As one of six boards and departments under the California Environmental Protection Agency, the California Air Resources Board (CARB) is responsible for providing programs and resources that improve air quality to improve public health. From promulgating regulations related to clean cars and fuels to programs such as Cap-and-Trade, CARB's is the lead agency for climate change programs and oversees all air pollution control efforts in the state.

CARB is governed by a 14-member board appointed by the Governor, with specific expertise in air quality and related fields. The board oversees various divisions and offices responsible for implementing CARB's programs. Riverside County Supervisor V. Manuel Perez, a member of the Energy & Sustainability Committee, serves as one of the Board members.

CARB's key programs include:

- **Mobile Source Control Division (MSCD):** MSCD focuses on regulating emissions from vehicles and off-road equipment. Notable programs include the Zero Emission Vehicle (ZEV) program and the Low Emission Vehicle (LEV) program.
- **Stationary Source Division (SSD):** SSD regulates emissions from stationary sources such as power plants and industrial facilities. It implements the Cap-and-Trade program and enforces stringent emissions standards for various industries.
- **Climate Change Division (CCD):** CCD is tasked with reducing greenhouse gas emissions in California. It oversees the implementation of the state's ambitious climate goals, including the California Global Warming Solutions Act (AB 32).
- **Research Division:** This division conducts research to support CARB's regulatory efforts and assesses the health and environmental impacts of air pollution.
- **Enforcement Division:** Responsible for enforcing CARB's regulations, the Enforcement Division ensures compliance with emission standards and takes legal action when necessary.
- **Public Engagement and Education:** CARB engages with the public, stakeholders, and communities to raise awareness and promote participation in air quality improvement efforts.

CARB faces ongoing challenges, including the need to accelerate emissions reductions to combat climate change effectively, reduce environmental disparities in underserved

communities, and transition to cleaner transportation and energy sources. To help make progress in addressing these challenges, CARB implements various grant programs, including the Community Air Grants program, which was established by AB 617.

Tracey Harper, CARB Tribal Affairs Liaison, will provide an update on CARB's resources and grants at the September meeting of the Energy & Sustainability Committee.

Fiscal Analysis: There is no cost for this information item.

ITEM 7B

Coachella Valley Association of Governments Energy & Sustainability Committee September 14, 2023



STAFF REPORT

Subject: Regional Approach to Regulating Mylar Balloons in Public Spaces

Contact: Erica Felci, Chief Operating Officer (efelci@cvag.org)

Recommendation: Provide direction on pursuing a model ordinance that limits the use of Mylar balloons in public parks across the Coachella Valley

Background: Over the course of several meetings last year, CVAG's Public Safety Committee was provided updates on the increasing public safety concerns related to Mylar balloons and power outages. The issue, which has drawn attention from both Southern California Edison (SCE) and Imperial Irrigation District (IID), led to discussions around both the sale and possession of Mylar balloons.

In November 2022, CVAG staff sought direction on pursuing a model ordinance being circulated by IID in order to address power outages in the Coachella Valley. The concept of limiting the sale and/or possession of Mylar balloons prompted significant discussion. At the time, the Public Safety Committee did not take a position on a model ordinance that IID had drafted but instead requested CVAG staff continue to track the issue. Based on the Public Safety Committee's recommendation, CVAG also supported statewide legislation that better regulates Mylar balloons.

Mylar balloons are made with Mylar nylon, a non-biodegradable material, and are typically coated with a metallic finish that conducts electricity. These balloons are a common feature at celebratory events such as birthdays or graduations, and they stay inflated for two weeks or longer. When they are not sufficiently weighted and are released into the air, Mylar balloons have the potential to contact power lines, which can result in power outages and fires.

On April 13, 2023, the Palm Desert City Council discussed local regulations of Mylar balloons and provided direction to City staff about taking steps to limit their use. In June 2023, the Palm Desert City Council adopted Ordinance No. 1397, which states *"Within the limits of any public park or recreation area of the city, no person shall possess, bring, decorate with, or use a foil balloon that is filled with a gas lighter than air."* The ordinance (attached) went into effect on August 20, 2023. According to City staff, signage is being posted in all city parks and the City is adding language to its various special events applications to inform the public. The City is currently focused on educational efforts to make sure residents and visitors are aware of the ban. In the future, should significant issues arise, City staff stated they will evaluate whether there is any need for code enforcement engagement or consideration of fines.

Palm Desert City officials have asked CVAG staff to renew discussions around a regional approach on addressing Mylar balloons, and specifically requested that the City's ordinance be brought to the Energy & Sustainability Committee. Because this issue had previously originated with the Public Safety Committee, CVAG staff is now providing both Committees with this update and seeking direction on whether to pursue a regional ordinance to address the use of Mylar balloons. The Committee could

recommend that CVAG endorse Palm Desert's approach and circulate it to member jurisdictions for their individual considerations. The Committee could also recommend that a broader approach is considered, which would require additional CVAG staff time before the item is brought back at a future meeting. Staff will be seeking similar input when the Public Safety Committee meets on September 11, and staff will verbally recap its discussion at the Energy & Sustainability Committee meeting. Based on the input received from both Committees, the item could be presented at the September meeting of the Executive Committee.

CVAG staff would also note that, since 1990, California has prohibited the release of Mylar balloons into the air in an effort to help reduce power outages. Additional legislative efforts have sought to limit the manufacture or sale of celebratory foil balloons. In June 2022, based on the direction and recommendation of the Public Safety Committee, the CVAG Executive Committee issued support for Assembly Bill 847, authored by Assemblymember Bill Quirk (D-Hayward), which aimed to impose additional regulations to govern the manufacture or sale of celebratory foil balloons. The version of AB 847 that was signed by the Governor was amended after CVAG's committees endorsed it. Whereas the bill initially aimed to ban the sale of Mylar balloons in 2026 if they cannot pass certain standards and requirements, the final version has a much longer phase-out that will start no sooner than January 2027 and could extend past 2031.

Fiscal Analysis: There is no cost to CVAG for this informational update. The development of a model ordinance can be covered under existing staff time, should the Public Safety Committee or the Energy & Sustainability Committees endorse a regional approach to addressing Mylar balloons.

Attachment: Palm Desert City Ordinance No. 1397, banning Mylar balloons from public parks

ORDINANCE NO. 1397

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM DESERT, CALIFORNIA, AMENDING TITLE 11 PARKS, CHAPTER 11.01 GENERAL PROVISIONS, PROHIBITING MYLAR BALLOON USE IN CITY PARKS, AND MAKING A FINDING OF EXEMPTION UNDER CEQA

WHEREAS, balloons made of foil, metallic foil, or other electrically conductive material, also known as Mylar Balloons, pose a safety hazard when released into the air as they can cause power outages, explosions, downed power lines and damaged infrastructure when coming near or into direct contact with high-voltage power lines, resulting in costly repairs and/or hours of power outages affecting City of Palm Desert residents and businesses; and

WHEREAS, State law prohibits the outdoor release of any balloon made of electrically conductive material that is inflated with a gas lighter than air (California Penal Code Section 653.1), and requires an object of sufficient weight to be affixed to each balloon at the time of sale or distribution to counter the lift capability of the balloon, and also requires a permanent warning notice regarding the conductivity and danger of Mylar Balloons, along with the manufacturer's name printed on the balloon (California Business & Professions Code Section 22942); and

WHEREAS, on September 18, 2022, AB 847 Electrically Conductive Balloons was chaptered into state law, further requiring any person who sells, offers for sale, or manufacturers for sale in this state, any foil balloon, shall comply with the standardized testing requirements to be established by the Institute of Electrical and Electronics Engineers (IEEE) ensuring the balloon will not cause a fault at high-voltage electric distribution levels no later than four (4) years from the commencement date, or on or around January 1, 2031 (California Business & Professions Code Section 22942); and

WHEREAS, the City of Palm Desert desires to implement an additional measure to prohibit the use of Mylar balloons at City parks to mitigate the dangerous impacts from these balloons coming into contact with power lines and otherwise creating a negative impact on the environment; and

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

THE CITY COUNCIL OF THE CITY OF PALM DESERT DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The recitals above are each incorporated by reference and adopted as findings by the City Council.

SECTION 2. Amendment to Municipal Code. Palm Desert Municipal Code Title 11 *Parks*, Chapter 11.01 *General Provisions*, Section 11.01.010 *Definitions* is hereby amended to include the definition of "Foil balloon" in alphabetical order as follows:

“Foil balloon” means any balloon constructed of electrically conductive material, including, foil, metallic foil, Mylar, or other transparent plastic/polyester resin designed to be inflated with air or other gas including a gas lighter than air causing it to float, and may be used for decorative, toy, or entertainment purposes.”

SECTION 3. Amendment to Municipal Code. Palm Desert Municipal Code Title 11 *Parks*, Chapter 11.01 *General Provisions*, Section 11.01.010 *Definitions* is hereby amended to include the definition of “Gas lighter than air” in alphabetical order as follows:

“Gas lighter than air” means a gas that has a lower density than normal atmospheric gases and rises above them as a result, including, but are not limited to helium, hydrogen, nitrous oxide, methane, and nitrogen.”

SECTION 4. Addition to Municipal Code. Subsection AA. is added to Section 11.01.080 *Prohibited conduct generally*, Chapter 11.01 *General Provisions*, Title 11 *Parks* of the Palm Desert Municipal Code to read as follows:

“11.01.080 Prohibited conduct generally.

Within the limits of any public park or recreation area of the city, no person shall:

[...]

AA. Possess, bring, decorate with, or use a foil balloon that is filled with a gas lighter than air.”

SECTION 5. Severability. If any section, subsection, clause or phrase of this Ordinance or any part thereof is for any reason held to be invalid, unconstitutional, or unenforceable by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of the Ordinance. The City Council declares that it would have passed each section, subsection, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase would be declared invalid, unconstitutional or unenforceable.

SECTION 6. CEQA. The City Council finds that this Ordinance is exempt from the provisions of the California Environmental Quality Act (“CEQA”) pursuant to State CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3) in that the proposed changes are not anticipated to result in a direct or reasonably foreseeable indirect physical change in the environment, nor will the proposed changes have the potential for causing a significant effect on the environment. This Ordinance is further exempt from the provisions of CEQA pursuant to Section 15308 of the State CEQA Guidelines as an action to assure the maintenance, restoration, enhancement, or protection of the environment.

SECTION 7. Publication. The City Clerk of the City of Palm Desert, California, is hereby directed to publish this Ordinance in the Desert Sun, a newspaper of general circulation, published and circulated in the City of Palm Desert, California, and shall be in full force and effective thirty (30) days after its adoption.

ADOPTED ON June 22, 2023.

DocuSigned by:

Kathleen Kelly

002E74011AG0404...

KATHLEEN KELLY
MAYOR

ATTEST:

DocuSigned by:

Anthony J. Mejia

0000A100720D407...

ANTHONY J. MEJIA
CITY CLERK

I, Anthony J. Mejia, City Clerk of the City of Palm Desert, California, do hereby certify that Ordinance No. 1397 is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Desert City Council on June 08, 2023, and adopted at a regular meeting of the City Council held on June 22, 2023, by the following vote:

AYES: HARNIK, NESTANDE, QUINTANILLA, TRUBEE, AND KELLY
NOES: NONE
ABSENT: NONE
ABSTAIN: NONE
RECUSED: NONE

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Desert, California, on 6/23/2023.

DocuSigned by:

Anthony J. Mejia

0000A100720D407...

ANTHONY J. MEJIA
CITY CLERK

ITEM 7C

Coachella Valley Association of Governments Energy & Sustainability Committee September 14, 2023



STAFF REPORT

Subject: Contract for Used Oil Recycling Program

Contact: Emily Langenbahn, Management Analyst (elangenbahn@cvag.org)

Recommendation: Authorize the Executive Director to execute a one-year services contract with HF&H Consultants, LLC for a total not-to-exceed annual amount of \$56,995 for the Used Oil Recycling Program, with the option for two additional years, all contingent on receiving a CalRecycle grant

Background: CVAG, in partnership with its member jurisdictions, has long maintained successful recycling programs for waste tires and for used oil. These programs are implemented through the use of consultants to provide program event coordination and staff services and are traditionally funded through grants secured from the California Department of Resources Recycling and Recovery (CalRecycle). In April 2023, the CVAG Executive Committee approved Resolution 2023-01 authorizing grant applications for tire and oil recycling programs through 2028.

The state's Used Oil Recycling Event Grant program provides funds for local jurisdictions to collect and recycle used oil that would likely be discarded illegally or left on site, leading to unsafe conditions. CVAG has provided used oil recycling events throughout the region since 2003. CVAG generally offers seven events per cycle at various AutoZone locations throughout the Coachella Valley and in the City of Blythe, CVAG also coordinates with Riverside County for collection events to include the unincorporated areas in CVAG's territory, namely Mecca and Thermal.

HF&H Consults, LLC (HF&H) has been assisting CVAG with Used Oil Grant Program services since September 2011, and the firm was selected through a formal procurement process. HF&H has performed these services in a professional and efficient manner, while keeping costs under budget. The contract has been amended several times over the years, with the most recent being Amendment No. 5 that ended as of August 30, 2023.

Rather than just recommend another contract extension, CVAG staff earlier this year issued a request for proposals (RFP) for a consultant to provide grant-funded program services. Staff in June 2023 had provided a recommendation for the Committee's consideration. However, due to a concern that was raised about the procurement process, CVAG staff pulled the agenda item and opted to restart the procurement process.

On July 12, 2023, CVAG staff re-issued the RFP to solicit qualifications-based proposals for a consultant to provide services for the FY 2023-2024 Used Oil Grant Program. The proposal submission period closed on August 9, 2023. CVAG received two proposals: HF&H Consultants, the existing contractor, and Southern California Mountains Foundation – Urban Conservation Corps (SCMF-UCC), which is the contractor for CVAG's tire amnesty program.

A selection committee of three CVAG staff members was established to review, score, and rank the two proposals based on the firm's proposal. Both firms were invited for interviews with the selection committee on August 29, which included questions and a presentation of their understanding of the project and proposed services. The selection committee met immediately following the finalist interviews, and unanimously recommended HF&H be awarded the FY 2023-2024 Used Oil Grant Program Services.

CVAG is recommending HF&H be awarded the FY 2023-2024 Used Oil Program Grant Program Services contract, with options to extend for the 2024-2025 and 2025-2026 cycles. The contract is contingent upon the CalRecycle Used Oil Grant Program award and funding. The recommended action would also authorize the Executive Director and/or Legal Counsel to make clarifying changes to the contract before execution.

Fiscal Analysis: HF&H cost proposal for FY 2023-2024 is for an amount not-to-exceed \$56,995. The contract's award is contingent upon receiving the CalRecycle Used Oil Grant Award, which covers all costs for the program, including the consultant contract, CVAG staff time, city staff time, advertising, and all necessary expenses for the program. CVAG staff will be applying for another grant from CalRecycle for the 2023-2024 Used Oil Recycling program in June 2023.

The contract provides for two, one-year grant extensions contingent on additional grant funding. Staff would return to the committees for additional authorization should the proposed annual costs for those additional years exceed the current proposal.

Attachments:

HF&H Used Oil Recycling Grant Program Services Contract
HF&H Work and Cost Proposals

SERVICES CONTRACT

between

COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS (CVAG)

and

HF&F CONSULTANTS, LLC

THIS AGREEMENT is made and effective as of **September 25, 2023** between the **Coachella Valley Association of Governments ("CVAG")** and **HF&H Consultants, LLC ("Consultant")**. In consideration of the mutual covenants and conditions set forth herein, the parties agree as follows:

1. TERM

This Agreement shall commence on **October 1, 2023** and shall remain and continue in effect until tasks described herein are completed, but in no event later than **September 30, 2024** unless sooner terminated or extended pursuant to the provisions of this Agreement. CVAG shall have the **unilateral option**, at its sole discretion, to renew this Agreement and negotiate a revised price, if any, for no more than **two additional one-year terms**. If the parties are unable to reach an agreement, CVAG, at its sole discretion, will not move forward with the renewal option and shall re-bid the work.

2. SERVICES

Consultant shall perform **Used Oil Recycling Program** services consistent with the provisions of the Request for Bids/Proposals for the proposed **CalRecycle 2023-2024 Used Oil Recycling Grant Program** cycle, released on **July 12, 2023**, (the "IFB/RFP,") and any modification thereto adopted in writing by the parties and identified herein as an exhibit to this Agreement, upon issuance by CVAG of written authority to proceed (a "Notice to Proceed") as to either (a) a portion of the work if separate and independent tasks are contemplated or (b) all work if it constitutes a single project.

Except as amended by the exhibits hereto, Consultant is bound by the contents of the RFP and Consultant's response thereto. In the event of conflict, the requirements of this Agreement, including any exhibits, then the Request for Proposals, shall take precedence over those contained in Consultant's response.

The following exhibit(s) are attached and incorporated herein by reference:

Exhibit A: Scope of Work

Exhibit B: Price Formula (Consultants Proposal/Bid)

3. PRICE FORMULA

CVAG agrees to pay Consultant at the rates set forth in Exhibit B, the Price Formula, and by reference incorporated herein. In no event shall the total amount paid for services rendered by Consultant under this Agreement exceed the sum of \$56,995 without a written amendment.

4. PERFORMANCE

Consultant shall at all times faithfully, competently and to the best of its ability, experience, and talent, perform all tasks required hereunder. Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing similar services as are required of Consultant hereunder in meeting its obligations under this Agreement.

Consultant shall submit informal progress reports to CVAG's Project Manager by telephone, e-mail or in person, on a weekly basis, in a form acceptable to CVAG, describing the state of work performed. The purpose of the reports is to allow CVAG to determine if the contract objectives and activities are being completed in accordance with the agreed upon schedule, and to afford occasions for airing difficulties or special problems encountered.

The Consultant's Project Manager shall meet with the CVAG Project Manager as needed.

5. PAYMENT

(a) If independent and separate Work Orders are contemplated, CVAG shall pay Consultant upon satisfactory completion of each Work Order; and, unless Consultant provides a performance bond, progress payments will not be made on individual or a collection of Work Orders. If all the work constitutes a single project, Consultant shall submit invoices for work completed on a periodic basis, no more frequently than monthly.

(b) Consultant shall not be compensated for any services rendered in connection with its performance of this Agreement which are in addition to those set forth in a duly issued Work Order.

(c) Consultant shall submit invoices for services performed in accordance with the payment rates and terms set forth in Exhibit B. The invoice shall be in a form approved by CVAG.

(d) A formal report of tasks performed and tasks in process, in a form acceptable to CVAG, shall be attached to each invoice.

(e) All invoices shall be consistent with current progress reports as well as the budget and work schedule set out in the RFP and, if modified or supplemented thereby, the exhibits to this Agreement.

(f) Upon approval by CVAG's Project Manager, payment shall be made within thirty (30) days of receipt of each invoice as to all non-disputed fees. If CVAG disputes any of

Consultant's invoiced fees it shall give written notice to Consultant within thirty (30) days of receipt of the invoice.

6. INSPECTION OF WORK

Consultant shall permit CVAG the opportunity to review and inspect the project activities at all reasonable times during the performance period of this Agreement including review and inspection on a daily basis.

7. SCOPE OF WORK CHANGES

The scope of work shall be subject to change by additions, deletions or revisions by CVAG. Consultant shall be advised of any such changes by written notice. Consultant shall promptly perform and strictly comply with each such notice. If Consultant believes that performance of any change would justify modification of the Agreement price or time for performance, Consultant shall comply with the provisions for dispute resolution set out hereinbelow.

8. SUSPENSION OR TERMINATION OF AGREEMENT WITHOUT CAUSE

(a) CVAG may at any time, for any reason, with or without cause, suspend or terminate this Agreement, or any portion hereof, by serving upon Consultant seven (7) days prior written notice. Upon tender of said notice, Consultant shall immediately cease all work under this Agreement, unless further work is authorized by CVAG. If CVAG suspends or terminates a portion of this Agreement, such suspension or termination shall not make void or invalidate the remainder of this Agreement.

(b) In the event this Agreement is terminated pursuant to this Section, CVAG shall pay Consultant only for work that has been accepted by CVAG. Work in process will not be paid unless CVAG agrees in writing to accept the partial work, in which case, prorated fees may be authorized. Upon termination of the Agreement pursuant to this Section, Consultant will submit a final invoice to CVAG. Payment of the final invoice shall be subject to approval by the CVAG Project Manager as set out above.

9. DEFAULT OF CONSULTANT

(a) Consultant's failure to comply with the provisions of this Agreement shall constitute a default. In the event that Consultant is in default for cause under the terms of this Agreement, CVAG shall have no obligation or duty to continue compensating Consultant for any work performed after the date of default and can terminate this Agreement immediately by written notice to Consultant. Provided, however, if such failure by Consultant to make progress in the performance of work hereunder arises out of causes beyond Consultant's control, and without fault or negligence of Consultant, it shall not be considered a default.

(b) As an alternative to notice of immediate termination, the CVAG Executive Director or his/her delegate may cause to be served upon Consultant a written notice of the default.

Consultant shall then have ten (10) days after service upon it of said notice in which to cure the default by rendering a satisfactory performance. In the event that Consultant fails to cure its default within such period of time, CVAG shall have the right, notwithstanding any other provision of this Agreement, to terminate this Agreement without further notice and without prejudice to any other remedy to which it may be entitled at law, in equity or under this Agreement.

10. OWNERSHIP OF DOCUMENTS

(a) Consultant shall maintain complete and accurate records with respect to work performed, costs, expenses, receipts, and other such information that relates to the performance of services under this Agreement. Consultant shall maintain adequate records of services provided in sufficient detail to permit an evaluation of services. All such records shall be maintained in accordance with generally accepted accounting principles and shall be clearly identified and readily accessible. Consultant shall provide free access to the representatives of CVAG or its designees at reasonable times to such books and records; shall give CVAG the right to examine and audit said books and records; shall permit CVAG to make transcripts therefrom as necessary; and shall allow inspection of all work, data, documents, proceedings, and activities related to this Agreement. Such records, together with supporting documents, shall be maintained for a period of three (3) years after receipt of final payment.

(b) Unless the RFP or exhibits hereto expressly provide otherwise, upon completion of, or in the event of termination or suspension of this Agreement, all original documents, designs, drawings, maps, models, computer files, surveys, notes, and other documents prepared in the course of providing the services to be performed pursuant to this Agreement shall become the sole property of CVAG and may be used, reused, or otherwise disposed of by CVAG without the permission of Consultant. With respect to computer files, Consultant shall make available to CVAG, at Consultant's office and upon reasonable written request by CVAG, the necessary computer software and hardware for purposes of accessing, compiling, transferring, and printing computer files.

11. INDEMNIFICATION FOR PROFESSIONAL LIABILITY

To the fullest extent permitted by law, Consultant shall indemnify, protect, defend and hold harmless CVAG, its members and any and all of their officials, employees and agents from and against any and all losses, liabilities, damages, costs and expenses, including attorney's fees and costs, which arise out of, pertain to, or relate to Consultant's alleged act(s) or failure(s) to act.

12. INSURANCE

(a) Throughout the term of this Agreement, Consultant shall procure and maintain the following: (1) Commercial General Liability insurance in an amount not less than \$1,000,000 per occurrence, \$2,000,000 general aggregate for bodily injury,

personal injury and property damage; (2) Professional Liability/Errors and Omissions insurance in an amount not less than \$1,000,000.00 per claim and in the aggregate; (3) Automobile Liability Insurance for bodily injury and property damage including coverage for owned, non-owned and hired vehicles, in an amount not less than \$1,000,000 per accident combined single limit, at least as broad as Insurance Services Office Form Number CA 00 01 covering automobile liability, Code 1 (any auto); (4) Workers' compensation in compliance with applicable statutory requirements and Employer's Liability Coverage in an amount not less than \$1,000,000 per accident or disease, Consultant shall submit to Agency, along with the certificate of insurance, a Waiver of Subrogation endorsement in favor of Agency, its officers, agents, employees and volunteers.

(b) Consultant shall include CVAG, its member agencies and any other interested and related party designated by CVAG, as additional insureds on the commercial general liability policy and the automobile liability policy for liabilities caused by Consultant in its performance of services under this Agreement and shall provide CVAG with a certificate and endorsement verifying such coverage. In the event said insurance coverage expires at any time or times during the term of this Agreement, Consultant agrees to provide at least five (5) days notice prior to said expiration date and, prior to said expiration date, a new certificate of insurance and endorsements evidencing insurance coverage as required herein for no less than the remainder of the term of the Agreement, or for a total period of not less than one (1) year. New certificates of insurance are subject to the approval of CVAG. In the event Consultant fails to keep in effect at all times insurance coverage as required herein, CVAG may, in addition to any other remedies it may have, terminate this Agreement.

(c) Consultant's insurance coverage shall be primary insurance as respects CVAG, its member agencies, and any other interested and related party designated by CVAG as additional insureds. Any insurance or self-insurance maintained by said additional insureds shall be in excess of Consultant's insurance and shall not contribute with it and, to the extent obtainable, such coverage shall be payable notwithstanding any act of negligence of CVAG, its members, or any other additional insured, that might otherwise result in forfeiture of coverage. Any failure to comply with reporting or other provisions of the policies, including breach of warranties, shall not affect coverage provided to said additional insureds. Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be suspended, voided, canceled by any party, reduced in coverage or in limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to CVAG.

(d) Said insurance policy or policies shall be issued by a responsible insurance company with a minimum A. M. Best Rating of "A-" Financial Category "X", and authorized and admitted to do business in, and regulated by, the State of California.

(e) Evidence of all insurance coverage shall be provided to CVAG prior to issuance of the Notice to Proceed. Consultant acknowledges and agrees that such insurance is in addition to Consultant's obligation to fully indemnify and hold CVAG, its members and any other additional insureds free and harmless from and against any and all claims arising out of an injury or damage to property or persons caused by the acts or omissions of Consultant.

13. INDEPENDENT CONTRACTOR

(a) Consultant is and shall at all times remain as to CVAG a wholly independent contractor. The personnel performing the services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Neither CVAG, its members, nor any of their officers, employees, or agents shall have control over the conduct of Consultant or any of Consultant's officers, employees, or agents, except as set forth in this Agreement. Consultant shall not at any time or in any manner represent that it or any of its officers, employees, or agents are in any manner officers, employees, or agents of CVAG or its members. Consultant shall not incur or have the power to incur any debt, obligation, or liability whatever against CVAG or its members, or bind CVAG or its members in any manner except as expressly authorized by CVAG.

(b) No employee benefits shall be available to Consultant in connection with the performance of this Agreement. Except for the fees paid to Consultant as provided in the Agreement, CVAG shall not pay salaries, wages, or other compensation to Consultant for performing services hereunder. CVAG shall not be liable for compensation or indemnification to Consultant for injury or sickness arising out of performing services hereunder.

14. LEGAL RESPONSIBILITIES

Consultant shall keep itself informed of State, Federal and local laws and regulations which in any manner affect those employed by it or in any way affect the performance of its services pursuant to this Agreement. Consultant shall at all times observe and comply with all such laws and regulations. CVAG, its members, and their officers and employees, shall not be liable at law or in equity for any liability occasioned by failure of Consultant to comply with this Section.

Consultant shall not discriminate against any employee or applicant for employment because of race, religion, color, sex, age, national origin, or any other unlawful basis.

15. UNDUE INFLUENCE

Consultant declares and warrants that no undue influence or pressure was or will be used against or in concert with any officer or employee of CVAG in connection with the award, terms or implementation of this Agreement, including any method of coercion, confidential financial arrangement, or financial inducement. No officer or employee of CVAG will receive compensation, directly or indirectly, from Consultant, or from any officer, employee or agent of Consultant, in connection with the award of this Agreement or any work to be conducted as

a result of this Agreement. Violation of this Section shall be a material breach of this Agreement entitling CVAG to any and all remedies at law or in equity.

16. NO BENEFIT TO ARISE TO LOCAL EMPLOYEES

No member, officer, or employee of CVAG, nor its designees or agents, and no public official who exercises authority over or responsibilities with respect to the subject of this Agreement during his/her tenure or for one year thereafter, shall have any interest, direct or indirect, in any agreement or sub-agreement, or the proceeds thereof, for work to be performed in connection with the services performed under this Agreement.

17. RELEASE OF INFORMATION/CONFLICTS OF INTEREST

(a) All information gained by Consultant in performance of this Agreement shall be considered confidential and shall not be released by Consultant without CVAG's prior written authorization. Consultant, its officers, employees, agents, or sub-consultants, shall not without written authorization from the CVAG Task Manager or unless requested by the CVAG Attorney, voluntarily provide declarations, letters of support, testimony at depositions, response to interrogatories, or other information concerning the work performed under this Agreement or relating to any project or property of CVAG. Response to a subpoena or court order shall not be considered "voluntary" provided Consultant gives CVAG notice of such court order or subpoena.

(b) Consultant shall promptly notify CVAG should Consultant, its officers, employees, agents, or sub-consultants be served with any summons, complaint, subpoena, notice of deposition, request for documents, interrogatories, request for admissions, or other discovery request, court order, or subpoena from any person or party regarding this Agreement and the work performed thereunder or with respect to any project or property of CVAG or its members. CVAG retains the right, but has no obligation, to represent Consultant and/or be present at any deposition, hearing, or similar proceeding. Consultant agrees to cooperate fully with CVAG and to provide the opportunity to review any response to discovery requests provided by Consultant. However, CVAG's right to review any such response does not imply or mean the right by CVAG to control, direct, or rewrite said response.

(c) Consultant covenants that neither it nor any officer or principal of Consultant's firm has any interest in, or shall acquire any interest, directly or indirectly, which will conflict in any manner or degree with the performance of services hereunder. Consultant further covenants that in the performance of this Agreement, no person having such interest shall be employed by Consultant as an officer, employee, agent, or subcontractor.

18. NOTICES

Any notices which either party may desire to give to the other party under this Agreement must be in writing and may be given either by (i) personal service, (ii) delivery by a reputable document delivery service, such as but not limited to, Federal Express, which provides a receipt showing date and time of delivery, or (iii) mailing in the United States Mail, certified mail, postage prepaid, return receipt requested, addressed to the address of the party as set forth below or at any other address as that party may later designate by notice:

To CVAG:

Tom Kirk, Executive Director
Coachella Valley Association of Governments
73-710 Fred Waring Drive, Suite 200
Palm Desert, CA 92260

To Consultant:

Laith B. Ezzet, Senior Vice President
HF&H Consultants, LLC
2081 Business Center Drive, Suite 265
Irvine, CA 92612]

19. ASSIGNMENT/PERSONNEL

Consultant shall not assign the performance of this Agreement, nor any part thereof, nor any monies due hereunder, without prior written consent of CVAG.

Because of the personal nature of the services to be rendered pursuant to this Agreement, there shall be no change in Consultant's Project Manager or members of the project team without prior written approval by CVAG.

20. MANAGEMENT

CVAG's Executive Director shall represent CVAG in all matters pertaining to the administration of this Agreement, review and approval of all services submitted by Consultant.

During the term of this Agreement, Consultant shall provide sufficient executive and administrative personnel as shall be necessary and required to perform its duties and obligations under the terms hereof.

21. SUBCONTRACTS

Unless expressly permitted in the RFP or the exhibits hereto, Consultant shall obtain the prior written approval of CVAG before subcontracting any services related to this Agreement. CVAG reserves the right to contract directly with any necessary subcontractors in the unlikely event it becomes necessary.

22. LICENSES

At all times during the term of this Agreement, Consultant shall have in full force and effect all licenses required of it by law for the performance of the services described in this Agreement.

23. GOVERNING LAW

CVAG and Consultant understand and agree that the laws of the State of California shall govern the rights, obligations, duties, and liabilities of the parties to this Agreement and also govern the interpretation of this Agreement. Any litigation concerning this Agreement shall take place in the Riverside County Superior Court, Desert Branch.

Any dispute arising under this Agreement shall first be decided by the CVAG Executive Director or designee. Consultant shall give CVAG written notice within seven (7) days after any event which Consultant believes may give rise to a claim for an increase in compensation or a change in the performance schedule. Within fourteen (14) days thereafter, Consultant shall supply CVAG with a statement supporting the claim. CVAG shall not be liable for and Consultant hereby waives any claim or potential claim which Consultant knew or should have known about and which was not reported in accordance with the provisions of this paragraph. Consultant agrees to continue performance of the services during the time any claim is pending. No claim shall be allowed if asserted after final payment.

24. FINAL PAYMENT CERTIFICATION AND RELEASE

CVAG shall not be obligated to make final payment to Consultant until Consultant has fully performed under this Agreement and has provided CVAG written assurances that Consultant has paid in full all outstanding obligations incurred as a result of Consultant's performance hereunder. All obligations owing by CVAG to Consultant shall be deemed satisfied upon Consultant's acceptance of the final payment. Thereafter, no property of CVAG shall be subject to any unsatisfied lien or claim arising out of this Agreement.

25. ENTIRE AGREEMENT

This Agreement contains the entire understanding between the parties relating to the obligations of the parties described in this Agreement. All prior or contemporaneous agreements, understandings, representations, and statements, oral or written, are merged into this Agreement and shall be of no further force or effect. Each party is entering into this Agreement based solely upon the representations set forth herein and upon each party's own independent investigation of any and all facts such party deems material.

26. FORCE MAJEURE

Neither party hereto shall be liable to the other for its failure to perform under this Agreement when such failure is caused by strikes, accidents, acts of God, fire, war, flood, governmental restrictions, or any other cause beyond the control of the party charged with performance; provided that the party so unable to perform shall promptly advise the other party of the extent of its inability to perform. Any suspension of performance by reason of this paragraph shall be limited to the period during which such cause of failure exists.

27. AUTHORITY TO EXECUTE THIS AGREEMENT

The person or persons executing this Agreement on behalf of Consultant warrants and represents that he/she has the authority to execute this Agreement on behalf of Consultant and has the authority to bind Consultant to the performance of its obligations hereunder.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS

By: _____
Tom Kirk, Executive Director

HF&H CONSULTANTS, LLC

By: _____
Laith B. Ezzet, Senior Vice President

EXHIBIT “A”

SCOPE OF WORK

See following page.

DRAFT

Section 2: Project Understanding & Approach



Approach

HF&H has assisted CVAG with the used oil and filter recycling programs since 2006. Over the past seventeen years, HF&H has developed an advertising strategy based on event-participant statistical data gathered during the used oil and filter recycling events. This data has been the foundation of the ongoing success of the used oil recycling program. HF&H will use the event-participant data gathered during the fiscal year 2022/23 used oil filter recycling events to plan an effective event advertising campaign for this upcoming fiscal year 2023/24.

Beyond statistical data, HF&H has formed strong relationships with event participants and Certified Collection Centers (CCCs). Since 2018, HF&H has gathered and maintained an electronic mailing list for interested residents to receive updates on used oil and filter recycling events. Through this e-mail list, residents have come to rely on HF&H for used oil recycling event information, including email inquiries throughout the year to learn about used oil recycling outside of the events. HF&H has not only performed the CCC site visits in accordance with CalRecycle's requirements, but also connected interested CCCs with free signage from CalRecycle to discourage illegal dumping and encourage proper recycling. HF&H will continue our commitment to fostering strong relationships in the community by maintaining a professional and friendly presence for residents and CCCs alike.

Our experience with assisting CVAG and other jurisdictions with the Oil Payment Program (OPP) grant application and annual report allows us to navigate the complexity of the State's reporting requirements. HF&H will ensure that all documentation, including expenditures, meet CalRecycle's OPP requirements.



Understanding and Experience

CalRecycle administers the Used Oil Payment Program. Cities are eligible to receive funds annually in proportion to their population. CVAG manages the used oil grant programs for nine of its member cities. HF&H Consultants administers the used oil grant programs on behalf of CVAG. HF&H has employed a dynamic public education and outreach program which has resulted in the collection of over 15,000 filters at the used oil filter recycling events since 2006 and over 93,000 filters recycled at Certified Collection Centers (CCCs) since 2008. This success is a direct result of HF&H's demographic research conducted at events and the resulting program enhancements. HF&H's management of the OPP program helped increase the number of filters collected at each event from less than 250 in 2006 to an average of over 1,350 filters annually for the five years ending fiscal year 2019, the last year prior to event cancelations and reductions associated with COVID and reductions in grant funding.

HF&H has developed several tools to facilitate CVAG's used oil and filter recycling events. These tools include a resource for projecting, planning, and tracking the annual budget. The estimated available budget for FY 2023/24 is \$91,280, as shown in Table 1 below, the grant funds are used to pay for:

- Event advertising, such as radio ads, flyers and posters, and utility bill inserts,
- New oil filters for attendees that recycle their used oil filter at a recycling event,
- CVAG staff administrative costs, and
- HF&H costs for planning and staffing the used oil filter recycling event and completing the grant application and annual report.

Table 1 Estimated FY 2023-24 Budget

Prior Year Remaining Funds	\$ 38,351
Estimated OPP 14 Funds	\$ 51,758
Total OPP Estimated FY 2023-24 Budget	\$ 90,109

Promoting Sustained Behavior Change and Developing Well-Informed Recyclers

HF&H's main goal is to increase awareness on the importance of recycling used motor oil and oil filters. To encourage behavior change, HF&H developed a comprehensive survey for event attendees. The survey gathers demographic information, used oil and filter recycling attitudes, obstacles to proper recycling, and other important information that is used to refine the events every year to ensure continued success. At each event, bilingual event staff provide important information on the proper methods of used oil and filter recycling. For the past five years, HF&H has seen a positive trend in oil filter recycling awareness. In fiscal year 2018/19 eighty-four percent (84%) of participants reported they knew that oil filters are recyclable as compared to ninety-seven percent (97%) in fiscal year 2022/23.

Each year, participants are becoming better-informed of proper oil and filter recycling methods, which has also affected recycling behaviors. The number of "self-recycled filters" (filters taken to a local Certified Collection Center on non-event days) increased by over 300%, from 2,372 filters in 2008/09 to 9,500 filters in 2022/23! As shown in Figure 1 below, we have found that oil filter recycling increases, not only on the day of the recycling event, but continues at a high level long after the event, because participants have learned and adopted a new behavior of recycling oil and filters. Over 93,000 filters were self-recycled from 2008/09 to 2022/23.

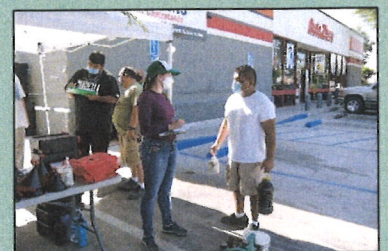
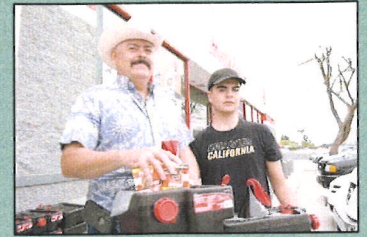
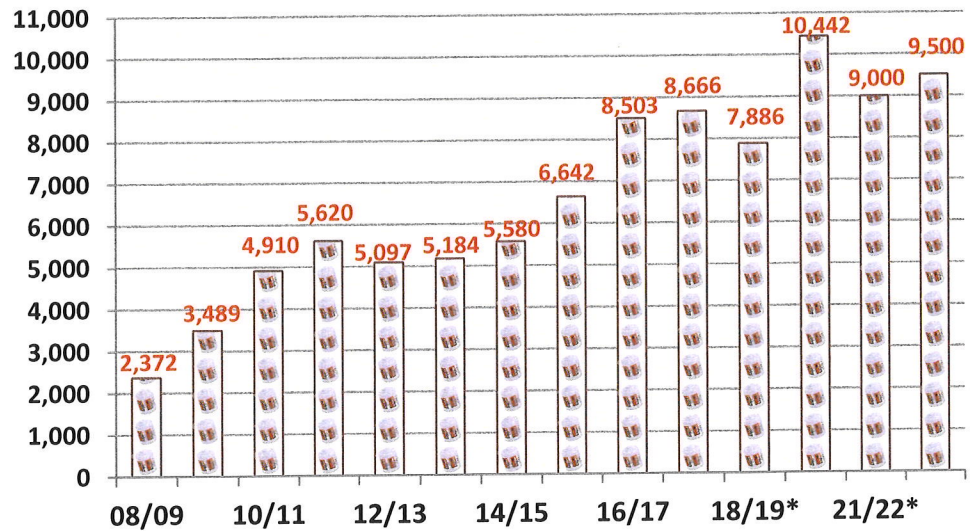


Figure 1: Self-Recycled Oil Filters



*The City of Palm Desert joined CVAG's used oil and filter collection events in 2017/18. Self-Recycled oil filter data is only included for Palm Desert in 2017/18 and after.

Efficiency Through Sustained Long-Lasting Relationships

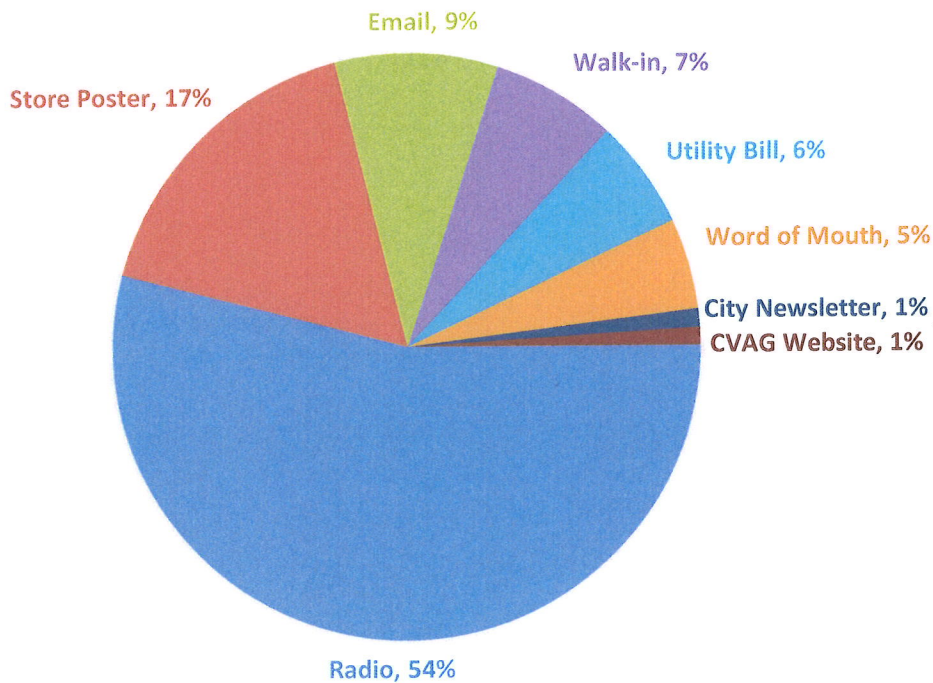
In fiscal year 2006/07, HF&H initiated the use of local radio stations to advertise CVAG's used oil filter recycling events. This targeted outreach has proven to be the most effective event advertising method to date. As shown in Figure 2 below, in fiscal year 2022/23, fifty-four percent (54%) of event participants heard about the events through the radio, the majority of which cited La Poderosa 96.7 (KUNA) radio station explicitly.

HF&H's long-term relationships with KUNA Radio and other vendors used for CVAG's public education and outreach has afforded HF&H the ability to develop successful advertising campaigns for the used oil filter recycling events.

Beyond relationships with vendors, HF&H has worked to establish relationships with regular and repeat attendees. In 2017/18, HF&H began an email list to inform interested community members about the oil and filter recycling events. HF&H reaches out to nearly two-hundred and fifty (250) attendees directly, encouraging them to invite friends and family to the events. As shown in Figure 2 below, in 2022/23, nine percent (9%) of attendees reported that they heard about the event through our email list. Another five percent (5%) heard about the event by word of mouth.



Figure 2: FY 2022/23 Attendance by Advertising Method



Scope of Work

HF&H will perform the scope of work outlined in CVAG's Request for Proposals for the Used Oil Recycling Program. We have described below our experience providing the requested services to CVAG and have included proposed enhancements to the scope of work where appropriate.

Task 1: Pre-Event Coordination

In working with CVAG over the course of seventeen years, HF&H has developed pre-event protocols and tools designed specifically for the CVAG used oil and filter recycling events. These tools include event scheduling surveys, project schedules, task lists, contact lists for jurisdictions and vendors, drawing contest templates, budget guidelines, and pre-event and post-event checklists. HF&H uses these event protocols and tools to coordinate with host cities and event locations, procure advertisements and promotional items, and ensure expenditures fall within the annual planned budget.

For fiscal year 2023/24, HF&H proposes to utilize these protocols and tools to continue the success of CVAG's used oil filter recycling events.

Task 1 Activities:

- Coordinate with CVAG staff to develop an event budget to include event marketing and advertising (radio, print, other media), promotional items, oil filter recycling costs, staff time, and other expenses necessary to complete the program.
- Work with school districts to coordinate a poster drawing contest, coordinate with the CVAG council to select winners, and work with sponsors to obtain prizes for the drawing contest winners.



- Implement social media advertising including CVAG Facebook page, participating cities' social media outlets, and Nextdoor. Implement additional advertising which may include city utility bill inserts, e-blasts to the mailing list, and other creative marketing strategies.
- Design and print promotional flyer and other print media in coordination with CVAG and member jurisdictions.
- Obtain quotes from vendors for promotional items, and media expenditures consistent with CalRecycle allowable expenses, to be approved by CVAG.

Task 2: Used Oil Filter Exchange Events

Since 2006, HF&H has been planning and staffing CVAG's used oil filter recycling events. Through the term of this agreement, HF&H will assist CVAG with the preparation and execution of eight used oil and oil filter recycling events in the member cities, executing the tasks as outlined in this scope of work.

HF&H sees these events as more than a one-time oil and filter recycling opportunity. Staff at the events are trained to provide event participants with information on the negative environmental impacts of improperly disposing of used motor oil and filters to promote sustained behavioral change. HF&H also uses this opportunity to provide important information on the proper handling and disposal of household hazardous waste (HHW) and informs each participant of the curbside recycling opportunities in their city.

In 2008, HF&H initiated a drawing contest at local elementary schools to design the event flyers. This has proven to be a great opportunity to provide environmental information to the future Coachella Valley automobile owners! Each year, HF&H organizes a used oil drawing contest at three local school districts. The contest winner and runners-up are invited to the largest used oil and filter recycling event of the season to accept their prizes and to have their pictures taken for local newspapers.

Task 2 Activities:

- Survey participating cities to create a schedule of events, determine level of city staff participation at the events, assess advertising opportunities and preferences, and identify support needs for member jurisdictions.
- Coordinate with auto parts stores and local jurisdictions to reserve event dates.
- Coordinate the preparation and submittal of special land use permits and certificates of insurance where required.
- Coordinate purchase and delivery of used oil recycling items for each event location.
- Coordinate the development of contracts as appropriate for CVAG approval with media outlets for pre-event advertising and onsite programs.
- Coordinate design, printing, and distribution of event flyers and other printed material.
- Prepare on-site documentation materials for used oil events (pledge card, coupons, and household hazardous waste informational brochures).
- Prior to each event, contact participating store to ensure sufficient capacity for used oil and filters, that promotional items have been delivered, and confirm all event logistics.
- Provide event staffing for all used oil and filter recycling events, including at least one Spanish speaking staff member.



Task 3: Program Measurement and Monitoring

HF&H has gathered attendee data on demographics, recycling behaviors and awareness, and public education and outreach effectiveness through a participant survey administered by event staff. HF&H has also worked closely with the event locations to gather used oil and filter data for periods prior to and after the events. This data has driven the development and revision of the public education and outreach campaigns and informed CalRecycle's annual OPP report.

Task 3 Activities:

- For each filter recycling event, track and document various program measurements including:
 - Number of participants
 - Recycling behaviors and awareness
 - Public education and outreach effectiveness
 - Gallons of oil collected, and
 - Number of filters collected.
- Provide event data to participating auto parts stores.
- Include event data in reports prepared under Task 7 to CVAG staff.
- Coordinate with the event locations to collect data before and after each event.
- Provide a memorandum documenting the event statistics and assessment of program effectiveness.

Task 4: Identify Alternative Program Implementation Options

Each year, HF&H has developed an "Alternative Advertising Campaign" to encourage increased participation at the events and to encourage proper disposal of used oil and used oil filters throughout the Coachella Valley. HF&H collaborates with each participating city to determine the best approach to advertising for their city. Advertising methods employed include:

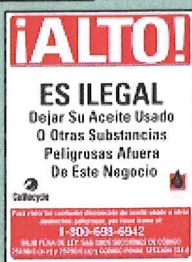
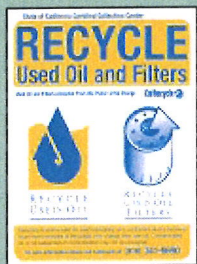
- Radio stations, including Spanish-language, oldies, contemporary, and alternative music
- Newspaper articles
- Online community calendars
- Utility bill inserts
- E-mail sign-up list
- Outreach at College of the Desert and Lucas Motor Speedway
- Large arrow sign at each event
- City websites and newsletters
- Informational calendars

HF&H will assess historical outreach data, gathered during the administration of the event survey, and update advertising methods based on the most effective approaches.

Task 4 Activities:

- Research alternative program implementation options.
- Coordinate programmatic updates with CVAG staff.





Task 5: Certified Center Inspections

Since 2006, HF&H has completed over two hundred (200) CCC site visits throughout the Coachella Valley. HF&H uses the forms and guidelines developed by CalRecycle to perform these visits. Beyond performing the site visits as required, HF&H ensures each CCC visited has appropriate signage and orders new signage from CalRecycle for interested CCCs. HF&H will continue to perform the tasks outlined in CVAG's scope of work and engage with the interested CCCs.

Under CalRecycle's Oil Payment Program, grantees are not required to submit the Certified Center Site Visits Forms with the electronic annual reports; rather, grantees are required to perform one site visit per 100,000 residents and retain documentation of the site visits. HF&H will perform the twelve (12) site visits required through the scope of work, complete the documentation forms, and forward the original forms to CVAG for retention.

Task 5 Activities:

- Conduct inspections at 12 CCCs in accordance with CalRecycle's guidelines for conducting such inspections.
- Inform CVAG if a center refuses to cooperate with an inspection request.
- Compile the results of the inspections in reports prepared for CVAG.
- Arrange for free signage for interested CCCs.

Task 6: Grant Application and Report Assistance

Since 2006, HF&H has assisted in applying for the CalRecycle OPP grant each year, which includes completing the oil program requirements, requesting letters of authorization from each participating city, and completing the annual report.

HF&H has developed a database to record all grant funds expended by CalRecycle expenditure category. This database provides CVAG with the assurance that in the event of an audit by CalRecycle, all grant funds and expenditure records are easily accessible and accurately documented. Each year, HF&H communicates with CVAG's Director of Finance and Administrative Services to compare HF&H's database with CVAG's records. HF&H proposes to continue monitoring the grant funds database and complete the annual report due to CalRecycle each year.

In addition, HF&H gathers used oil and oil filter data from local auto parts stores, hauler curbside collection, HHW and ABOP collection centers, and used oil and filter claims reported by CalRecycle, for inclusion in the annual report.

Task 6 Activities:

- Maintain invoices and receipts for activities related to used oil program.
- Record all used oil program expenditures in database and send database to CVAG annually for review and approval.
- Assist CVAG with filing the used oil grant application, including gathering letters of authorization from each participating city.
- Complete OPP annual report, due August 15 of each year.

Task 7: Provide Support at Meetings as Requested by CVAG

HF&H will provide brief written Used Oil Program Updates for inclusion in the Solid Waste and Recycling Technical Working Group's quarterly meeting packets as requested by CVAG

staff. HF&H would be pleased to attend a meeting and prepare a presentation to share the final results of the used oil and filter recycling events, at the request of CVAG.

Task 7 Activities:

- Provide used oil and filter recycling event participation results following each event.
- Provide updated budget expenditure sheet on a quarterly basis or upon staff request.

Task 8: Solid Waste Presentation at No Additional Charge

HF&H can add additional value to members of CVAG working group through our knowledge and understanding of broader solid waste legislation and industry developments throughout the State. We also have a robust understanding of the solid waste industry in the Coachella Valley from providing consulting services to CVAG member cities including the cities of Palm Springs, Palm Desert, Indio, Coachella, La Quinta, and Indian Wells. In the past, we have presented to CVAG staff and member cities on a variety of industry topics including AB 341 Mandatory Commercial Recycling and SB 1383 compliance, at no additional charge to CVAG. We would be pleased to present on an annual basis upon request. Potential topics may include edible food recovery, recovered organic waste product procurement, SB 1383 compliance, negotiating solid waste agreements, grant opportunities, and more.

Project Timeline

We have prepared the proposed project schedule in Table 2 based on the historical time needed to complete each task.

Table 2 Proposed Schedule for CVAG Used Oil Recycling Program

Activity	Target Date
Task 1: Pre-Event Coordination	October 2023 – January 2024
Task 2: Used Oil Filter Exchange Events	October 2023 – June 2024
Task 3: Project Measurement and Monitoring (i.e., Record Event Data)	December 2023 – June 2024
Task 4: Identify Alternative Program Implementation Options	October – November 2023
Task 5: Twelve Certified Center Inspections	February – July 2024
Task 6: Grant Application and Report Assistance	
A. Grant Application for OPP 15	May – June 2024
B. FY 2023/24 Annual Report Assistance	June – August 2024
Task 7: Provide Support at Meetings as Requested by CVAG	October 2023 – August 2024
Task 8: Optional Solid Waste Presentation at No Additional Charge	Per CVAG's Request



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Exhibit “B”

PRICE FORMULA

See following page.

DRAFT

COST PROPOSAL

HF&H will perform the scope of work as described in our work proposal. Our proposed billing rates and budgets for the project are shown in the tables below and includes event staffing for up to eight used oil filter collection events. Out-of-pocket travel expenses will be billed at actual cost and are included in the proposed cost estimate below. The budget does not include purchasing give-aways, printing, radio promotion, or filter exchange reimbursement.

Proposed HF&H Cost

<u>Base Year</u>		
FY 2023/24	\$150	\$56,995
<u>Option Years</u>		
FY 2024/25	\$155	To Be Determined
FY 2025/26	\$159	To Be Determined

* Budgets for FY 2024/25 and beyond will be determined after available grant funding is determined.

Budgets for FY 2024/25 and beyond will be determined after available grant funding is determined. A detailed workplan for FY 2023/24 is shown on the following page.

Workplan

TASK DESCRIPTION	Engagement Director & Advisor	Project Manager	Event Coordinator and Event Staff	Total Hours
Used Oil Filter-Exchange Events				
1. Pre- Event Coordination				
A. Prepare annual event budget and advertising strategy with CVAG staff.	4	2	4	10
B. Coordinate a Poster Drawing Contest with local school districts.	0	1	8	9
C. Implement additional advertising such as social media, utility bill inserts, and mailing list event announcements.	0	0	8	8
D. Design campaign flyer/posters and other print media. Coordinate production and distribution to stores and other targeted locations.	0	1	10	11
E. Obtain vendor quotes for advertising and promotional items.	0	0	14	14
Task 1: Hours	4	4	44	52
Task 1: Budget				\$ 7,793
2. Used Oil Filter Exchange Events (8 events)				
A. Survey participating cities to create the schedule of events.	0	1	3	4
B. Contact/coordinate with event sites and local jurisdictions.	0	0	8	8
C. Prepare and submit special land use permits and certificates of insurance.	0	1	8	9
D. Coordinate promotional item purchase and distribution.	0	0	4	4
E. Coordinate advertising contracts for CVAG approval.	0	0	4	4
F. Coordinate design, production, and distribution of event advertisements.	0	0	4	4
G. Coordinate on-site equipment and prepare on-site documentation.	0	0	4	4
H. Confirm all event logistics prior to each event.	0	0	2	2
I. Provide staffing for 8 events, including at least one Spanish speaking staff member.	0	16	152	168
Task 2: Hours	0	18	189	207
Task 2: Budget				\$ 31,021
3. Project Measurement and Monitoring (i.e. Record Event Data)				
A. Track and document program measurements for each filter exchange event.	0	1	9	10
B. Provide event data to participating auto parts stores.	0	0	2	2
C. Include event data in reports prepared under Task 7 to CVAG (time shown under Task 7).	0	0	0	0
D. Coordinate with event location to collect pre and post event data.	0	0	5	5
E. Provide a memorandum documenting event statistics and assessment of program effectiveness.	1	1	4	6
Task 3: Hours	1	2	20	23
Task 3: Budget				\$ 3,447
4. Identify Alternative Program Implementation Options	0	1	5	6
Task 4: Budget				\$ 899
5. Twelve (12) Certified Center Inspections	0	0	16	16
Task 5: Budget				\$ 2,398
6. Grant Application and Report Assistance				
A. Grant Application for OPP 15.	0	1	12	13
B. FY 2023/2024 Report Assistance.	2	4	35	41
Task 6: Hours	2	5	47	54
Task 6: Budget				\$ 8,092
7. Provide Support at Meetings as Requested by CVAG				
A. Provide event participation results after each event.	0	1	4	5
B. Provide updated budget expenditure sheet on a quarterly basis or upon staff request.	0	1	4	5
Task 7: Hours	0	2	8	10
Task 7: Budget				\$ 1,499
8. Solid Waste Presentation	Per CVAG's Request At No Additional Charge			
Total Hours				368
Average Hourly Rate				\$ 150
Total Professional Fees				\$ 55,148
Travel Expenses				\$ 1,847
Total FY Fees and Expenses				\$ 56,995

ITEM 7D

Coachella Valley Association of Governments Energy & Sustainability Committee September 14, 2023



STAFF REPORT

Subject: Senate Bill 583 and the Proposed Salton Sea Conservancy

Contact: Emmanuel Martinez, Program Manager – External Affairs (emartinez@cvaq.org)

Recommendation: Provide direction to staff on whether to amend the existing oppose until amended position on Senate Bill 583, related to establishing the Salton Sea Conservancy to undertake activities related to the Salton Sea

Background: The negative environmental, habitat, public health and economic issues posed by the shrinking Salton Sea has caused it to receive substantial political attention and investment in recent years. In line with efforts aim to improve conditions at the sea, Senator Padilla introduced Senate Bill 583, which would create the Salton See Conservancy under the California Natural Resources Agency (CNRA) to support the implementation of the Salton Sea Management Program Phase I: 10-Year Plan and the Long-Range Plan. Until now, the CNRA has been implementing Phase I projects in coordination and collaboration with the local Salton Sea Authority and other stakeholders.

In June 2023, both the Energy & Environmental Resources Committee (now the Energy & Sustainability Committee) and the Executive Committee had robust discussions about SB 583. Ultimately, the Executive Committee voted to take an oppose unless amended position on the bill, but withhold communicating that position to the Legislature until the Executive Director consults with the Chair and Vice Chair of both the Executive Committee and the Energy & Sustainability Committee, as well as Riverside County Supervisor V. Manuel Perez. To date, no letter has been sent.

During these meetings, CVAG's committee members raised concerns related to the governance makeup of the proposed conservancy and the role it would play on matters related to the Salton Sea. Also, SB 583 would create a reorganization that some worried would impede the progress made on identifying and implementing projects. Members have shared these concerns directly with the Chief of Staff for Senator Padilla, who participated in the Energy & Environmental Resources Committee meeting.

As noted at the June 26 meeting of the Executive Committee, Supervisor Perez noted that his office and the Salton Sea Authority had made progress in conversations with the Senator's office regarding the bill. Over the summer, in order to address the concerns raised and garner support from local entities, Senator Padilla this summer amended SB 583. The amendments, which were in print on September 1, do the following:

- Limits the Conservancy's role to the operations and maintenance of projects, so after projects are built the Conservancy can acquire, hold, and manage the land within the Salton Sea region. Also, specifies that the Conservancy can assist and support economic development and recreation efforts.

- Specifies that the Salton Sea Conservancy fund created under the bill authorizes proceeds to the fund from the sale of bonds and proceeds from the Salton Sea lithium fund.
- Allows the Conservancy to award grants to state and local agencies and non-profits.
- Extends the due date of their report to the Governor and Legislature from 2025 to 2027.
- Increases the board membership from 13 to 15 by adding the Director of Fish and Wildlife and the Director of Water Resources. The board would then be comprised of the following members: two Governor appointees; one appointee each from the Speaker, the Senate Rules Committee, the appointee Riverside County Board of Supervisors and Imperial County Board of Supervisor appointee; representatives from Coachella Valley Water District (CVWD), Imperial Irrigation District (IID) and Torres Martinez Desert Cahuilla Indians; two representatives from non-governmental organizations, focused on environmental justice work and fish and wildlife work, who are appointed by the Secretary of Natural Resources; as well as the Director of Finance, Secretary of Natural Resources, Director of Fish and Wildlife and Director of Water Resources.

The scope of SB 583 falls outside of the boundaries specified in CVAG's legislative platform. Given the discussion in June and the amendments this summer, staff is now bringing this item forward for additional discussion.

The bill got out of the Assembly Appropriations Committee on September 1 and now heads to the Assembly Floor. After that, because of the amendments, it may go back to the Senate Floor for concurrence in Assembly amendments and then to the Governor's desk. The last day of the state's Legislative session is September 14, the same day that the CVCC will meet. The last day for the Governor to sign or veto bills passed by the Legislature is October 14, 2023.

The Coachella Valley Water District, Salton Sea Authority, Salton Sea Action Committee, Supervisor Perez, and the Torres-Martinez Desert Cahuilla Indians registered their opposition to a prior version of SB 583. However, each of these entities are reviewing recent amendments and are considering new positions. Staff recommends the Energy & Sustainability Committee discuss the amendments to SB 583, and provide direction staff to communicate its position. Staff is bringing a similar request to the Coachella Valley Conservation Commission, which also meets on September 14, as the CVCC took an oppose until amended position and sent a letter over the summer.

Fiscal Analysis: There is no cost to this information item. Legislative advocacy efforts are covered under existing staff time and CVAG's lobbying contract.

Attachment: Text of SB 583 can be found here:

https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240SB583

ITEM 7E

Coachella Valley Association of Governments Energy & Sustainability Committee September 14, 2023



STAFF REPORT

Subject: Election of Energy & Sustainability Committee Officers

Contact: Tom Kirk, Executive Director (tkirk@cvaq.org)

Recommendation: Elect a Chair and Vice Chair for the Energy & Sustainability Committee for Fiscal Year 2023/2024

Background: Each fiscal year, the Energy & Sustainability Committee considers the election of a Chair and Vice Chair. The Committee, which was renamed as of July 1, 2023, does not have a formal officer rotation, or a set policy for how to select the Chair and Vice Chair.

Attached for members' information is a list of the officers dating back to 2004, when the Committee was the Energy & Environmental Resources Committee. The current Chair is Indio Mayor Oscar Ortiz and the Vice Chair is La Quinta Mayor Linda Evans.

Staff recommends that the Energy & Sustainability Committee provide nominations and elect its officers for this fiscal year. These officers would also represent CVAG's three votes on the Inland Regional Energy Network (I-REN) Executive Committee, where Mayor Ortiz served as Vice Chair during Fiscal Year 2022/2023.

Fiscal Analysis: There is no additional cost to the budget as Energy & Sustainability Committee officers receive the same per diem as other committee members.

Attachment: History of Chair and Vice Chair

**ENERGY & SUSTAINABILITY COMMITTEE
(FORMERLY ENERGY & ENVIRONMENTAL RESOURCES)
CHAIR AND VICE CHAIR HISTORY**



	<u>Chair</u>	<u>Vice Chair</u>
2022/2023	Oscar Ortiz	Linda Evans
2021/2022	Linda Evans	Oscar Ortiz
2020/2021	Linda Evans	Oscar Ortiz
2019/2020	Linda Evans	Vacant
2018/2019	Linda Evans	Richard Balocco
2017/2018	Linda Evans	Yvonne Parks
2016/2017	Linda Evans	Yvonne Parks
2015/2016	Linda Evans	Yvonne Parks/Paul Lewin
2014/2015	Michael Wilson	Linda Evans
2013/2014	Michael Wilson	Linda Evans
2012/2013	Michael Wilson	Linda Evans
2011/2012	Stephen Pougnet	Yvonne Parks/Michael Wilson
2010/2011	Ben Godfrey	Stephen Pougnet
2009/2010	Ben Godfrey	Stephen Pougnet
2008/2009	Ben Godfrey	Stephen Pougnet
2007/2008	Ben Godfrey	Stephen Pougnet
2006/2007	Hank Hohenstein	Ben Godfrey
2005/2006	Buford Crites	Stanley Sniff
2004/2005	Buford Crites	Stanley Sniff

ITEM 8A

**ENERGY AND SUSTAINABILITY COMMITTEE
(FORMERLY ENERGY ENVIRONMENTAL RESOURCES)
ATTENDANCE RECORD
FY 2022-2023**

<i>VOTING MEMBERS</i>	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUNE
Agua Caliente Band of Cahuilla Indians	-	-		-	✓	-	-		-	✓	✓	
City of Blythe	-	-		-		-	-		-	✓	✓	✓
City of Cathedral City	-	-	✓	-		-	-	✓	-	✓		✓
City of Coachella	-	-	✓	-		-	-	✓	-	✓	✓	✓
Coachella Valley Water District	-	-		-		-	-		-			
City of Desert Hot Springs	-	-	✓	-		-	-	✓	-		✓	✓
Imperial Irrigation District	-	-	✓	-	✓	-	-		-	✓		
City of Indian Wells	-	-		-		-	-	✓	-	✓	✓	
City of Indio	-	-	✓	-	✓	-	-	✓	-	✓	✓	✓
City of La Quinta	-	-	✓	-	✓	-	-	✓	-	✓	✓	✓
Mission Springs Water District	-	-	✓	-	✓	-	-	✓	-	✓		✓
City of Palm Desert	-	-	✓	-	✓	-	-	✓	-	✓	✓	✓
City of Palm Springs	-	-	✓	-	✓	-	-	✓	-	✓		✓
City of Rancho Mirage	-	-		-	✓	-	-	✓	-	✓	✓	✓
Riverside County - District 4	-	-	✓	-		-	-	✓	-		✓	✓
Torres Martinez Desert Cahuilla Indians	-	-	**	-	**	-	-		-			

EX-OFFICIO / NON-VOTING MEMBERS

Desert Water Agency	-	-		-		-	-		-			
Riverside County - District 5	-	-	✓	-	✓	-	-		-			

Absent
Vacancy

**

No Meeting
Present

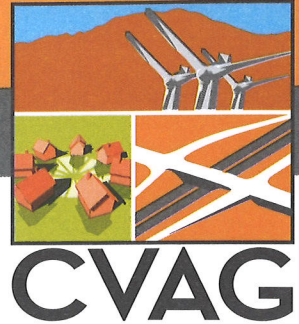
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✓

COACHELLA VALLEY ASSOCIATION OF GOVERNMENTS

74-199 El Paseo Drive, Suite 100, Palm Desert, CA 92260 • (760) 346-1127 • www.cvag.org

August 15, 2023



Honorable Colleagues of the CVAG General Assembly,

As we embark on a new fiscal year, I wanted to share my excitement about the year ahead. I am assuming the role of CVAG Chairman with an enormous amount of gratitude and appreciation for my elected colleagues. I also am looking forward to working with our Vice Chairman, Rancho Mirage Councilmember Ted Weill, to advocate for the regional programs and policies that promote sustainability, help the homeless, conserve habitat for threatened wildlife and ensure our region's transportation network is safe for drivers as well as cyclists and pedestrians.

I am inspired by what our predecessors accomplished in CVAG's first 50 years. I'd encourage you to rewatch the videos that were presented at the recent General Assembly gathering, which can be found at www.cvag.org/50th. I dare say most of us will not be in our elected positions when CVAG celebrates its next 50 years. But the work that will be reflected upon starts with us today. This is why I wanted to share my thoughts about how we focus our efforts during my tenure.

Multi-modal transportation improvements will be critical to our region's economic future. The Interstate 10/ Monroe Street interchange is fully funded, and I hope we will continue to combine advocacy efforts to secure similar cash infusions for priority projects across the valley. The investments we are making – and should continue making – in CV Link and CV Sync are vital to safe travel for our residents and visitors. As I shared at the General Assembly, I am proposing an ad hoc committee that focuses on improving Interstate 10 from the Banning Pass to the City of Blythe, allowing us to better work with Caltrans to promote beautification, expand motorist assistance programs and address traffic delays through technology and better lane management. I anticipate that we will make progress on the low-water crossings such as Indian Canyon Drive in order to end the closures due to flooding and blowsand. I believe our strong support of CV Rail will also benefit Riverside County Transportation Commission's efforts to bring regular passenger rail service to the desert.

As our desert grows, I hope you reflect on our region's commitment to preserve the majestic desert landscape. The Coachella Valley Conservation Commission (CVCC) is doing a fantastic job of acquiring properties. Increasingly, we will need to discuss how we manage and maintain that land over the coming decades, as well as balance it with the public's interest in outdoor recreation. I hope we also build on the call to action for urban greening that Coachella Mayor Steven Hernandez made while he was Chairman, including additional ideas for planting more trees and increasing shade. Collaboration will also be needed to address two of our region's biggest environmental quandaries: the future of the Salton Sea and the future of electricity service in the eastern Coachella Valley.

Our quality of life will no doubt benefit from the Public Safety Committee's debates as well as the coordinated effort to house the chronically homeless population through CV Housing First. I encourage us to think about what else may be threatening our quality of life – and tackle them by moving ahead with resolve and thoughtful discussion.

We have both big challenges and big opportunities ahead of us. I look forward to working with you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Scott Matas', is located below the 'Sincerely,' text.

Scott Matas
CVAG Chairman, Fiscal Year 2023-24

ITEM 8C

Coachella Valley Association of Governments Energy & Sustainability Committee September 14, 2023



STAFF REPORT

Subject: Update on Property Assessed Clean Energy (PACE) Program

Contact: Emily Langenbahn, Management Analyst (elangenbahn@cvag.org)

Recommendation: Information

Background: Property Assessed Clean Energy (PACE) programs provide financing to property owners to implement energy saving, renewable energy, water conservation, and seismic strengthening improvements to their homes and businesses, with little or no money out of pocket. Financing for these improvements is paid back through a lien placed on the property and collected through the annual property tax bill. CVAG staff provides quarterly updates on the PACE program to the Energy & Sustainability Committee. The attached report details the PACE activity for the second quarter of 2023, or through June 2023.

Current active residential and commercial PACE providers in Coachella Valley consist of CaliforniaFIRST/Renew Financial (Renew), HomeRun Financing/PACE Funding (HomeRun), and FortiFi (formerly known as Energy Efficient Equity or E3). Ygrene Energy Fund (Ygrene) has suspended operations as a result of an unfair practices and fraud lawsuit filed by the California Attorney General's Office on behalf of the State of California and Ygrene customers, with the Court's final judgment rendered in favor of the State of California. It is unclear at this time whether Ygrene will continue to service its existing customers. CVAG staff is actively monitoring this situation and will provide updates to the Energy & Sustainability Committee as soon as they are available.

Residential and commercial installations have slowed down since the last report to this Committee, a trend that coincides with changes in the net energy metering (NEM) program put into effect by the California Public Utilities Commission (CPUC). This change is known as NEM 3.0, or the Solar Billing Plan, for Southern California Edison customers and took effect on April 15, 2023. Under the new program, new solar customers are compensated at a significantly lower rate for excess solar generation, leading to fewer rooftop solar installations in the coming months.

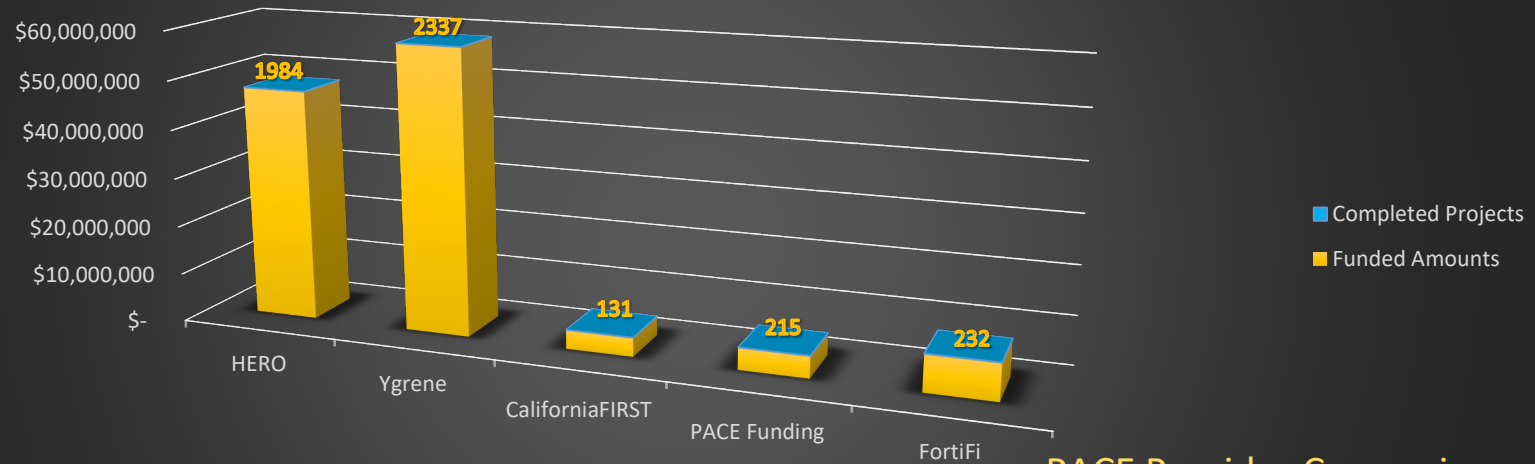
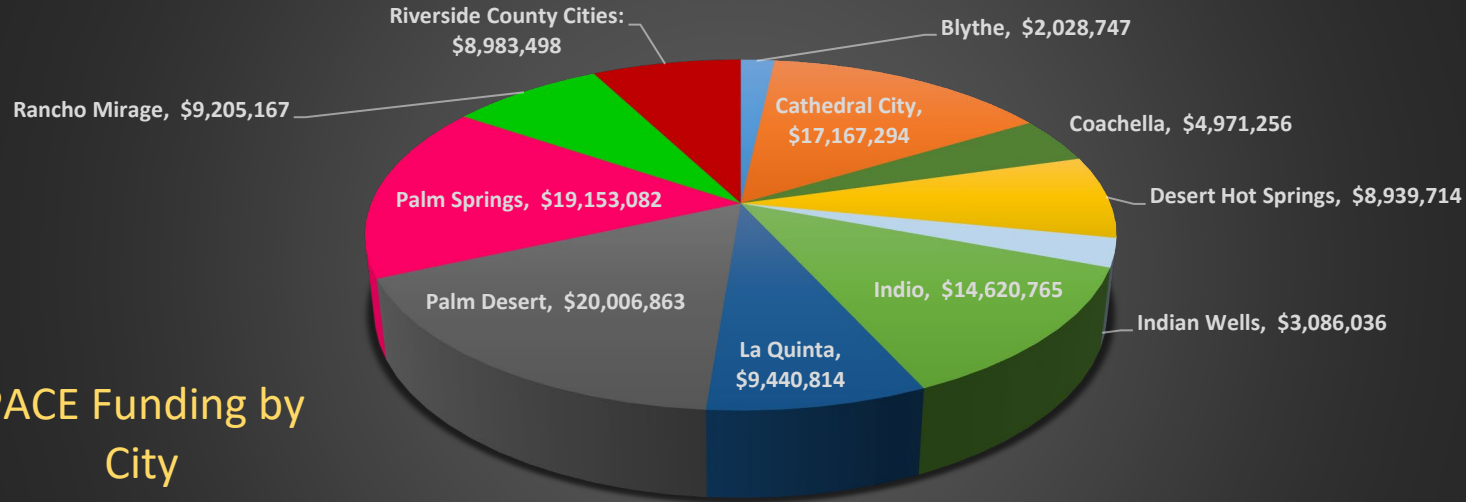
CVAG staff will continue to track and report on the status of the PACE residential and commercial PACE providers that operate in CVAG's member jurisdictions.

Fiscal Analysis: There is no cost associated with this update. CVAG's staff time spent on these programs is recovered by a participation fee collected from each provider.

Attachment: PACE Activity Report for the second quarter of 2023

CVAG PACE REPORT

PACE Funding by City



PACE Provider Comparison

CARS REMOVED FROM ROAD: 42001

PACE providers have interest rate ranges from 5.99%-10.98%

JOBS CREATED: 1069

Updated for June 30, 2023

ITEM 8D

Coachella Valley Association of Governments Energy and Sustainability Committee September 14, 2023



STAFF REPORT

Subject: Efforts to fund regional shade and tree initiatives

Contact: Emmanuel Martinez, Program Manager – External Affairs (emartinez@cvaq.org)

Recommendation: Information

Background: With temperatures projected to increase due to climate change, the Energy and Sustainability Committee has set as a priority procuring funding opportunities to mitigate the impacts of extreme heat. One such strategy is to plant trees. Trees provide significant benefits to combat rising temperatures and are a natural way of providing shade to reduce the heat-island effect. Trees also help to cool surrounding buildings, decreasing energy cooling costs, and providing increased access to outdoor recreation, which helps to increase physical and mental health.

In February 2023, at the recommendation of the Energy and Energy Resources Committee (now Energy & Sustainability Committee), the Executive Committee endorsed a regional urban tree planting and shade initiative to increase shading, build climate resilience and reduce the impacts of increased heat. In alignment with this priority, CVAG staff has been researching funding opportunities and seeking partnerships for various programs.

Earlier this year, CVAG applied to the state's Integrated Climate Adaptation and Resiliency Program. The grant application sought \$650,000 – the maximum allowed – from the ICARP's Adaptation Planning Grant, which aims to help identify and support a pipeline of resiliency projects throughout the state.

The grant request was to help fund community engagement costs needed to solicit community input, document specific needs for shading and heat mitigation, and prepare implementation plans. A substantial portion of the proposed funding request was also to have professional expertise by the University of California and the Desert Healthcare District/ Foundation to enable a detailed assessment of the heat exposure and heat-related illness facing each of the communities. CVAG staff learned over the summer that the grant application was not selected for funding.

The ICARP grants were scored on a 100-point scale and awarded projects scored between 85-94 points. CVAG's grant application scored 76 points. During a debrief with staff, ICARP staff indicated that CVAG's grant proposal was competitive but did not make the cut due to the program being oversubscribed. Ultimately, the State awarded 13 projects for a total of \$8 million.

CVAG staff is still awaiting an update on another grant application. In partnership with the Imperial Irrigation District, an application was submitted to the United States Department of

Agriculture's Urban and Community Forestry Program, which was created and funded by the Inflation Reduction Act. The IRA provided a historic \$1.5 billion investment to the program to support urban tree planting. CVAG and IID applied for \$20 million to expand IID's Tree for All Program, which if funded would expand to cities in the western Coachella Valley that are outside of IID's service area. If awarded, funds will be expended over a five-year period and help plant 20,000 trees across the Imperial Valley and the Coachella Valley. Annually, both the Imperial and Coachella Valleys will receive 2,000 trees each, broken up as 200 trees for tribal lands, 700 trees for public space, and 1,100 trees for residential homes. Awards will be announced by October 1, 2023.

CVAG staff will continue to monitor funding opportunities to improve the climate resiliency of the region through natural systems such as trees.

Fiscal Analysis: There is no cost for this information item.

ITEM 8E

Coachella Valley Association of Governments
Energy & Sustainability Committee
September 14, 2023



STAFF REPORT

Subject: Demand Side Grid Support and Distributed Electricity Backup Assets Programs

Contact: David Freedman, Program Manager (dfreedman@cvag.org)

Recommendation: Information

Background: Assembly Bill (AB) 205, passed in June 2022, created the Demand Side Grid Support (DSGS) and Distributed Electricity Backup Assets (DEBA) programs as part of the State's Strategic Reliability Reserve. The California Energy Commission (CEC) administers these programs. This staff report outlines opportunities for government agencies, residents, and businesses in CVAG's region to participate in the DSGS and DEBA programs.

DSGS program

The DSGS program compensates eligible customers for upfront capacity commitments and per-unit reductions in net energy load during extreme events achieved through reduced usage or use of backup generation or both. On August 10, 2022, the CEC adopted guidelines to implement the DSGS program. Participants enrolled 315 megawatts in the program to help meet grid needs during the September 2022 heatwave. The CEC adopted the second edition of the DSGS program guidelines on July 26, 2023, to implement AB 209, which passed in September 2022 and expands DSGS program eligibility. A total of \$314 million in funding is available for the DSGS program.

The DSGS program has three incentive options. Option 1 provides payments in the event of an Energy Emergency Alert issued by the California Independent System Operator (CAISO). Eligible participants include all customers of publicly owned utilities such as Imperial Irrigation District (IID), as well as water agencies and customers participating with backup generators. Enrollment in the program is generally with a DSGS provider registered with the CEC, and at least one such provider has begun reaching out to local water agencies. Direct enrollment with the CEC is also possible in certain cases.

DSGS program Options 2 and 3 are provided by demand response (DR) aggregators on behalf of their customers. Customers participating in DSGS Option 2 will provide load reduction via behavioral and/or automated means and measured using utility smart meter data, while customers participating in DSGS Option 3 will provide load reduction via stationary batteries with inverter-based metering.

One such DR aggregator is OhmConnect. Based on direction from the Executive Committee, CVAG has been working with OhmConnect since December 2021 on its free smart thermostat program, including encouraging smart energy use and providing a way for customers to save on their utility bills. This outreach includes encouraging residential customers served by Southern California Edison to avoid peak hours to save energy and money. Through the partnership with OhmConnect, customers are incentivized to switch out old thermostats with new ones and use smart plugs. The program lets customers know when they need to turn things off and rewards them with points when they meet OhmConnect hours.

Customers who enroll in OhmConnect's demand response program can receive prizes and rewards such as gift certificates and cash. There is also a \$50 incentive for joining.

DEBA program

The DEBA program incentivizes the construction of cleaner and more efficient distributed energy assets that serve as on-call emergency supply or load reduction for the state's electrical grid during extreme events, such as an Energy Emergency Alert issued by the CAISO. In August 11, 2023, the CEC issued draft guidelines for the DEBA program and accepted comments on them.

The DEBA program has two project funding categories:

1. Bulk Grid Assets: Efficiency upgrades, maintenance, and clean capacity additions to existing power generators (initial budget of up to \$100 million); and
2. Distributed Resources: New zero- or low-emission technologies, including, but not limited to, fuel cells or energy storage, at existing or new facilities (initial budget of up to \$445 million).

Funding recipients must participate as on-call emergency resources during extreme events. At least 25% of funding must go to projects in publicly owned utility territory, such as IID. At least 25% of distributed resources funding must go to projects located in or benefiting disadvantaged communities, which include those representing the 25% highest scoring census tracts in CalEnviroScreen 3.0 or 4.0 and federally recognized tribal areas. The CEC will award funding through Grant Funding Opportunity (GFO) solicitations. Technical scoring criteria will be tailored with each GFO solicitation.

All public and private entities are eligible applicants, provided they intend to own or operate the eligible project. Eligible projects must be located in California and interconnected to California's electrical grid and provide expected electricity supply or load reduction to California during extreme events. Bulk grid assets (e.g., back-up generators) are also required to comply with mandatory GHG emissions reporting requirements of the California Global Warming Solutions Act of 2006.

The CEC is expected to approve the DEBA program guidelines at its business meeting on October 18, 2023. The CEC will issue its first GFO solicitations following approval of the guidelines and will hold pre-application workshops in November 2023. The first GFO applications will be due in December 2023.

Fiscal Analysis: There is no cost to CVAG to provide this update.

Attachment: CEC summary of DSGS and DEBA programs



CEC Reliability Reserve Incentive Programs

	Demand Side Grid Support (DSGS)	Distributed Electricity Backup Assets (DEBA)
Funding	\$314 Million	\$545 Million (\$595 over 5 years)
Incentivized Activities	Use of load reduction resources during extreme events	Purchase of cleaner and more efficient distributed energy assets that will serve as on-call emergency supply or load reduction
Eligibility	Statewide	Statewide
Program Status	Launched 2022, Expanded for Summer 2023	Under Development

ITEM 8F

Coachella Valley Association of Governments Energy & Sustainability Committee September 14, 2023



STAFF REPORT

Subject: Update on the Inland Regional Energy Network

Contact: Jacob Alvarez, Program Manager (jalvarez@cvag.org)

Recommendation: Information

Background: CVAG is collaborating with Western Riverside Council of Governments (WRCOG) and San Bernardino Council of Governments (SBCOG) on a joint Regional Energy Network (REN) for the Inland Empire, known as Inland Regional Energy Network (I-REN). I-REN is governed by a Executive Committee, where CVAG is represented by the Chair of the Energy & Sustainability Committee. Based on previous CVAG committee direction, CVAG's Energy & Environmental Resources Committee reviews the items being presented to the I-REN Executive Committee and provides direction to the Chair on how to vote for the region.

I-REN Executive Committee Meeting Update

At the I-REN's Executive Committee meeting held on August 15, 2023, the Committee re-elected for FY 23-24 the following: The Chair is WRCOG member Crystal Ruiz, Vice-Chair is CVAG Energy & Sustainability Chair Oscar Ortiz, and 2nd Vice-Chair is SBCOG member Art Bishop.

The I-REN Executive Committee approved the following meeting schedule:

Remainder of 2023

Day and Time		AUG 2023		SEPT		OCT		NOV		DEC		
3 rd Tues @ 2:00pm		15		DARK		17		DARK		DARK		
Day and Time	JAN 2024	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
3 rd Tues @ 2:00pm	16	DARK	DARK	16	DARK	DARK	16	DARK	DARK	15	DARK	DARK

2024 Calendar Year

The I-REN Executive Committee was also provided with an update by consultant ICF on the development of the branding and marking initiatives.

The I-REN Executive Committee authorized the submittal of a True-up Letter to the California Public Utilities Commission (CPUC), which is due October 4. The Portfolio True-up Advice Letter (TUAL) is a key regulatory filing in fall 2023. The TUAL process will require I-REN to show its prior years' program expenses, any energy savings earned through its programs, and current budget of each program. I-REN will be required to provide a narrative for each of its programs to show what is working well, and what might need some adjustments, and the steps to take to improve results. This process will show the CPUC

that I-REN is being cost-effective with the ratepayer funds it has been granted. Frontier Energy, a consultant hired by I-REN, will coordinate among parties, review cost-effectiveness files, and summarize results for program leads. Program leads will establish budgets, review narrative and summary results, and ensure forecasts are realistic and achievable. The TUAL process will also identify and/or update metrics for each program. Additionally, I-REN has estimated its adjusted budget for 2022 through 2027 to reflect actual expenditures in the 2022 calendar year, 2023 calendar year-to-date (YTD) actual expenditures, and projected expenditures through December 2023. Based on actual and projected expenditures for 2022 and 2023, unspent budget is estimated and applied to years 2024- 2027 as an addition to the original CPUC approved budget.

The I-REN Executive Committee approved the draft Strategic Plan, with a final version expected to be presented at the next I-REN Executive Committee meeting.

The Strategic Plan's Goals are as follows:

- Goal 1 - Cohesive Region Strategies Effective Governance, Data Sharing and Monitoring, Program Design & Delivery.
- Goal 2 - First 2 Years Strategies Program Priorities, Roll-Out Strategy, Reporting and Performance.
- Goal 3 - Awareness & Relationships Strategies Regional Outreach, Education, and Engagement, Community Roundtables, Dedicated Partnerships, and State Actors.
- Goal 4 - Internal Organization Strategies Strong Organization, Regulatory Capacity, and Performance Management.

The I-REN Executive Committee also considered and authorized staff to provide a letter of commitment, on behalf of I-REN, to partner with SoCal REN / Los Angeles County in applying for the California Energy Commission Equitable Building Decarbonization Grant Program. SoCal REN, which is run by Los Angeles County, is interested in applying to be the Program Administrator for the entire Southern California region, which includes I-REN's service area. I-REN and SoCal REN staff have begun preliminary discussions about I-REN's participation in SoCal REN's application, and I-REN staff have attended multiple workshops about the grant program. The request for proposals for this grant is expected to open this month.

The I-REN Executive Committee will next meet on October 17, 2023.

I-REN Orientation Meetings

CVAG staff has holding three I-REN orientations for CVAG's member jurisdictions. The meetings will run from 10:00 a.m. until 1:00 p.m., with lunch being provided. The first orientation was held in the City of Blythe on June 20, 2023, at Blythe City Hall.

A meeting focused on cities served by the Imperial Irrigation District – the cities of Coachella, Indio, and La Quinta – is scheduled for September 13, 2023, at City of Indio's Emergency Operations Center Training Room, 100 Civic Center Mall, Indio, CA 92201. A third orientation will be held for cities primarily served by Southern California Edison – the cities of Cathedral City, Desert Hot Springs, Indian Wells, Palm Desert, Palm Springs, and Rancho Mirage – was rescheduled for October 6, 2023, at CVAG's Parkview Building conference room, 73-710 Fred Waring Dr., Suite 104, in Palm Desert. CVAG staff has reached out to staff at member jurisdictions with additional details.

I-REN CivicSpark Fellowship

As noted in the Committee's last update, I-REN staff is working with CivicWell to identify, recruit, and place up to 27 fellows in its CivicSpark fellowship program in communities throughout I-REN's service area. Although the fellowships do not start until fall 2023, CVAG staff recommends that interested cities complete applications as soon as possible. The City of Palm Springs has already started the application process for a potential I-REN Fellow, and CVAG staff is available to assist other jurisdictions in the process.

I-REN Codes & Standards

I-REN's Codes & Standards programming formally launched in June 2023 with the first of a series of regular webinars led by I-REN consultant Frontier Energy and CVAG staff. The focus was the 2022 California Energy Code, which entered into effect on January 1, 2023. A total of 35 people (including staff from five of CVAG's 10 member cities) attended the summer trainings. Further 2022 Energy Code trainings are being held throughout the fall. Agency staff and building industry professionals can join I-REN's mailing list to learn about future trainings and ask questions on the Energy Code via I-REN's website, <https://iren.gov/131/Codes-Standards>.

CVAG's I-REN staff worked with the California Energy Commission (CEC), BayREN (serving nine Bay Area-counties) and 3C-REN (serving Ventura, Santa Barbara and San Luis Obispo Counties) to secure \$2.25 million in grant funding to the CEC from the U.S Department of Energy to promote the software app CodeCycle has developed for nonresidential lighting requirements under the Energy Code. CVAG's I-REN staff is discussing with the CEC, BayREN and 3-C REN what the RENs' role would be in this program. If a formal agreement of the RENs with the CEC is necessary, it would likely be presented to the I-REN Executive Committee at its meeting of October 17, 2023.

Additionally, CVAG's I-REN staff are providing technical assistance to City of Palm Springs staff on two draft energy-efficiency ordinances. The first ordinance would require single-family buildings built before 2011 undergoing additions, alterations, or remodels to make certain targeted energy efficiency upgrades, where applicable and feasible, to bring them closer to 2022 California Energy Code provisions, including the 2022 Energy Code's electric-ready requirements for new residential buildings. The second ordinance would pre-adopt lighting efficiency standards for indoor and greenhouse cannabis cultivation sites that are expected to be required under the 2025 Energy Code that will enter into effect on January 1, 2026. CVAG's I-REN staff will adapt both these ordinances into model ordinances that can be considered by CVAG's other member cities as well as other cities in I-REN's territory.

Fiscal Analysis: There is no cost to CVAG for participation in I-REN. Staff time dedicated to I-REN and the costs of the services of consultants are covered through the I-REN budget.

ITEM 8G

Coachella Valley Association of Governments Energy & Sustainability Committee September 14, 2023



STAFF REPORT

Subject: Update on efforts to identify funding for electric vehicle planning and infrastructure

Contact: Emmanuel Martinez, Program Manager – External Affairs (emartinez@cvag.org)

Recommendation: Information

Background: As electric vehicle adoption increases, planning and building infrastructure to support their electric vehicles (EV) will be critical. In August 2022, the California Air Resources Board (CARB) approved the Advanced Clean Cars II Rule establishing that by 2035 all new cars and light trucks sold in the state will be zero-emission vehicles. Given the direction of the state to address mobile source pollution, commensurate funding is needed to ensure the long-term sustainability and operability of electric vehicles. In alignment with this, CVAG staff has been tracking funding opportunities to support EV adoption in the region.

At the federal level, in 2021 the \$1.2 trillion Bipartisan Infrastructure Law (BIL) was signed into law. The BIL contains significant new funding for EV charging stations. Specifically, there are two programs under the United States Department of Transportation that were allocated funds under the BIL to implement new EV programs. These new programs include the National Electric Vehicle Infrastructure (NEVI) Formula Program, which was allocated \$5 billion over five years. This program directs funds to states, of which California will receive an estimated \$384 million in funding from this program. Caltrans and the California Energy Commission have partnered to create California's Deployment Plan for the National Electric Vehicle Infrastructure Program that describes how the State plans to spend its \$384 million share of federal NEVI funds. Generally, California plans to build out a network of modern, high-powered DC fast chargers along Interstates and National Highways throughout California. The Deployment Plan was submitted to the Joint Office of Energy and Transportation on August 1, 2022. Approval of the State's plan was in September 2022. Currently, California is working to finalize its solicitation for the NEVI program as well as seeking the Federal Highway Administration's authorization. The solicitations will then be released 2023-2025.

The NEVI program also established a discretionary grant program called the Discretionary Grant Program for Charging and Fueling Infrastructure (CFI), which was allocated \$2.5 billion. The deadline for the first round of NEVI discretionary recently passed on June 13, 2023. However, additional cycles will provide funding opportunities for the region. The first round provided \$700 million in funding in competitive funding for the nation. The CFI program established two categories for funding, the Community Program Grants and the Corridor Program Grants. The minimum award amount under the Community Program is \$500,000 and the maximum award is \$15 million. For the Corridor program, the minimum and maximum are

\$1 million and \$350 million, respectively. Both programs have a federal cost share of 80 percent.

The Congestion Mitigation and Air Quality Improvement (CMAQ) program provides a flexible funding source to State and local governments for transportation projects and programs to help meet the requirements of the Clean Air Act. CMAQ funds are apportioned to each State and administered through State DOTs or MPOs. Eligible EV activities include charging, commercial public transportation charging, workforce development, to name a few. In addition to establishing these grant programs, the BIL allowed for the USDOT Surface Transportation Grant formula program to make EV charging infrastructure and eligible expense.

CVAG staff will continue to monitor upcoming funding opportunities related to EV charging infrastructure and will work with the cities, Riverside County and Tribes to identify strategies and projects to secure funding for the region.

Fiscal Analysis: There is no cost for this information item.

ITEM 8H

Coachella Valley Association of Governments Energy & Sustainability Committee September 14, 2023



STAFF REPORT

Subject: Imperial Irrigation District Governance and Electricity Services Study Update

Contact: Emmanuel Martinez, Programs Manager – External Affairs (emartinez@cvag.org)

Recommendation: Information

Background: On April 13, 2023, the Energy and Environmental Resources Committee (now the Energy & Sustainability Committee) received an update regarding potential governance options to increase representation for Coachella Valley communities currently served by the Imperial Irrigation District. The governance options were identified in a joint Imperial County and Riverside Local Agency Formation Commission Alternative Governance and Electricity Services Study. The study was in response to AB 1021 by then-Assemblymember Chad Mayes. Although the bill was not signed into law, funds were allocated in the state budget to conduct the study.

In March 2023, the draft study was published and made available for public review and comment. As part of the community engagement process, the consultants conducting the study, Dopudja and Wells, reached out to stakeholders to provide information on the study's findings and encourage feedback to help identify the most feasible governance options. During this engagement process, general feedback demonstrated interest in a publicly owned model, a special district, or joint powers authority. Respondents made it clear that local representation is a must-have in any governance model. Other key elements that were factored into the study include affordability, economic development, financing, and tailoring of local electricity programs, among others. Ultimately, the joint study analyzed the following options: 1. Continue having IID provide electrical services to the Coachella Valley; 2. Annex the Coachella Valley into the IID service area; 3. Create a new sub-Board of Directors for electrical service; 4. Establish a joint powers authority among Coachella Valley stakeholders; 5. Merge with an Investor Owned Utility; 6. Form a Public Utility District or Special District; or 7. Create a Community Choice Aggregation.

The Coachella Valley Energy Commission (CVEC), which was established two years ago to provide short- and long-term solutions to representation, was also provided periodic updates by the Imperial County and Riverside County LAFCO's. Ultimately, through deliberations held by CVEC's Governance Committee, it was recommended that a joint powers authority be considered as the potential preferred alternative. A joint powers authority provides a publicly owned utility model while also ensuring flexible financing options, ease of implementation, and can expand public benefits, among other key principles. Considering the Governance Committee's recommendation at the CVEC's meeting in August 2023, concerns regarding a lack of a fiscal analysis of the governance options were raised. In response to these concerns, the comment period was extended from August 30 to October 15, 2023. This will allow the LAFCO's and their consultant to work on a financial analysis of the governance options identified in the study. The financial analysis is scheduled to be completed by September 30.

Although the joint study comprehensively analyzes the suite of options, there was no preferred alternative recommended. Ultimately, the study suggests actions to be taken by stakeholders to assist with ongoing efforts to arrive at a preferred alternative. These actions include continuing discussions at the Coachella Valley Energy Commission, establishing the rights and responsibilities of the parties, developing policy principles, performing a technical feasibility study, evaluating financing mechanisms and continuing public engagement.

CVAG staff will continue to work with the CVEC and local stakeholders regarding governance options and will report back to the Energy & Sustainability Committee on the outcomes regarding the financial analysis and recommendations by the CVEC.

Fiscal Analysis: Costs for this staff report and items related to IID electrical service in the Coachella Valley are covered via the memorandum of understanding between the IID and CVAG.