

EXHIBIT "A"

The City of Coconut Creek, Florida

*2022 Federal Legislative and
Regulatory Agenda*





Prepared by Van Scoyoc Associates for the

Coconut Creek City Commission

**Mayor Becky Tooley
Vice Mayor Joshua Rydell
Commissioner Lou Sarbone
Commissioner Sandra Welch
Commissioner Jackie Railey**

Questions regarding the information in this book may be directed to:

Karen Brooks

(954) 973-6720

James Crum

(202) 737-6561

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City of Coconut Creek, Florida 2021 Federal Legislative and Regulatory Agenda

PROGRESSED AND/OR COMPLETED ISSUES IN 2021

Direct Federal Program Assistance to Municipalities (Partially Completed)

FEDERAL AGENDA: *Support* COVID-19 relief funding, agency programs, and grants that provide eligible COVID assistance to municipalities.

- **STATUS:** VSA advocated with Congress on the behalf of the City in support to COVID financial assistance throughout 2021. VSA stayed in close coordination with the City on their needs and shared the impacts of COVID with the City's Congressional delegation. VSA also advocated for funding to be distributed directly to smaller communities and not just to the States.
 - The American Rescue Plan allocated **\$8,597,464** to the City of Coconut Creek which will be distributed over two fiscal years.

Infrastructure Investment (On-going)

FEDERAL AGENDA: *Support* new federal investment in infrastructure. *Support* all opportunities to secure funding for Coconut Creek's infrastructure priorities.

- **STATUS:** On November 15th, the President signed the Infrastructure Investment and Jobs Act (IIJA) into Public Law. The bill approved \$1.2 trillion infrastructure investment that included the reauthorization of the Transportation Reauthorization bill, reauthorization of EPA water programs, and \$550 billion for new programs. Much of the spending is spread over 5 years and will be implemented through existing Federal programs – of which it is estimated that approximately 80% will be allocated through grant programs.
 - VSA helped craft a “community directed” project request with the Broward County MPO in the House version of the bill to fund a pedestrian lighting project on Lyons Road.
 - Through coordination with Rep Deutch, **\$2,700,000** was approved by Committee and the House. Unfortunately, it was not carried by the Senate's version of the Infrastructure Bill and was omitted from the final version of the bill.
 - VSA arranged a meeting with City staff and Rep Deutch's staff to discuss possibilities of funding this project in the final appropriations 2022 bills expected in Feb/March and/or resubmitting the request this year.

FEMA Reimbursement Policies (On-going)

FEDERAL AGENDA: *Support* federal policy that maximizes eligibility for FEMA reimbursement to municipalities. *Oppose* FEMA policy that would restrict future reimbursements for municipalities during pandemic response and recovery.

- **STATUS:** Throughout 2021, FEMA continued to adjust their public program policies to cover eligible activities and expenses related to the COVID response.
 - VSA maintained close coordination with FEMA, Congressman Deutch, and the National League of Cities in reporting these policies and comparing them with the City's response activities.



- Numerous reports and interpretation of eligibility were provided to the City throughout the year to help the City plan for the FEMA reimbursement submittal process.
- To date and through coordination with VSA, the City has submitted **\$337,525** in eligible expenses to FEMA for reimbursement for City services provided to residents and the community resulting from the COVID Pandemic

Transportation Re-authorization (Completed + On-going)

FEDERAL AGENDA: *Support* efforts to enhance federal transportation revenue streams. *Support* adequate funding of transportation alternatives programs, such as bicycle, pedestrian, and trails projects. *Support* adequate funding of federal public transit programs, including high-speed rail. *Support* all opportunities to secure funding for City of Coconut Creek priorities via the 2021 Transportation Reauthorization Bill including programs as Smart Cities, Complete Streets, Vision Zero Program, and other initiatives supporting municipalities.

- **STATUS:** On November 15, 2021, President Biden signed into law the Infrastructure Bill (Infrastructure Investment and Jobs Act). This bill not only provided funding for new infrastructure programs but also reauthorized the transportation programs which had expired on September 30th and was extended until the Infrastructure Bill was passed.
 - VSA worked with the City and the National League of Cities to advocate for local municipal transportation projects in this Bill and create additional opportunities for the City.
 - VSA will now work with the City in 2022 to identify and align program funding from the bill as well as eligible grants and help facilitate the pursuit of these additional funds.

FEMA Assistance to Firefighters Grant Program

FEDERAL AGENDA: *Support* continued adequate funding for the wide variety of DOJ and DHS grants, i.e., Community Oriented Policing Services, Byrne Justice Assistance Grants, Project Safe Neighborhoods, Emergency Management Preparedness Grants, Assistance to Firefighters Grants (AFG), Staffing for Adequate Fire and Emergency Response Grants, Urban Areas Security Initiative grants, and other security-specific grants. *Support* the City of Coconut Creek's applications for these funds.

- **STATUS:** Throughout 2021 there was a Federal focus on adding funding to existing grant programs and other funding authorities. This focus included FEMA grants and specifically AFG grants. VSA met with City staff during the year to understand the progress and schedule of the City establishing their own fire department. Consequently, we tracked and shared funding information being added to the AFG program through legislation and upcoming grant application windows.
 - The City drafted an AFG application this year and VSA performed a thorough review of the City's grant application.
 - VSA drafted Congressional support letters for this application from Congressman Deutch and Senators Rubio and Scott.
 - The City grant application is for **\$65,000** for equipment to be located at the temporary fire station.



Federal Landfill Regulations (Completed)

FEDERAL AGENDA: Support the Biden Administration, EPA, and the City's Congressional delegation on revisiting the 2016 landfill regulations to create new support for full implementation.

- **STATUS:** In addition to delays caused by the Trump Administration, States were required to submit implementation plans to implement the 2016 regulations. After the national election, the State of Florida submitted their proposed plan in December 2020 for meeting the new emission regulations.
 - Not knowing the acceptance of this plan, VSA continued their federal advocacy coordination with the City's Congressional delegation to implement the 2016 regulations and provided draft legislative language that to this effect. Representative Deutch supported the submission of State implementation plans. (After review of the Florida plan by EPA, the plan for implementing the new regulations was recommended for approval and posted in the Federal Register on October 26. There was a procedural 30-day public review of this decision, but VSA expects the plan will be considered for final approval early this year at which time the 2016 regulations will be considered fully in effect for Florida and the Broward County Landfill.)
 - *EPA's final recommendation is a compilation of work by VSA on behalf of the City since 2018 as part of the City's Federal Agenda, with many supporting efforts from the City Commission, City team members, as well as support and advocacy through your Congressional delegation.*

Public Safety Programs; Project Safe Neighborhoods (Continue to Monitor)

FEDERAL AGENDA: Support continued adequate funding for the wide variety of DOJ and DHS grants, i.e., Community Oriented Policing Services, Byrne Justice Assistance Grants, Project Safe Neighborhoods, Emergency Management Preparedness Grants, Assistance to Firefighters Grants, Staffing for Adequate Fire and Emergency Response Grants, Urban Areas Security Initiative grants, and other security-specific grants. **Support** the City of Coconut Creek's applications for these funds.

- **STATUS:** VSA was asked to pursue a specific strategy to evaluate the potential of obtaining a grant under the DOJ; Project Safe Neighborhood Program.
 - In February of 2021, VSA prepared a "grant overview" analysis for the Commission and City staff. VSA noted that Federal funding is distributed by formula grants to the States for this particular program.
 - VSA talked to the State executing office (Florida Dept of Law Enforcement; FDLE) who manages these federal funds and issues sub-grant announcements in the fall timeframe each year. VSA discussed the grant criteria with FDLE staff and forwarded the contact information and grant procedures onto the City.
 - The City maintained contact with the FDLE staff during the summer and determined that they will not be competitive for this grant opportunity based on current grant criteria.

Waters of the United States and Regulatory Reform (Policy Issue)

FEDERAL AGENDA: Monitor activity related to the repeal of the EPA's 2015 rule on Waters of the U.S. (Completed) **Monitor** Administration's efforts to develop expected new ruling defining water of the United States.



- **STATUS:** In October 2021, the Biden Administration crafted a new definition of “waters of the U.S.” to regulate actions affecting waterways in this country – an issue that has changed with each Administration. Earlier in the year, a federal district court struck down the previous rule definition made by the Trump Administration which had placed the 1986 definition in effect. President Biden’s definition was released in the form of a new draft rule in the Federal Register on December 7th and is subject to public review for 60 days. When the final rule is implemented, it will affect public and private permitting requirements **and costs** for potential project impacts affecting waterways within the community.

Cybersecurity Legislation and Federal Policy (Funding available in 2022)

FEDERAL AGENDA: *Monitor* the development of cybersecurity legislation and federal policy. *Support* federal funding and programs that support local governments in improving their cybersecurity strategic goals and to prevent “ransomware” attacks.

- **STATUS:** The Infrastructure Investment and Jobs Act created a new authorized program of \$1 billion to be allocated over 4 years to provide Federal assistance to States and local public agencies for cybersecurity planning. The program will be administered by FEMA.
 - VSA will provide more specific grant requirements and eligibility criteria as they become available in 2022.



CURRENT 2022 FEDERAL AGENDA POLICIES AND ISSUES

1. COVID-19 Legislation, Federal Emergency Programs, and Federal Funding

- **Direct Federal Program Assistance to Municipalities (Pg. 9)**
 - **Support** COVID-19 relief funding and agency programs and grants that provide eligible and direct COVID assistance to municipalities.
- **FEMA Reimbursement Policies (Pg. 10)**
 - **Support** federal policy that maximizes eligibility for FEMA reimbursement to municipalities.
 - **Oppose** FEMA policy that would restrict future reimbursements for municipalities during pandemic response and recovery.
- **Assistance to Small Businesses (Pg. 11)**
 - **Support** federal COVID relief policies, legislation, and agency funding that provide direct assistance to small businesses impacted by the COVID pandemic.

2. Energy & Environment

- **Federal Landfill Regulations (Pg. 12) – RESOLVED + REQUIRES MONITORING**
 - **Support** federal regulations that create stricter environmental standards and testing for municipal solid waste landfills and transportation of waste through communities.
 - **Oppose** efforts to weaken landfill regulations.
 - **Monitor** the EPA's implementation of the emission standards approved in early 2022 and Florida DEP emission monitoring data.
- **Waste Recycling Programs (Pg. 14)**
 - **Support** federal legislation and funding that will assist local governments in administering and expanding recycling programs within their communities.
- **Energy Exploration (Pg. 15)**
 - **Oppose** relaxation of the prohibition against leases on permits for drilling oil or gas wells within the boundaries of Florida's territorial seas.
 - **Oppose** legislation that would prevent the Florida Department of Environmental Protection from blocking requests for offshore drilling in federal waters off Florida's coast.
 - **Oppose** seismic surveying within the Everglades, surrounding critical areas, or any other federal lands.
 - **Oppose** efforts to ease restrictions on hydraulic fracturing and other oil/gas extraction activities.
- **Water Quality Legislation and Rulemaking (Pg. 16)**
 - **Oppose** the EPA forcing Florida DEP rulemaking to set new Human Health-Based Water Quality Criteria.
 - **Monitor** development of PFAS chemical treatment legislation and rulemaking for water quality standards that may have cost impacts to the City.
 - **Oppose** cuts to EPA water recycling programs.



- **Waters of the United States and Regulatory Reform (Pg. 17)**
 - **Monitor** activity related to the repeal of the EPA’s 2015 rule on Waters of the U.S. (Completed)
 - **Monitor** Administration’s efforts to develop expected new ruling defining water of the United States and evaluate cost impacts to the City.
- **Climate Change (Pg. 18)**
 - **Monitor** any proposed Climate Change legislation that may impact the environment and ensure that any negative environmental and health impacts are disclosed prior to approval. Identify opportunities for funding local and regional projects from the Infrastructure Bill and any additional legislation in 2022.

3. Social Services & Economic Development

- **Department of Housing and Urban Development Formula Programs (Pg. 19)**
 - **Support** adequate funding for the Community Development Block Grant program for future fiscal years because of its critical role in the City’s efforts to support those that are least fortunate.
 - **Monitor** current legislation reforming the CDBG – emergency funding program and its potential impacts to the City.
- **Healthcare Policy and Reform (Pg. 20)**
 - **Monitor** changes to Medicare in relation to any Healthcare reform legislation.
- **Electronic Smoking Devices (Pg. 21)**
 - **Support** the creation of federal regulations for e-cigarettes and other vapor producing devices.

4. Infrastructure

- **Infrastructure Bill - Infrastructure Investment (Pg. 22)**
 - **Support** implementation of the Infrastructure Investment and Jobs Act (IIJA).
 - **Support** all opportunities to secure funding for Coconut Creek’s infrastructure priorities with reauthorization of existing programs within the Act and funding for new programs. Consider a short-term and long-term strategy to take advantage of these funding opportunities.
- **A. Transportation Re-authorization (Pg. 22) (COMPLETED – included in Infrastructure bill)**

Support efforts to enhance federal transportation revenue streams. **Pursue** funding of transportation alternatives programs, such as bicycle, pedestrian, and trails projects made available in the IIJA. **Support** adequate funding of federal public transit programs, including high-speed rail. **Support** all opportunities to secure funding for City of Coconut Creek priorities in the IIJA including programs as Smart Cities, Complete Streets, Vision Zero Program, and other initiatives supporting municipalities.

5. General Regulatory Issues

- **Tribal Legislation and Regulation (Pg. 24)**
 - **Monitor** tribal legislation and regulations that could impact the City of Coconut Creek.



- **ADA Government Website Accessibility (Pg. 25)**
 - **Monitor** future federal regulations and policy related to ADA accessibility and requirements for government websites standards.
- **Deployment of Communications Facilities and Wireless Infrastructure (Pg. 26)**
 - **Oppose** legislation that would preempt or limit local government zoning ordinances and its review process for the installation of 5G “small cell” wireless towers.
- **Wireless Infrastructure Health Issues and Impacts**
 - **Monitor** and provide advocacy to address potential health issues related to increased 5G infrastructure deployment in local communities.
 - **Monitor** any insurance-related regulations that would authorize the limitation of coverage for individuals claiming such injuries.
- **Transparency (Pg. 27)**
 - **Support** efforts to increase government transparency and accessibility of public records.
- **National Flood Insurance Program (Pg. 28)**
 - **Support** efforts to improve the National Flood Insurance Program for the benefit of all participants during the on-going 2021 reauthorization and reform process. **Oppose** recommendations that would raise rates to Coconut Creek ratepayers from FEMA’s intent to implement Risk Rating 2.0.
- **Federal Marijuana Policy (Pg. 30)**
 - **Monitor** any impacts federal marijuana policy may have on Florida’s medical marijuana program.
- **Employment and Labor Laws (Pg. 32)**
 - **Monitor** employment and labor law legislation and identify any impacts to the City’s policies and requirements.

6. Public Safety

- **Federal Funding of Public Safety Programs (Pg. 33)**
 - **Support** continued adequate funding for the wide variety of DOJ and DHS grants, i.e., Community Oriented Policing Services, Byrne Justice Assistance Grants, Project Safe Neighborhoods, Emergency Management Preparedness Grants, Assistance to Firefighters Grants, Staffing for Fire and Emergency Response Grants, DOJ Body-Worn Camera Program, Urban Areas Security Initiative Grants, and other opportunities.
 - **Support** the City of Coconut Creek’s applications for these funds.
- **Mental Health Care Initiatives and Legislation to Reduce Gun and Other Violence (Pg. 34)**
 - **Support** legislation that bans high-capacity assault weapons.
 - **Support** legislation that restricts the sale of firearms and requires thorough background checks and licensing.
 - **Support** legislation that bans ghost guns (guns created without serial numbers such as those made with 3D printers).
 - **Support** legislation that responsibly expands treatment options for the mentally ill.
- **Thin Blue Line (Pg. 35)**
 - **Monitor** the development of legislation that expands statutory aggravated determinations to include killing or targeting law enforcement.



- **Cybersecurity Legislation and Federal Policy (Pg. 36)**
 - **Monitor** the development of cybersecurity legislation and federal policy.
 - **Support** federal funding and programs that support local governments in improving their cybersecurity strategic goals and to prevent “ransomware” attacks.



FEDERAL ISSUE: Direct Federal Program Assistance to Municipalities

BACKGROUND: HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The COVID-19 virus has severely impacted the City in terms of economic revenue and the ability to provide services. In response, the federal government is expected to continue to provide federal assistance and eligible FEMA reimbursement to COVID related expenses. In 2021, the federal government passed the American Rescue Plan and provided direct federal funding to municipalities. Going into 2022 and with continued response and recovery from the Omicron variant, we expect additional policies and emergency funding to assist the City.

VSA will navigate and advocate for these opportunities on behalf of the City during the 2022 legislative year. VSA will provide real-time updates, strategic planning, and identify targeted funding opportunities as well as policies for the City to pursue.

Related to this, VSA will provide particular focus on human resources policy and relief funding that have been included in already passed COVID relief bills such as rental eviction protection, landlord assistance, emergency sick leave, and emergency family medical leave.

Concurrently, we will also track all Federal agency programs that receive additional funding under the Biden Administration which would be made eligible for municipal programs.

POSITION: *Support* Federal agency programs and grants that provide eligible COVID assistance to municipalities.



FEDERAL ISSUE: 2021 FEMA Reimbursement Policies

BACKGROUND: HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The City of Coconut Creek is well experienced with natural disaster response, FEMA policies, and now COVID-19 FEMA funding. During 2022, we expect the City to continue to submit and process COVID-19 FEMA reimbursement claims under the FEMA Public Assistance program. We also expect the City to be involved in this same process if it is impacted during the 2022 hurricane season. VSA will continue to advocate for the City through your Congressional delegation to support reimbursement policies that support the City's activities related their COVID pandemic response and help resolve any eligibility issues for specific reimbursement activities and costs.

To date and through coordination with VSA, the City has submitted \$337,525 in eligible expenses to FEMA for reimbursement for City services provided to residents and the community resulting from the COVID Pandemic.

POSITION: ***Support*** Federal policy that maximizes eligibility for FEMA reimbursement to municipalities.
Oppose FEMA policy that would restrict future reimbursements for municipalities during pandemic response and recovery.



FEDERAL ISSUE: Assistance to Small Businesses

BACKGROUND: HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The Small Business Administration (SBA) administers several types of federal programs to support small businesses, including:

- direct disaster loan programs for businesses, homeowners, and renters to assist their recovery from natural disasters;
- loan guaranty and venture capital programs to enhance small business access to capital;
- small business management and technical assistance training programs to assist business formation and expansion; and
- contracting programs to increase small business opportunities in federal contracting.

Small businesses within the City have been hit particularly hard by the COVID pandemic. The most recent COVID relief legislation – the American Rescue Plan of 2021 provided an additional \$53.6 billion for SBA program enhancements, including

- \$28.6 billion for the Restaurant Revitalization grant program to provide grants of up to \$10 million per entity (up to \$5 million per physical location, limited to 20 locations) to restaurants and other food and beverage-related establishments that have experienced COVID-19-related revenue loss;
- \$15 billion for the Targeted Economic Injury Disaster Loan Advance payment program;
- \$7.25 billion for the PPP;
- \$1.25 billion for the Shuttered Venue Operators Grant Program;
- \$840 million for administrative costs to prevent, prepare and respond to the COVID-19 pandemic, including expenses related to PPP, SVOG, and grants to restaurants;
- \$460 million for the disaster loan program (\$70 million for credit subsidies and \$390 million for administrative costs);
- \$100 million for a community navigator pilot grant program to improve small business access to COVID-19-related assistance programs;

Finally, P.L. 116-123, the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020, deemed the coronavirus to be a disaster under the EIDL loan program. This change made economic injury from the coronavirus an eligible EIDL expense. The act also provided the SBA an additional \$20 million for disaster loan administrative expenses. The COVID-EIDL stopped accepting initial applications on January 1, 2022, but there is interest from some members in Congress for extending the program.

POSITION: **Support** Federal policies, legislation, and agency programs that provide direct assistance to small businesses impacted by the COVID pandemic.



FEDERAL ISSUE: Federal Landfill Emissions Regulations : STATUS RESOLVED – MONITORING REQUIRED

BACKGROUND. The North Broward County Resource Recovery and Central Disposal Sanitary Landfill, also known as Monarch Hill Renewable Energy Park, is a 225-foot high landfill site owned by Waste Management located adjacent to the City of Coconut Creek. The landfill takes in an average of 3,500 tons of trash per day and has long emitted emission odors into the air of the City. Odors from the facility have been reported as far as four miles away.

In mid-2014, the Environmental Protection Agency (EPA) announced an Advanced Notice of Proposed Rulemaking (ANPRM) and public comment period regarding methods to reduce emissions from existing municipal solid waste landfills. Most existing landfills are subject to control requirements in EPA's landfill New Source Performance Standards (NSPS) or the federal or state plans implementing the landfill emissions guidelines, which were both promulgated in 1996. The EPA believed that these guidelines merited review and possibly updating with regards to emissions of landfill gas. The City submitted comments in support of this review.

In 2016, EPA finalized the proposed rule by calling for a reduction in the threshold at which a landfill must install emissions control systems from 50 mega grams (Mg) per year to 34 Mg per year. Any landfill that exceeds those thresholds would be required to install and utilize a gas collection and control system to bring emissions levels below the threshold within 30 months of the violation. The City submitted additional comments in support of this rule. The final rule was finalized and became effective on October 28, 2016.

In May 2017, the EPA announced that they were reconsidering several issues in the 2016 rule and enacted a 90 day stay on the 2016 NPS rule. This stay expired in August 2017, meaning the rule remained in effect at that time.

In 2018 EPA issued a new proposed ruling to amend the 2016 final regulation by changing the timing requirements for States to submit their compliance plans delaying the State's due dates from May 2017 to Aug 2019. VSA attended the public hearing on this proposed rule and the City prepared a response to this proposed rulemaking highlighting the impacts from continued delays in implementing the original 2016 regulation. Copies of their response were provided to their Congressional delegation. In addition, on December 17th 2019, a federal judge rejected a Trump administration bid for more time to act on landfill methane emissions. The court concluded that the Trump Administration violated the Clean Air Act by not acting on harmful emissions from landfills. Judge Gilliam stated that "EPA's compliance with its judgment is not a substantial burden, since it has already promulgated and received comments on the Proposed Federal Plan".

Finally, in September 2019, EPA published findings of their "Residual Risk and Technology Review" of industry methods for reducing landfill emissions. In their analysis, they concluded that the health risk from landfill emissions is negligible or "acceptable". They also concluded that collecting more landfill gas or destroying the air emissions by closed flaring was not technically or economically feasible. There were other methods that were supported but overall, their findings did not support the 2016 Ruling for significantly lowering landfill emissions that is currently in effect.



During these years, VSA worked with the City staff and the City Commission to develop letters in support to implementing the original 2016 regulations which included working with Rep Deutch, Senators Rubio and Scott, as well as directly with EPA through public hearings and coalition building.

POSITION: *Support* the Biden Administration, EPA, and the City's Congressional delegation on revisiting the 2016 landfill regulations to create new support for implementing the regulations. *Support* federal regulations that create stricter environmental standards and testing for municipal solid waste landfills and transportation of waste through communities. *Oppose* efforts to weaken landfill and coal ash regulations.

2021 UPDATE

In December 2020, the State of Florida submitted their proposed plan for meeting the new emission regulations. Not knowing the acceptance of this plan, VSA continued their federal advocacy coordination with the City's Congressional delegation for supporting the implementation of the 2016 regulations and in consideration to legislative language that would encourage the implementation of the regulations.

In June 2021, EPA released their "Federal Plan" to implement the 2016 regulations in the absence of most State plans. They cited Florida in this ruling.

After some comments and revisions of the plan between EPA and FL DEP, Florida's plan was recommended for approval in the Federal Register on October 26, 2021. There is a procedural 30-day public review of this decision, but VSA expects the plan will be considered to have final approval after the public review period.

EPA's final recommendation is a compilation of work since 2018 as part of the City's Federal Agenda with many contributions from team members as well as your Congressional delegation.

2022 POSITION:

Monitor the EPA's implementation of the emission standards approved in early 2022 and Florida DEP emission monitoring data.

VSA will continue to coordinate with EPA and the FL DEP as the new emission standards are implemented and monitored for compliance. We will coordinate with City staff in our monitoring efforts and provide updates to your Congressional delegation. If at any time we see that the emission standards are not be complied with especially as the landfill is planning for an expansion, we will advise the City and engage your Congressional delegation.



FEDERAL ISSUE: Waste Recycling Programs

BACKGROUND: As tracked in last year's Federal Agenda, waste-management companies across the country have determined that there is no longer a market for their recycling. Municipalities are now facing tough choices on whether to pay much higher rates to continue their recycling programs or discontinue their programs.

Members of Congress introduced two bills this past year to incentivize new methods for recycling programs. The House introduced H.R. 5115 – the "RECOVER Act – Realizing the Economic Opportunities and Values of Expanding Recycling". The bill would allocate funding in matching federal grants to eligible municipalities and tribal governments to invest in improving their recycling infrastructure, programs, and education efforts. Similarly, the Senate introduced S. 2941 – the "RECYCLE Act – Recycling Enhancements to Collection and Yield through Consumer Learning and Education Act of 2019". This bill would establish a grant program for municipalities to improve the effectiveness of residential and community recycling programs through public education and outreach. Both bills have bipartisan support and are under community review.

UPDATE: The Infrastructure Bill passed on November 15th, 2021, include recycling provisions that will be implemented over the coming years. The following is a summary:

- a. **Inclusion of the RECYCLE Act – aims to improve residential recycling by authorizing up to \$15 million per year in recycling education grants to promoting recycling practices and to encourage collection of recycled materials that are sold to developing markets. The program will also develop a Recycling Program Toolkit that researches best practices and educational materials for promoting recycling within a community.**
- b. **Developing Best Practices for Collection of Batteries to be Recycled.**
- c. **\$275 million for grants authorized under the "Save our Seas 2.0 Act" which was signed into law December 2020. This law intends to improve domestic infrastructure to prevent marine debris through new grants for and studies of waste management and mitigation. Sec. 302) Further, the EPA may provide grants to states to implement the strategy and to (1) support improvements to local postconsumer materials management, including municipal recycling programs; and (2) assist local waste management authorities in making improvements to local waste management systems.**

POSITION: *Support* federal legislation and funding that will assist local governments in administering and expanding recycling programs within their communities



FEDERAL ISSUE: Energy Exploration

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:

Offshore Energy Development Active energy drilling does not currently occur off the Atlantic coast of Florida. State waters in the Atlantic extend three miles from shore, with the federal government controlling waters beyond that point.

The most recent 5-year proposal from the Department of Interior includes leasing sales in the South Atlantic areas off the east coast of Florida and the “Straits of Florida” adjacent to the areas of Coconut Creek and Fort Lauderdale. However, the western coast of Florida is under a moratorium of oil and gas activities under the Gulf of Mexico Energy Security Act of 2006. This moratorium lasts until 2022 under the current law, but in September 2020, the President issued a new moratorium that extends through 2032. The new moratorium also expands the 10-year ban to Florida’s Atlantic coast.

UPDATE: In November 2021, the Biden Administration; Department of Interior released a long-awaited review of oil and gas drilling on federal lands and oceans that recommends an increase in leasing fees and consideration of environmental concerns in leasing decisions. However, the report did not put a halt to new oil and gas leasing – a promise President Biden made during his presidential campaign. Environmental groups would like to see the President build on this report and phase out new oil and gas leasing altogether.

Earlier in 2021 President Biden issued an Executive Order that paused new permits and direct the Dept of Interior to perform a review of their existing energy programs. Later in 2021, his Administration allowed 80 million acres in the Gulf of Mexico to be open for auction for drilling. **Currently, the moratorium that bans oil and gas activities off the Florida coast is still in effect until 2032.**

Onshore Energy Development (Hydraulic Fracturing)

The rapid expansion of oil and gas extraction using hydraulic fracturing — both in rural and more densely populated areas — has raised significant concerns about its potential environmental and health impacts. These concerns have focused primarily on impacts to groundwater and surface water quality, public and private water supplies, and air quality.

VSA will continue to closely monitor any initiatives by the Administration that would affect lands in Florida to future oil and gas exploration on public lands. It is worth noting that VSA has shared the City’s priorities and Federal Agenda with Rep Deutch’s staff including their opposition to onshore drilling especially in the Big Cypress Creek Preserve area. Earlier in 2021, Rep Deutch signed onto a Congressional letter urging the Department of Interior to deny oil drilling permits in Big Cypress Creek Preserve.

POSITION: *Oppose* relaxation of the prohibition against leases on permits for drilling oil or gas wells within the boundaries of Florida’s territorial seas. *Oppose* legislation that would prevent the Florida Department of Environmental Protection from blocking requests for offshore drilling in Federal waters off Florida’s coast. *Oppose* seismic surveying within the Everglades, surrounding critical areas, or any other federal lands. *Oppose* efforts to ease restrictions on hydraulic fracturing and other oil and gas extraction activities.



FEDERAL ISSUE: Water Quality Legislation and Rulemaking

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: EPA has compiled state, territorial, and authorized tribal water quality standards that EPA has approved or are otherwise in effect for Clean Water Act purposes. This compilation is continuously updated as EPA approves new or revised WQS. The last time EPA updated surface water quality standards is in 2018.

VSA expects that there is a potential that water quality standards will be revised under the current Administration and VSA will monitor these potential changes and advise the City of their impacts.

POSITION: *Oppose* the EPA forcing Florida DEP rulemaking to set less strict Human Health-Based Water Quality Criteria.

PFAS chemicals. PFAS refers to a large class of chemicals used to make furniture, paper packaging for food and cookware resistant to water, grease or stains. The chemicals are linked to health effects including certain cancers and damage to liver and immunity functions, developmental impacts on fetuses, as well as cognitive and behavioral effects in exposed children. Studies in recent years have highlighted the risks of PFAS substances as a potential national concern and Congress started weighing in on the issue during last year's legislative session.

In October 2021, the Administration launched a plan to combat PFAS pollution. In doing so, they created the "PFAS Roadmap" which puts into place a comprehensive strategy that outlines goals and actions over the next three years.

The Roadmap builds on actions that EPA has already taken in 2021 to confront PFAS, including [updating a PFBS toxicity assessment](#) and issuing a new assessment backed by career scientists. EPA has also begun to [develop a national primary drinking water regulation](#), improving the understanding of 29 PFAS chemicals in the nation's water systems, and taking actions to stop polluters from discharging PFAS into America's waterways and wastewater systems.

Finally, the Bipartisan Infrastructure Deal includes \$10 billion in grants to address emerging contaminants, including PFAS, through the State Revolving Funds and small and disadvantaged community programs. The President's Build Back Better Agenda also includes investments for EPA to conduct monitoring across the country for 29 PFAS compounds in drinking water through the Unregulated Contaminant Monitoring Rule program

POSITION: *Monitor* the development of PFAS chemical treatment legislation and rulemaking for water quality standards that may have cost impacts to the City. ***Oppose*** cuts to EPA water recycling programs.



FEDERAL ISSUE: Waters of the United States and Regulatory Reform

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Congress enacted the Clean Water Act in 1972 with the statutory objective “to restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” One of the Act’s principal tools in achieving that objective is a prohibition on the discharge of pollutants from a point source to “navigable waters” unless otherwise authorized under the Act. “Navigable waters” are defined in the Act as “the waters of the United States, including the territorial seas.” Thus, “waters of the United States” (WOTUS) is a threshold term establishing the geographic scope of federal jurisdiction under the Clean Water Act. The term “waters of the United States” is not defined by the Act but has been defined by EPA and the Army in regulations since the 1970s and jointly implemented in the agencies’ respective programmatic activities.

On June 9, 2021, EPA and the Department of the Army announced their intent to revise the definition of WOTUS to better protect our nation’s vital water resources that support public health, environmental protection, agricultural activity, and economic growth. Upon review of the 2020 Navigable Waters Protection Rule, the agencies determined that the rule is significantly reducing clean water protections.

In mid-November, the U.S. Environmental Protection Agency (EPA) and U.S. Department of the Army (the agencies) announced a proposed rule to re-establish the pre-2015 definition of “waters of the United States” (WOTUS) which had been in place for decades, updated to reflect consideration of Supreme Court decisions. This action advances the agencies’ goal of establishing a durable definition of WOTUS that protects public health, the environment, and downstream communities while supporting economic opportunity, agriculture, and other industries that depend on clean water. This proposed rule would support a stable implementation of “waters of the United States” while the agencies continue to consult with states, Tribes, local governments, and a broad array of stakeholders in both the implementation of WOTUS and future regulatory actions.

The WOTUS Rule will affect which project actions within the City will require Clean Water Act permitting and additional environmental analysis. This includes actions that the City takes as well as other public and private project sponsors.

VSA will monitor and report these developments and suggest potential opportunities for the City to develop a supportive position if appropriate.

POSITION: *Monitor* Administration’s efforts to develop expected new ruling defining water of the United States and evaluate cost impacts to the City.



FEDERAL ISSUE: Climate Change

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK:

President Biden is addressing Climate Change in almost every piece of legislation that he proposes. The most significant of these is the recently passed Infrastructure Bill (IIJA) which support consideration to climate change in grant programs and other programs that will address these effects.

Of note, the Infrastructure Bill provides FEMA an additional \$6.8 billion to continue to address climate change through mitigation projects. Two years ago, FEMA established the “Building Resilient Infrastructure and Communities (BRIC) program funding public projects that will make communities more resilient to disasters. The Administration is justifying this funding by noting that natural disasters are becoming more frequent and severe in recent years due to climate change effects. The Infrastructure Bill will fund FEMA at \$1 billion over five years for the BRIC program, which is in addition to the funding FEMA provides through setting aside up to 6% of the assistance the agency provides following major disaster declarations through the Public Assistance and Individuals and Households Program. VSA has alerted the City to the BRIC program in the past and will continue to strategize on potential projects that may be eligible during 2022.

VSA expects that the linkage between infrastructure resiliency and the new Administration’s climate goals will continue to create opportunities for the City for project funding that aligns with these measured goals.

POSITION: ***Monitor*** any proposed Climate Change legislation that may impact the environment and ensure that any negative environmental and health impacts are disclosed prior to approval. Identify opportunities for funding local and regional projects from the Infrastructure Bill and any additional legislation in 2022.



FEDERAL ISSUE: Department of Housing and Urban Development Grant Programs

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The City of Coconut Creek receives direct allocations of funding from the Department of Housing and Urban Development (HUD) grant programs including the Community Development Block Grant (CDBG) formula program.

These programs include:

- HOME Investment Partnerships Program
- Continuum of Care, Homeless Assistance Program
- Community Development Block Grants Program
- Supportive Housing for the Elderly Program
- Supportive Housing for Persons with Disabilities Program

In his FY2022 budget proposal, President Biden requested a total of \$3.77 billion for the CDBG program. Of this, \$3.45 billion was directed towards the main CDBG formula grant program, while \$295 million was set aside for targeted CDBG activities to revitalize neighborhoods and communities that experience persistent and concentrated poverty.

As of January 20th, 2022, Congress has not passed a FY 2022 funding bill, so CDBG and other programs have continued to operate at FY2021 levels. Roughly \$3 billion, however, was included for various CDBG programs in the bipartisan infrastructure law passed in November.

CDBG Disaster Funding. CDBG-DR program is the nation's primary long-term disaster rebuilding program, providing states and communities with the flexible resources needed to rebuild affordable housing and infrastructure after a disaster.

In December 2019, the House passed legislation that would, for the first time, codify in federal law the fundamental requirements and policy objectives of the CDBG-DR program. Prior to this legislation, the federal government has been reauthorizing and individually appropriating the CDBG-DR program following severe disasters in an ad hoc fashion. Typically, using this method of funding for disaster led to delays and a backlog on the distribution of funds. This bill would establish a level of standardization and codification by Congress, solving the unnecessary delays. The bill was never taken up by the Senate, but similar legislation has been introduced in both the House and Senate in the current Congress, though neither has yet moved through committee.

VSA and the City will continue to advocate funding for these programs during this year's Congressional legislative cycle.

POSITION: **Support** adequate funding for the Community Development Block Grant program for future fiscal years because of its critical role in the City's efforts to support those that are least fortunate. **Monitor** current legislation reforming the CDBG – emergency funding program and its potential impacts to the City.



FEDERAL ISSUE: Healthcare Policy and Reform

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The Patient Protection and Affordable Care Act (PPACA), often referred to simply as the Affordable Care Act (ACA) or “Obamacare,” was passed by Congress and signed into law in 2010. While the Trump Administration attempted to undo or challenge many parts of the law, the Biden Administration has pledged to use its executive authority to strengthen and expand access to the ACA marketplaces and Medicaid.

The American Rescue Plan (ARP), the Administration’s COVID relief plan passed in March 2021, contained multiple provisions intended to bolster the ACA and get more Americans health coverage. The ARP did this in three ways: it expanded funding for Medicaid and the Children’s Health Insurance Program, expanded COBRA subsidies, and expanded subsidies for ACA marketplace coverage, including for people receiving unemployment benefits. These provisions will last for at least two years, retroactive to January 1, 2021, and running at least to December 31, 2022. According to statistics released by the Administration, 2.5 million Americans were newly able to sign up for marketplace coverage during open enrollment this year because of the ARP.

Prescription Drug Prices

The Biden Administration released its prescription drug plan on September 9, 2021. The plan largely aims to increase competition in the pharmaceutical industry as a lever to reduce the list prices of prescription drugs and to improve innovation. The plan primarily relies on capping out-of-pocket costs in Medicare D, Medicare drug price negotiations, and responding with regulatory action to manufacturers who raise list prices more quickly than the rate of inflation.

Much of the Administration’s prescription drug plan was a part of the Build Back Better reconciliation plan. With Build Back Better indefinitely stalled due to opposition in the Senate, the Administration and congressional Democrats may have to look at other routes, such as executive action or standalone legislation, to implement these proposals.

In September 2020, the Department of Health and Human Services approved a final rule allowing the importation of prescription drugs from Canada. Six states, including Florida, have passed laws seeking approval from the Federal Government to import drugs from across the border, and this rule clears the way for those states to begin doing so. President Biden has indicated support for this type of cost-saving measure and has directed the FDA to begin the process of authorizing proposals from states interested in importing Canadian pharmaceuticals. The Florida Health Care Administration indicated in December 2021 they hope to have such an import program up and running and approved by the FDA by mid-2022, though any drugs would have to be deemed “excess” on the Canadian market, as Canada announced a ban on distribution of many drugs outside of the country if that would cause or worsen a shortage.

The Biden Administration did, however, repeal the Trump Administration’s “Most Favored Nation Rule” This rule sought to lower the amount paid for 50 high-cost Medicare Part B drugs to the lowest price that drug manufacturers receive in similar countries.

POSITION: Monitor changes to Medicare in relation to any Healthcare reform legislation.



FEDERAL ISSUE: Electronic Smoking Devices

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The use of electronic smoking devices (also known as e-cigarettes) has risen rapidly in recent years. However, e-cigarettes are currently unregulated by the U.S. Food and Drug Administration (FDA), despite the growing warnings about their long-term effects on individual and public health.

In 2019, the Centers for Disease Control and Prevention (CDC) advised people to avoid e-cigarettes while federal and state officials investigate an ongoing nationwide outbreak of severe lung injuries associated with the use of e-cigarette, or vaping, products. Since that time, federal and state officials have reported thousands of cases related to a newly identified lung disease that the CDC has named **EVALI** (the acronym stands for e-cigarette or vaping product use-associated lung injury).

In late 2020, then President-elect Biden said he would halt the sale of vaping products until more research about its effects is conducted, proposing even tighter restrictions than the Trump administration's partial ban on the sale of flavored products. As of the end of 2021, the FDA has failed to issue any rule or notice of proposed rulemaking to issue an outright ban of such products and continues to address e-cigarettes on a case-by-case basis. In August 2021, the agency rejected marketing applications for approximately 55,000 electronic vaping devices, meaning they must be pulled off the market or face enforcement action; in October, however, the agency for the first time approved the applications for three e-cigarette devices manufactured by Reynolds.

The City of Coconut Creek is committed to protecting the health and safety of its residents and acted to locally regulate the use of e-cigarettes. In July 2014, the City approved a zoning in progress for businesses that sell e-cigarettes to warn potential investors that changes to current law would be coming. Then, in February of 2015, the City passed an ordinance prohibiting the use of e-cigarettes in traditionally smoke-free locations, such as schools, libraries, indoor workplaces, and City-controlled buildings, among others.

POSITION: *Support* the creation of Federal regulations for e-cigarettes and other vapor producing devices.



FEDERAL ISSUE: Infrastructure Investment and Transportation Reauthorization

Background and Summary. On November 15th, the President signed into law the Infrastructure Investment and Jobs Act (IIJA) – a broad infrastructure bill (H.R. 3684) which included reauthorization of the surface transportation bill, water infrastructure legislation, and the Energy Infrastructure Act.

The combined bill has \$550 billion in new funding and when combined with the other pieces of passed legislation reaches a funding total of approximately \$1 trillion.

In VSA's review of the bill, we want to note that a significant amount of funding will be spent through existing federal programs and competitive grants. Other smaller amounts will be sent to the States including provisions for direct pass-throughs to local governments as well as through formula grant programs. A summary of the Bill's framework is as follows:

- **Roads and bridges:** \$110 billion in new funding will be allocated toward roads, bridges and other major projects. That includes \$40 billion for bridge repair and replacement and \$17.5 billion for unspecified "major projects." The deal also reauthorizes a bipartisan surface transportation program for the next five years which currently expires at the end of September.
 - **Road safety:** \$11 billion toward reducing car crashes and fatalities, including through a "Safe Streets for All" program. It will also double the funding that is sent to other programs that improve road safety.
 - **Public transit:** \$39 billion to modernize public transit and improve access for people with disabilities. Funding will replace thousands of buses and other transit vehicles with zero-emission upgrades.
 - **Passenger and freight rail:** \$66 billion to eliminate Amtrak's backlog, modernize trains and expand service.
 - **Electric vehicles and buses:** \$15 billion in spending for electric vehicle charging infrastructure, electric buses and transit. One billion dollars would also be put toward a program to reconnect communities divided by transportation infrastructure.
 - **Airports, ports and waterways:** The bill dedicates \$17 billion toward port infrastructure and \$25 billion toward airports.
 - **Water infrastructure:** \$50 billion for investment in weatherization and protection against climate-change fueled disasters like droughts and floods.
 - **Clean water:** \$55 billion in funding for clean drinking water, which includes replacing all the country's lead pipes and service lines.
 - **Broadband:** \$65 billion in spending for broadband internet infrastructure.
 - **Environmental clean-up:** \$21 billion in funding for environmental remediation, including cleaning up superfund sites, reclaiming abandoned mine land and capping abandoned oil and gas wells.
 - **Power infrastructure:** \$73 billion to shift the country from fossil fuels to clean energy including power infrastructure. Funding also includes research in technology like nuclear, carbon capture and clean hydrogen.



Specific grant programs that may be of interest to the City include the following grants outlined in the bill:

- a. Charging and Fueling Infrastructure
- b. Promoting Resilient Transportation Projects
- c. Active Transportation Infrastructure Investment Program: (e.g., bikeways and walkways)
- d. Transportation Safety for Pedestrians

The Infrastructure Bill provides repetitive funding for these new programs for the next 5 years.

VSA will work with the City to provide funding capture strategies and advocacy for these potential opportunities.

POSITION: **Support** implementation of the Infrastructure Investment and Jobs Act (IIJA). **Support** all opportunities to secure funding for Coconut Creek’s infrastructure priorities with reauthorization of existing programs within the Act and funding for new programs. Consider a short-term and long-term strategy to take advantage of these funding opportunities. **Support** efforts to enhance federal transportation revenue streams. **Pursue** funding of transportation alternatives programs, such as bicycle, pedestrian, and trails projects made available in the IIJA. **Support** adequate funding of federal public transit programs, including high-speed rail. **Support** all opportunities to secure funding for City of Coconut Creek priorities in the IIJA including programs as Smart Cities, Complete Streets, Vision Zero Program, and other initiatives supporting municipalities.



FEDERAL ISSUE: Tribal Legislation and Regulation

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Van Scoyoc Associates continues to monitor tribal legislation and regulations to determine if they could impact the City of Coconut Creek.

This focus would include any legislation or federal ruling that could affect the Class III Gaming Compact with the State of Florida in accordance with the Indian Gaming Regulatory Act of 1988.

In August 2021, the Indian Affairs Bureau released their final ruling and approval of the Seminole Tribe and State of Florida Gaming Compact. However, a Federal Court ruled in November 2021 that the Compact violated the Indian Gaming Rights Act as it related to online sports betting. The matter is currently on appeal.

VSA will monitor any tribal related legislation that could affect the operations of the Compact or its components.

POSITION: *Monitor* tribal legislation and regulations that could impact the City of Coconut Creek.



FEDERAL ISSUE: ADA Government Website Accessibility

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK : The Americans with Disabilities Act (ADA) governs accessibility for those with disabilities. Specifically, Title III of the ADA has been interpreted by the courts to include public websites and the process of making the content and functions accessible to those with disabilities. Accessibility is defined as that people with disabilities can enjoy the full use of your website. In short, websites must be “accessible” to be ADA compliant.

U.S. courts and the Department of Justice (DOJ) have frequently referenced the Web Content Accessibility Guidelines (WCAG) 2.0 Level AA success criteria as a standard to gauge whether websites are accessible. (There are three tiers, A, AA, and AAA). The WCAG 2.0 AA success criteria are comprised of 38 requirements, individually referred to as success criterion. If your website meets all 38 of those requirements, you are considered “accessible.” The WCAG 2.0 can be found:

<https://www.w3.org/WAI/standards-guidelines/wcag/>

The WCAG is organized around four guidelines or principles:

1. **Perceivable**: the information and content are presented and available to everyone, include persons with disabilities
2. **Operable**: the website interface does not require interaction that persons with disabilities cannot perform
3. **Understandable**: both the information and operation of the user interface must be readily understandable to everyone (make everything simple, provide clear instructions)
4. **Robust**: the website is accessible through a wide variety of user agents and technologies such as various screen readers and browsers. For example, you cannot just have an accessible website in Firefox, but not Chrome.

UPDATE. In February 2021, legislation (The Online Accessibility Act) was reintroduced in the House of Representatives to try to alleviate the lack of clarity concerning how companies are supposed to make websites accessible to vision impaired individuals. There are currently 4 cosponsors to the Bill, and it does not have high prospects of passing at the time of this update.

There is currently no law or regulations under the Americans with Disabilities Act (“ADA”) directly addressing technical or legal standards for website accessibility. The Online Accessibility Act intends to remedy many of these issues and concerns by creating a new Title VI for the ADA devoted entirely to consumer facing websites and mobile applications. The Act requires “substantial” compliance with WCAG 2.0 A, AA, an exhaustion of administrative remedies with the Department of Justice, and that plaintiffs plead “with particularity each element of the plaintiff’s claim, including the specific barriers to access.”

POSITION: Continue to ***monitor*** future Federal regulations and policy related to ADA accessibility standards and requirements for government websites.



FEDERAL ISSUE: FCC: Deployment of Communications Facilities and Wireless Infrastructure

BACKGROUND: On December 7th, 2021, the Senate confirmed President Biden’s nominee for FCC Chair; Ms. Jessica Rosenworcel. At the same time, he also named Ms. Gigi Sohn to fill the agency’s fifth slot on the Commission. Ms. Sohn also requires Senate confirmation, and the Senate Commerce, Science, and Transportation Committee didn’t advance her nomination during the end of last year’s Congressional session. Consequently, on January 4th, President Biden renominated Ms. Sohn to the Commission.

If Ms. Sohn is confirmed, it would create a 3-2 democrat majority on the Commission. It is believed that Ms. Sohn would bring a stronger regulation focus to the Commission which potentially would limit the ability of interested parties in reducing local oversight of wireless infrastructure installation. Ms. Sohn will face tough scrutiny by the Senate through the confirmation process as many members in rural states feel that she would influence or slow down broadband deployment in rural areas.

In reviewing the updated FCC list of policy initiatives for this year, we do not see any specific measures that would explicitly limit local government oversight of wireless infrastructure. However, their agenda does promote expansion of 5G capabilities with references to recent needs in telehealth and monitoring COVID virus outbreaks.

VSA has worked with the City to oppose actions by the former FCC and the former Administration’s proposed rulings that reduced local oversight and control on broadband infrastructure. **VSA will continue to track and respond to any additional actions by the FCC which create these potential outcomes.**

POSITION: *Oppose* legislation that would preempt or limit local government zoning ordinances and its review process for the installation of 5G “small cell” wireless towers.

Wireless Infrastructure Health Issues and Impacts

Monitor and provide advocacy to address potential health issues related to increased 5G infrastructure deployment in local communities; in addition, **monitor** any insurance related regulations that would authorize the limitation of coverage for individuals claiming such injuries.



FEDERAL ISSUE: Transparency

BACKGROUND: Government transparency is vital to providing accountability and improving trust in government by citizens. Each year, over \$3.7 trillion is spent by the federal government and this number is expected to increase significantly in 2022 with the passage of the Infrastructure Bill (IIJA). It can be difficult to track that spending due to disparate and incomplete sources of data. To address this concern in 2014, the Digital Accountability and Transparency (DATA) Act of 2014 was signed into law. The DATA Act requires the federal government to set data standards across departments, to regularly report on more federal funds than in the past, and to regularly review data quality. The process of agreeing upon and implementing those policies and procedures, led by the Treasury Department and the Office of Management and Budget (OMB) took several years. In May of 2017, federal agencies began officially reporting data in compliance with the DATA Act. In November of 2017, the Government Accountability Office (GAO) completed their first review of that data and found several gaps, inaccuracies and varied interpretations of how data was reported. GAO has since made recommendations that OMB and Treasury clarify their guidance, work with agencies to produce more consistent data and disclose any known data quality issues. These recommendations are currently being reviewed and implemented by OMB and Treasury.

In February 2021, U.S. Senators Gary Peters (D-MI) and Rob Portman (R-OH), Chairman and Ranking Member of the Homeland Security and Governmental Affairs Committee, reintroduced a bipartisan bill to help make information about how the federal government is spending taxpayer dollars more accessible to the public; the “Congressional Budget Justification Transparency Act”. The legislation is intended to improve government transparency by requiring federal agencies to publish easily understandable justifications for their budget requests on a single, central website each year. Congressional budget justifications are plain-language explanations of how agencies propose to spend money that they request from Congressional appropriators.

The Senate approved the bill June 24th, and the House passed their version last August. The bill was forwarded to the President and signed into law on September 24, 2021.

VSA will monitor and report the implementation of this key legislation with information on how to access the Federal budget data.

POSITION: *Support* efforts to increase government transparency and accessibility of public records.



FEDERAL ISSUE: National Flood Insurance Program

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Congress established the National Flood Insurance Program (NFIP) in 1968 to address the nation's flood exposure. Private insurance companies at the time claimed that the flood peril was uninsurable and, therefore, could not be underwritten in the private insurance market. A three-part floodplain management and insurance program was created to (1) identify areas across the nation most at risk of flooding; (2) minimize the economic impact of flooding events through floodplain management ordinances; and (3) provide flood insurance to individuals and businesses. In the City of Coconut Creek, there are 1,562 NFIP policies for both homes and commercial properties with annual premiums totaling \$708,227.

Until 2005, the NFIP was self-supporting, as policy premiums and fees covered expenses and claim payments. Today, the program is roughly \$20,225,000,000 in debt due to several large flood events that have occurred over the past 15 years. That debt was as high as \$30,425,000,000 in 2017.

2021-2022 Update: The Continuing Funding Resolution that became Public Law on October 1, 2020, extended the authorization of the National Flood Insurance Program through September 30, 2021, and after the second CR was passed on December 3rd, 2021, the Program's authorization was extended to February 18th, 2022. . This is the 17th short-term extension of the program's authorization since 2017.

One of the most important issues around the National Flood Insurance Program being tracked by VSA is FEMA's plan to implement **Risk Rating 2.0**. Risk Rating 2.0 is a new methodology to determine flood insurance rates based on a property-specific analysis. Specifically, under this new program FEMA would reassess the factors it looks at in calculating flood insurance premiums. The shift would move the NFIP from the current practice, which looks at risk across a broad group associated with flood zones and categories of properties to create an individualized picture of each property's risk.

VSA provided information to the City in 2021 and project changes in flood insurance rates by zip code within the City based on FEMA's methodology. Some policy holders would see slight reductions in insurance rates, and some would see significant increases in insurance rates. FEMA started implementing the methodology for new policy holders in October 2021. Existing policy holders will be subject to the changed premiums during their scheduled renewals in April 2022.

Congress is very concerned over the changes in premiums from FEMA's new methodology. All existing statutory and regulatory requirements, including rate caps on premium increases, would remain in effect; but in the end, some rates would go up, and some would go down.

With a new Administration and new leadership at FEMA, it is unclear if FEMA will advance the Risk Rating 2.0 program. In the Senate, the "Flood Insurance Fairness Act" was introduced that would effectively delay Risk Rating 2.0 by requiring congressional approval before FEMA could make any changes to the NFIP, including implementing Risk Rating 2.0. The bill would also freeze premiums at the date of the bill's enactment until Congress agrees to change them.

In the House, H.R. 2995, the "National Flood Insurance Program Reporting on Impact to Seaboards and Counties Act," has been introduced. This legislation would also effectively delay the implementation of



Risk Rating 2.0 by requiring FEMA to release a comprehensive impact analysis of new flood insurance rates at least six months before any changes can be made to the NFIP. Additionally, the bill would prohibit any changes to FEMA's flood-risk assessment methodology during, or within six months following, the COVID-19 emergency declaration.

VSA will continue report and look for opportunities to support their position on this issue with your Congressional delegation.

POSITION: *Support* efforts to reform and improve the National Flood Insurance Program for the benefit of all participants during the on-going 2021 reauthorization and reform process. *Oppose* recommendations that would raise rates to Coconut Creek ratepayers from FEMA's intent to implement Risk Rating 2.0.



FEDERAL ISSUE: Federal Marijuana Policy

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: To date, 36 States have legalized marijuana for medicinal use and of those, 18 States have legalized it recreational use.

Federal law still treats marijuana as an illegal drug under the 1971 Controlled Substances Act which puts the Federal government at odds with many states. Congress so far has been unable to come up with a solution between the conflicting legal policies.

In July 2021, Senate Majority Leader Chuck Schumer along with Senators Booker and Wyden introduced a draft bill titled the “Cannabis Administration and Opportunity Act” that would end the federal cannabis prohibition and remove cannabis from the Controlled Substances Act.

In May 2021, Congressman Nadler reintroduced the Marijuana Opportunity Reinvestment and Expungement Act (MORE Act). The bill has 105 cosponsors and requires review by 14 separate committees of jurisdiction on the issue. The bill would also decriminalize marijuana by removing it from the list of scheduled substances under the Controlled Substances Act and eliminated criminal penalties for individuals who manufacture, distribute, or possesses marijuana.

The bill also would have:

- required the Bureau of Labor Statistics to regularly publish demographic data on cannabis business owners and employees,
- established a trust fund to support various programs and services for individuals and businesses in communities impacted by the war on drugs,
- imposed a 5% tax on cannabis products and required revenues to be deposited into the trust fund,
- made Small Business Administration loans and services available to entities that are cannabis-related legitimate businesses or service providers,
- prohibited the denial of federal public benefits to a person based on certain cannabis-related conduct or convictions,
- prohibited the denial of benefits and protections under immigration laws based on a cannabis-related event (e.g., conduct or a conviction),
- established a process to expunge convictions and conduct sentencing review hearings related to federal cannabis offenses, and
- directed the Government Accountability Office to study the societal impact of cannabis legalization.

Meanwhile, on April 21, 2021, the Secure and Fair Enforcement (SAFE) Banking Act ([H.R. 1996](#)), sponsored by Rep. Ed Perlmutter (D-CO), was approved by the House in a bipartisan vote of 321-101. SAFE previously passed the House in September 2019 in a 321-103 vote. It's now up to the Senate to consider the bill. The Senate version was [reintroduced](#) on March 23, 2021 and is sponsored by Sens. Jeff Merkley (D-OR) and Steve Daines (R-MT), with 180 current cosponsors.



The SAFE Banking Act would create protections for financial institutions that provide financial services to state-legal cannabis businesses. Passing this legislation would also promote equity in the cannabis industry by offering small and minority-owned businesses access to banks and regulated financial services.

The bills listed that VSA is tracking have significant support but require multiple Congressional committee's review.

POSITION: Continue to **monitor** Federal legislation or agency policies related to marijuana and hemp and any impact on Florida's medical marijuana program.



FEDERAL ISSUE: Federal Policy and Legislation Related to Employment and Labor Laws

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: In the first year of the Biden presidency, he addressed employment and labor laws policies through several agency and executive actions. The following is a summary of his actions in 2021:

a. National Labor Relations Board. In January 2021, President Biden fired Peter Robb, the National Labor Relations Board’s general counsel. Robb’s term wasn’t scheduled to expire until November 2021. This was an unprecedented decision, as NLRB general counsel are traditionally permitted to serve out their terms during changes in administrations. The move reflects that the Administration plans to be very aggressive with federal labor policy. It also allowed the administration to begin “teeing up” cases in anticipation of taking full control of the Board by fall 2021.

b. Workplace Safety. labor advocates and Democrats had been calling on OSHA to issue an emergency temporary standard (ETS) to protect workers from COVID-19. On January 21, 2021, President Biden issued an executive order [instructing the DOL and OSHA to consider issuing an emergency temporary standard](#) by March 15, 2021. On April 26, 2021, more than a month past the deadline, [OSHA sent its draft ETS to OIRA for approval](#).

On April 20, 2021, OSHA issued new guidance on when an employer must record in its injury and illness logs an employee’s adverse reaction to a COVID-19 vaccination. In short, if an employer requires employees to get vaccinated, then any adverse action is “work-related” and, therefore, recordable.

c. Wages. On April 27, 2021, President Biden issued an [executive order](#) that will require covered federal contractors and subcontractors to pay employees a minimum of \$15 per hour by January 2022.

Also, The DOL’s Employment and Training Administration (ETA) [proposed to delay](#) the effective date of the rule entitled “Strengthening Wage Protections for the Temporary and Permanent Employment of Certain Aliens in the United States.” The original regulation was finalized in the final days of the Trump administration and was set to go into effect on March 15, 2021. The ETA postponed the rule’s effective date until May 14, 2021, and is seeking a further delay to November 14, 2022.

d. Graduate Students. On March 15, 2021, the National Labor Relations Board [withdrew](#) its regulatory proposal to exempt from the coverage of the National Labor Relations Act students who, in connection with their undergraduate and graduate studies, are financially compensated for the services they provide to private colleges or universities.

POSITION: *Monitor* employment and labor law legislation in 2022 and identify any impacts to the City’s policies and requirements.



FEDERAL ISSUE: Federal Funding of Public Safety Programs

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Most federal grant funding for safety programs within the Department of Justice (DOJ) and Department of Homeland Security (DHS) are provided as block grants with each state receiving a certain amount of funding, generally linked to population. That funding is then passed through to local jurisdictions to help support police, fire, emergency management, and homeland security functions. Examples of these formula programs include the Emergency Management Performance Grant (EMPG) the Byrne Justice Assistance Grant (JAG), and Project Safe Neighborhoods (PSN).

In other instances, funding from Federal programs is made available to local governments via competitive grant solicitations. Competitive program funds can be used to hire police officers through Community Oriented Policing Services (COPS) or firefighters through Staffing for Adequate Fire & Emergency Response Grants (SAFER), and purchase equipment through the Assistance to Firefighters Grant (AFG). There is also another category of grants that are distributed to certain recipients based on specific criteria, such as the Urban Area Security Initiative (UASI), which provides funds to eligible regions to help communities prepare for, prevent, respond to, and recover from potential attacks and other hazards.

While the City has benefited from several of the formula-based Federal programs in the past, VSA will assist the City in pursuit of competitive grant opportunities during 2022. Based on the City's direction, we have also provided a special focus on FEMA Firefighter Grant Programs (AFG) as well as DOJ Body Worn Camera Program. After providing review and advocacy for your 2021 AFG grant application in December, we are looking forward to lining up 2022 grant applications when grant announcements are made in the coming year.

We will identify and provide a funding analysis of all DOJ and FEMA public safety grant programs in 2022. We will also prepare strategies, review, and Congressional support for the City's 2022 grant pursuits.

POSITION: *Support* continued adequate funding for the wide variety of DOJ and DHS grants, i.e., Community Oriented Policing Services, Byrne Justice Assistance Grants, Emergency Management Preparedness Grants, Assistance to Firefighters Grants, Staffing for Adequate Fire and Emergency Response Grants, Body Worn Camera Program, Urban Areas Security Initiative grants, and other security-specific grants. *Support* the City of Coconut Creek's applications for these funds.



FEDERAL ISSUE: Mental Health Care Initiatives to Reduce Gun and Other Violence

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: The City of Coconut Creek strongly supports legislation that would ban assault weapons, automatic weapons, and large external magazine weapons and ammunition. The City also supports the requirement that the purchase and ownership of a gun to be registered and licensed; and prohibit any person, other than law enforcement, to carry a weapon or firearms into a government facility or park.

In December 2021, the Biden Administration released a Fact Sheet summarizing their actions to date and plans during 2022 for reducing gun violence. The following is a summary:

- In April the President released 3 Executive Orders laying out a gun crime reduction strategy and outlining steps to promote safe storage of firearms.
- In May 2021, the Justice Department (DOJ) released a proposed rule to stop the proliferation of “ghost guns” – guns that cannot be tracked.
- In June 2021, DOJ released a proposed rule to better regulate “stabilizing braces” which allows pistols to fire as short-barreled rifles.
- In April 2021, the Justice Department announced that it will issue a new, comprehensive report on firearms commerce and trafficking and annual updates necessary to give policymakers the information they need to help address firearms trafficking today.
- Again, In June, the Justice Department announced a new policy to underscore zero tolerance for willful violations of the law by federally licensed firearms dealers that put public safety at risk.
- In September 2021, the VA Launched a public education campaign to encourage firearm safe storage.
- The Biden Administration also included \$350 billion for Community Violence Intervention funding in the American Rescue Plan for States and local agencies. These funds support the approach to “Community-oriented Policing to Reduce Gun Violence. The funds can also be used for hiring nurses, counselors, and social workers to invest in strategies related to abuse and mental health support.
- In May 2021, the Attorney General announced their Comprehensive Strategy for providing better support to local communities in addressing gun violence.

In addition to these measures, President Biden still calls for legislation that will fund community violence interventions provided in the Build Back Better Bill, separate legislation to keep guns out of the hands of more dangerous domestic abusers, and a bill requiring background checks for all gun sales.

POSITION: **Support** legislation that bans high-capacity assault weapons. **Support** legislation that restricts the sale of firearms and requires thorough background checks and licensing. **Support** legislation that bans ghost guns (guns created without serial numbers such as those made with 3D printers). **Support** legislation that responsibly expands treatment options for the mentally ill.



FEDERAL ISSUE: Thin Blue Line Legislation

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: “Thin Blue Line” legislation (H.R. 99 / S. 1595) was re-introduced in 2021 but unfortunately timed-out at the end of the 2021 Congressional legislation. There are a group of Congressional leaders who have introduced and supported this bill each year because of a significant increase in law enforcement fatalities nationally. 14 Republicans in the House co-sponsored the bill in 2021 including Rep Carlos Gimenez, Rep Steube, and Rep Bill Posey from Florida. 18 Republican Senators co-sponsored the Senate version including Senator Rubio and Senator Scott. The legislation adds “killing a law enforcement officer” to the list of aggravating factors in federal death penalty cases.

Co-sponsors to date supporting this legislation have been exclusively Republicans who argue that this legislation is a necessary measure to address escalating threats to public safety. Opponents cite that this legislation is unnecessary and duplicative to improving law enforcement and community relations and add that all 50 states currently contain the provision on a state level.

Update. The Thin Blue Line Act was reintroduced by Sen Toomey on January 10th this year and already has 15 Republican cosponsors. This legislation may have a potential of movement after the mid-term elections and VSA will continue to monitor and report any added support for this legislation as well as any potential advancement through the Congressional process.

POSITION: *Monitor* the development of legislation that expands statutory aggravated determinations to include killing or targeting law enforcement.



FEDERAL ISSUE: Cybersecurity Legislation and Policy

BACKGROUND; HOW IT MAY AFFECT THE CITY OF COCONUT CREEK: Cybersecurity is an important priority for the new Administration. In mid-January, President-Elect Biden chose a career intelligence officer from the NSA to serve in a newly created cybersecurity role for his National Security Council.

Two key federal actions in 2021 strengthened the cybersecurity opportunities for municipalities:

1. FEMA listed cybersecurity as a critical priority area for their preparedness grant programs requiring 7.5% of formula grant recipients to expend their funds on enhance their cybersecurity posture. And,
2. The Infrastructure Bill (IIJA) includes the State and Local Cybersecurity Improvement Act which authorizes a new grant program at the Department of Homeland Security dedicated to improving cybersecurity for state, local, tribal, and territorial entities. This grant program, which will provide \$1 billion over 4 years, would be administered by the Federal Emergency Management Agency (FEMA), to take advantage of existing grant systems and expertise, while the Cybersecurity and Infrastructure Security Agency (CISA) would provide subject matter expertise.

The advocacy of this act includes the significant growing national concerns around Ransomware which through briefings with the City VSA has shared with Congressman Deutch's staff.

In 2022, VSA will share further guidance on the new grant program and continue to advocate for legislation that provides specific assistance to cyber threats to municipalities that might assist Coconut Creek.

POSITION: ***Monitor*** the development of cybersecurity legislation and federal policy. ***Support*** federal funding and programs that support local governments in improving their cybersecurity strategic goals and to prevent "ransomware" attacks.



NOTES:


