

**STATE WATER RESOURCES CONTROL BOARD  
RESOLUTION NO. 2019-0008**

TO APPROVE ELIGIBLE USES OF REMAINING  
FISCAL YEAR 16/17 DRINKING WATER FOR SCHOOL FUNDS

WHEREAS:

1. Senate Bill (SB) 828 (Stats. 2016, Ch. 29) added Section 116276 to the Health and Safety Code, which requires the State Water Resources Control Board (State Water Board) to establish a grant program (DWFS Program) for the purpose of improving access to, and the quality of, drinking water in public schools;
2. SB 828 appropriated \$9.5 million (FY 16/17) from the General Fund to the State Water Board to issue grants for the DWFS Program;
3. On May 16, 2017, in [Resolution No. 2017-0032](#), the State Water Board adopted the [Drinking Water For Schools Grant Program Guidelines \(DWFS Guidelines\)](#);
4. The solicitation period for the FY 16/17 DWFS funds is ending on March 1, 2019;
5. Based on applications received, and considering the number of schools receiving technical assistance to complete their applications, it is very likely that total funding awards will be less than the \$9.5 million available;
6. Assembly Bill (AB) 72, approved by the Governor on February 13, 2019, makes amendments to the Budget Act of 2018, including directing any FY 16/17 DWFS funds that are not encumbered by the original June 30, 2019 encumbrance deadline to county offices of education, to contract with nonprofit entities to provide services to school districts consistent with the intent of Section 116276 of the Health and Safety Code;
7. Division of Financial Assistance (DFA) staff have identified applicants that may submit applications addressing a large number of schools within a single school district, with eligible project costs exceeding the \$1 million maximum grant amount per eligible LEA established in the DWFS Guidelines;
8. Division of Financial Assistance (DFA) staff have also identified several school districts receiving funding through the DWSRF Program for permanent solutions to address water quality issues;
9. These DWSRF projects may also exceed the maximum project cost per school that is outlined in the DWFS Guidelines;
10. Utilizing the remaining DWFS Program funds to fund all or a portion of DWSRF projects for schools will free up DWSRF funds for other critical drinking water projects in disadvantaged communities;
11. To streamline the funding process for DFA staff and funding recipients, DFA staff are recommending that any DWFS Program funds allocated to DWSRF projects be administered consistent with the DWSRF process, rather than the DWFS Guidelines; and

12. As directed by the State Water Board in [Resolution No. 2016-0010](#), the proposed actions will support the human right to water by providing financial assistance to improve access to, and the quality of, drinking water in public schools that serve disadvantaged communities.

THEREFORE BE IT RESOLVED THAT:

The State Water Board:

1. Authorizes the Deputy Director of DFA to utilize available DWFS Program funds to fund eligible project costs exceeding the \$1 million maximum grant amount per eligible LEA as established in the DWFS Guidelines, or all or a portion of DWSRF projects for schools which are consistent with Section 116276 of the Health and Safety Code;
2. Waives the DWFS Guidelines for DWSRF projects;
3. Directs the Deputy Director or designee to administer and manage any DWFS Program funds allocated to DWSRF projects consistent with the DWSRF process, including the DWSRF Policy and Intended Use Plan;
4. Authorizes the Deputy Director of DFA or designee to perform all acts and do all things necessary, including but not limited to, approving modifications to the scope of work, budget, schedule, and issuing funding agreements and any amendments necessary to implement such projects; and
5. Authorizes the Deputy Director of DFA or designee to withdraw funding if the applicant is non-responsive or DFA has exhausted reasonable efforts to resolve issues that prevent the execution of necessary funding agreements or amendments.

### CERTIFICATION


The undersigned Clerk to the Board does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the State Water Board held on March 5, 2019.

AYE: Chair E. Joaquin Esquivel  
Vice Chair Dorene D'Adamo  
Board Member Tam M. Doduc  
Board Member Sean Maguire  
Board Member Laurel Firestone

NAY: None

ABSENT: None

ABSTAIN: None

  
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Jeanine Townsend  
Clerk to the Board