

Gainesville.

Citizen centered

People empowered

2018 Federal Agenda

Gainesville is the largest city and county seat of Alachua County, with a population of 127,000 people. It serves as the cultural, educational, commercial and emerging tech sector for the north central Florida region. In 2015, Gainesville began a citizen-centered approach where we focus on the user experience to inform all of our work, from developing policies to the delivery of services.

Actions of the federal government profoundly impact the functions of our government and the well-being of our community. The issues, programs, and projects outlined in our Federal Legislative Agenda all inform, advance, or potentially threaten the four guiding areas of focus that align with the city's adopted strategic framework:

- 1) **Support a Strong Economy** through catalyzing job diversity, entrepreneurship and small business vitality;
- 2) **Foster Greater Equity** by strengthening neighborhoods, providing equitable services, and supporting access to housing;
- 3) **Plan For A Better Future** by promoting opportunities for youth, families, and seniors and preserving our resources; and
- 4) **Become A Community Model** by leveraging partnerships and innovation to transform our city.

To achieve our goals Gainesville partners locally with Alachua County; Alachua County School Board; Gainesville Area Chamber of Commerce; Santa Fe College; University of Florida; and Career Source of North Central Florida on programs, projects, and grants. Meanwhile, the city seeks to expand its partnerships with state and federal officials and agencies.

Our next step? Gainesville is developing a smart cities framework to promote citizen-centered solutions. Gainesville will utilize its current assets such as transportation systems, utilities, waste management, public safety, law enforcement, and other services to build the foundational elements of a smart cities platform while identifying and prioritizing around future community needs. Programs, projects, and partnerships with local, state and federal officials and agencies that help further our efforts related to mobility, smart lighting, connected vehicles, and autonomous transit are all essential initiatives in building Gainesville into a functioning Smart City.

Infrastructure and Transportation

Infrastructure: Long discussed on the campaign trail and throughout the past year, the President's 2018 budget proposal released in February provided an outline of an Administration infrastructure investment plan. It included a 10-year distribution of \$200 billion in direct federal spending, but did not specify how that money would be spent or what projects would be eligible for funding. For FY 2018, the budget called for \$5 billion, increasing to \$50 billion in FY 2021 and then decreasing through FY 2026 when it would be phased out. With that as one approach, the Administration and Congress have begun to develop an infrastructure proposal, but it is unclear when a draft may be released.

More recently though, funds often targeted for infrastructure investment are being used to pay for tax reform and versions of the tax package also eliminate private activity bonds, something local governments and taxing districts often use to spur private investment in infrastructure and public housing. When the tax package become law, it may be harder to invest large sums in infrastructure and spur private investment, but the Administration could package regulatory reforms and other enticements to at least intimate they have acted on infrastructure.

An infrastructure plan could provide funding for Gainesville projects such as SW 62nd Boulevard, RTS fleet replacement and expansion, and Smart Cities initiatives.

Support the development of a comprehensive infrastructure package and any City of Gainesville projects.

Broadband Access: Increased broadband access can help promote economic development and social equity as well as educational opportunities. Congress has several existing programs that help increase broadband access, such as the U.S. Department of Agriculture's Rural Utility Service Broadband Loan program, and the U.S. Department of Housing and Urban Development (HUD) ConnectHome program, which helps get HUD-assisted households with children online. These programs, however, are not sufficient for achieving large scale expansion of broadband access.

GRUCom, the all fiber-optic network operated by Gainesville Regional Utilities, is uniquely suited to serve as a hub for a regional broadband expansion project in Northern Florida. With over 500 miles of fiber in Alachua County and additional connections to hundreds of locations worldwide, the groundwork is set to begin expansion quickly with the establishment of a beneficial federal framework and the appropriation of appropriate resources. Senator Bill Nelson serves as the ranking member for the committee of jurisdiction for this issue and has expressed his support for a broadband expansion project.

Support expansion of broadband access in the Gainesville area and inclusion of broadband as part of an infrastructure package.

Transportation: After the passage of several short-term authorizations following the expiration of MAP-21 in 2014, Congress finally passed, and the President signed, a five-year surface transportation authorization called the Fixing America's Surface Transportation (FAST) Act in

2016. The FAST Act generally maintains many of MAP-21's reforms, but makes a few changes to existing surface transportation programs, as well as slightly increases funding for those programs.

One of the most significant changes within the FAST Act is the conversion of the Surface Transportation Program to the Surface Transportation Block Grant Program, which purportedly allows states greater flexibility in utilizing the funds. Also significant to the City of Gainesville is the reinstatement of the competitive grant program within the Bus and Bus Facilities Program. The grant is designed to provide funds to rehabilitate or replace buses or bus equipment and/or construct bus facilities; it also includes funding for low- or no-emissions buses. The City of Gainesville has had significant success securing funding from this program in the past and will remain an ongoing opportunity.

Meanwhile, in terms of other competitive grant opportunities that may benefit the City, the Trump Administration has announced changes to the FASTLANE grant program established by the FAST Act. The program has been renamed the Infrastructure for Rebuilding America (INFRA) grant program and now is meant to emphasize projects that support economic vitality, leverage federal funding with non-federal sources, and use innovative approaches to improve safety and project delivery speed. INFRA has placed an emphasis on innovative technologies, which may be a good fit with the City's interest in autonomous transit and connected vehicles. The INFRA program is authorized through 2020 and is not subject to the annual appropriations process.

Another transportation grant program, the Transportation Investment Generating Economic Recovery program (TIGER) is a discretionary opportunity that must be funded annually by Congress via the appropriations process. Most recently, the program has been proposed for elimination in the Administration's FY 2018 budget and in the House's appropriations bill for transportation programs, but the Senate has proposed to minimally increase funding for the program. In FY 2017, the TIGER program was funded at \$500 million.

In FY 2018, the Trump Administration proposed only \$1.2 billion for Capital Investment Grants (CIG), which includes New Starts, Small Starts, and Core Capacity projects. This is a decrease from the FY 2017 level of \$2.4 billion. The budget request only funds projects that currently have a full funding grant agreement (FFGA) and proposes to phase out the program stating that "future investments in new transit projects would be funded by the localities that use and benefit from these localized projects". In addition, the Administration opted not to identify any new CIG projects for funding. The elimination of this funding source would negatively impact the ability of RTS to secure funding for future transit improvements.

The Senate transportation funding bill includes \$2.133 for the CIG program. This includes \$1 billion for existing new starts full funding grant agreements (FFGAs), \$200 million for the core capacity FFGAs, \$149.9 million for small starts projects that do not yet have a signed agreement. The bill also includes funding for new projects that have received at least a "medium" rating by the FTA, including: \$454 million for new starts, \$145.7 million for core capacity, and \$168.4 million for small starts. The House passed an appropriations bill this fall which included \$1.75 billion for the CIG program, lower than the \$2.4 billion appropriated in FY 2017. This included

\$1 billion for current full funding grant agreements (FFGAs), \$145 million for unnamed core capacity projects, \$182 million for unnamed small starts projects, and \$400 million for projects that provide both public transportation and inner-city passenger rail service (the New York-New Jersey Gateway Project is the likely recipient). Both bills also include language which require the FTA to continue to advance projects through the CIG project pipeline.

It is expected that the Administration will continue to try to wind down the program consistent with their budget proposal without intervention from Congress. It is anticipated that the Administration will request in FY 2019 only those funds needed to fulfill current FFGAs.

Focus should be given to preserving all opportunities for the City to receive federal transportation funding and positioning the City's projects for success, especially where the City's interest aligns with any Administration priorities for exploring emerging technologies, such as autonomous vehicles.

Support opportunities to secure funding for Gainesville's transportation priorities via grant programs or through the development of an infrastructure package.

General Government

Tax reform: The Trump Administration and the 115th Congress are focused on tax reform. In the House proposal, private activity bonds, the New Market Tax Credit program, and the Historic Preservation Tax Credit are eliminated. Meanwhile, both the House and Senate bills would eliminate the ability of local governments to advance refund bonds and also eliminate the deduction for state and local sales and income taxes while placing a cap of \$10,000 cap on property tax deductions.

The New Markets Tax Credit (NMTC) program, established in 2000, has benefited the City of Gainesville by incentivizing increased investment in businesses in low income communities via a tax credit to private investors. Specifically, the City has used the NMTC program for two critically important projects to help spur the redevelopment of the downtown area. The first was for the building of a major new hotel project that has helped to revitalize downtown and the surrounding neighborhood. The second is the construction of the Cade Museum at Depot Park, which will soon open to the public. The Cade Museum is not only a museum that celebrates innovation and entrepreneurship, but it will be a hub to further link the City and the University of Florida to foster partnerships between the community, local businesses, and academia to increase new job opportunities for the community.

If the NMTC authority is not eliminated by the tax legislation, there are efforts to extend its life beyond its current expiration of 2019. Specifically, H.R. 1098 and S. 384 would provide permanent reauthorization of the NMTC program. The House version of the bill currently has 80 bi-partisan co-sponsors, including Mr. Yoho and 8 others from Florida, while the Senate version has 12 bi-partisan co-sponsors, although neither of the Florida Senators have signed on in support.

The City and Gainesville Regional Utilities have also both advance refunded bonds in the past, helping to save taxpayers' money.

Oppose efforts to eliminate private activity bonds, New Markets Tax Credits, Historic Preservation Tax Credits, the ability of local government to advance refund bonds, or curtail the state and local sales and income tax deductions.

Remote sales tax legislation: With some limited exceptions, retailers are only required to collect sales tax in states where they have brick-and-mortar stores. The burden then falls to consumers to report to state tax departments any sales taxes they owe for online purchases. Often, due to complex reporting requirements, consumers do not report those purchases when completing their tax returns. As a result, local retailers can be at a competitive disadvantage because they must collect sales taxes while out-of-state retailers, including many large online and catalog retailers, often offer their customers a discount by collecting no state or local sales taxes.

Therefore, the current sales tax system is perceived as being unfair to brick-and-mortar retailers that employ local residents, including local stores as well as national chains like Best Buy or Home Depot. The lost revenue is also a drain on local governments. In 2014, uncollected sales tax was estimated to have cost local governments \$23 billion nationwide. Although legislation to address this issue has failed to gain traction in recent years, and it is not included in the current discussion of tax reform.

Monitor legislation that requires companies making catalog and internet sales to collect and remit the associated taxes. **Support** federal tax policies that maintain revenue streams to local governments.

Siting of Wireless Facilities: As telecommunications technology advances, companies have developed new wireless equipment to support 5G networks. These new small cell towers can range in size from approximately the size of a briefcase to something closer to the size of a refrigerator. The telecommunications industry has indicated that these small cell towers are needed to support increased use, faster internet speeds, and other uses such as driverless vehicles. Legislation has been introduced in many state legislatures, including in Florida, to limit local control over the siting and leases on publicly-owned infrastructure or in rights-of-way.

The issue has arisen at the federal level as well, with the Senate Commerce Committee currently discussing draft legislation pertaining to the issue that would be even more restrictive than the pre-emption bill passed in Florida. The bill pending introduction is problematic in its current form because:

- It would impose sharply reduced “shot clock” time limits for local governments to process potentially unlimited wireless facility applications for all sizes;
- “Deem granted” applications for facilities when local governments are unable to meet the stringent time limits;
- Potentially result in applications being approved regardless of their safety, health or environmental impacts;

- Interfere with local governments' management of their own property and their ability to receive appropriate compensation for its use.

While the legislation has yet to be introduced, it is anticipated that it would be strongly opposed by local governments. Previous efforts to pass similar language have failed, however the telecommunications industry has continued to push for the changes. Although many cities share the goal of ensuring access to affordable, reliable high-speed internet and welcome new wireless infrastructure, it should be installed in collaboration with local governments and not preempt local control.

Oppose legislation that would preempt local government control and force local governments to lease publicly-owned infrastructure for the installation of “small cell” wireless towers.

Affordable Housing and Homelessness

Department of Housing and Urban Development Formula grant programs (CDBG & HOME): The City of Gainesville receives direct allocations from two Department of Housing and Urban Development (HUD) formula grant programs: Community Development Block Grants (CDBG) and the HOME Investment Partnership (HOME). In 2017, the City received just over \$1.2 million through CDBG and over \$430,000 through HOME. CDBG is a flexible program that provides communities with federal funding to address a wide range of unique community development needs while HOME is designed to create affordable housing for low-income households.

The Trump Administration proposed eliminating funding for these programs in their FY 2018 budget. While Congress has not agreed with this recommendation, both programs remain at risk for reduced funding. Specifically, the Senate has proposed maintaining level funding for both programs while the House has proposed a \$100 million cut to each.

Support adequate funding for the Community Development Block Grant and HOME Investment Partnerships programs for future fiscal years because of their critical role in the City's efforts to support those that are least fortunate.

Homelessness: The McKinney-Vento Homeless Assistance Act created several programs within the Department of Housing and Urban Development (HUD) that focused on combating the root causes of homelessness. The McKinney-Vento Act has been amended many times, most recently in 2009, when President Obama signed the Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act, which updated and expanded the definition of homelessness and made changes to existing programs under McKinney-Vento. Under the HEARTH Act, three previously separate HUD homeless assistance programs, the Supportive Housing Program (SHP), Shelter Plus Care program (S+C), and Single Room Occupancy (SRO) program, were grouped under the single umbrella of the Continuum of Care (CoC) program.

The CoC program provides formula and competitive grant funding to local governments and non-profits. It requires communities seeking funds to develop a Continuum of Care system

designed to address the problem of homelessness through a coordinated community-based process of identifying needs and building a system to address them. The approach is predicated on the understanding that homelessness is not caused merely by a lack of shelter, but involves a variety of underlying, unmet needs, including physical, economic, and social.

Under the CoC program, the SHP program provides assistance to help the homeless transition from their current state to a more stable living situation. The goals of the program are to provide assistance to help the homeless achieve residential stability and foster independence through programs that increase their skill and/or income levels.

The S+C program provides rental assistance that, when combined with social services, provides supportive housing for homeless people with disabilities and their families. The program allows for a variety of housing choices, such as group homes or individual units, coupled with a range of supportive services.

The SRO was created to expand suitable residential opportunities for homeless individuals. This has been accomplished through compensating owners of eligible SRO residences, for a period of 10 years, for improvements made to kitchen and bathroom facilities in eligible SRO residences, as well as providing rental assistance for the residents that occupy those units.

Under the HEARTH Act, HUD also added 12 new eligible activities for funding under the CoC program, which include the following: housing search mediation or outreach to property owners; credit repair; provision of security or utility deposits; rental assistance for a final month at a location; assistance with moving costs; and/or other activities that help homeless individuals move immediately into housing or would benefit individuals who have moved into permanent housing in the last 6 months. In addition, the HEARTH Act requires established CoC's to rank their projects for funding into two categories: Tier I new or renewal projects, which are most likely to receive funding; and Tier II new or renewal projects, whose funding is dependent on the resources still available and the strength of the CoC's application.

In Fiscal Year (FY) 2017, Congress provided \$2.383 billion in the omnibus appropriations bill for Homeless Assistance Grants. For FY 2018, the House has proposed level funding for Homeless Assistance Grants and the Senate has proposed a cut in the funding level to \$2.099 billion.

Support continued adequate annual funding for Department of Housing and Urban Development Homeless Assistance Grants, particularly for the Continuum of Care Program.

Public Safety Programs

Public Safety and Emergency Response: Federal grant funding for many Department of Justice (DOJ) and Department of Homeland Security (DHS) programs 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 of government. Examples of these formula programs include

the Emergency Management Performance Grant (EMPG) and the Byrne Justice Assistance Grant (JAG).

Funding from federal programs is also made available to local governments via competitive grant solicitations. Specifically, 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), purchase equipment through the Assistance to Firefighters Grant (AFG) and support safety projects through the Fire Prevention and Safety (FP&S) grants.

In addition to working to preserving the funding levels of each of these programs, the City must also monitor changes the Administration makes to the programs. For example, DOJ now requires all grantees under the Byrne JAG program to certify compliance with Section 1373, which bars any restrictions on communication between local agencies and DOJ, permit DHS personnel to access detention facilities to meet with aliens and question his or her right to be in the United States, and provide at least 48 hours' notice to DHS regarding the scheduled release date and time of an alien upon DHS' request to take the individual into custody. These new policies are to further the Administration's goal of eliminating federal funding for so-called "sanctuary cities." Recently, a federal judge issued a nationwide, preliminary injunction blocking the Administration from denying funds to "sanctuary cities." The debate regarding federal funding for jurisdictions that are considered "sanctuary cities," as well as how the term is defined, will continue to be an issue for Congress and the Trump Administration.

Meanwhile, DOJ continues to review other policy directives, including how it will handle civil asset forfeiture. Attorney General Jeff Sessions recently announced the reversal of a moratorium on adoptive forfeiture put into place under the Obama Administration. Prior to the changes made by the Obama Administration, adoptive forfeiture made up roughly 3% of the overall value of forfeitures in the DOJ Asset Forfeiture Program. The policy directive requires, beginning in 2018, law enforcement agencies participating in the program to provide annual training on state and federal laws related to asset forfeiture to their officers among other changes.

Policy changes under the new Administration may also create new opportunities for funding other City priorities, such as diversion programs for troubled youth or the prevention of domestic abuse.

Support continued funding for FEMA's Assistance to Firefighters Grants, Staffing for Adequate Fire and Emergency Response Grants, Fire Prevention and Safety Grants and the Department of Justice's Community Oriented Policing Services (COPS) grants. **Support** any City of Gainesville applications for these funds. **Support** legislation and administrative policies that will assist the City in ensuring public safety.

Economic Development

Economic Development Administration: The Trump Administration has proposed eliminating the Economic Development Administration (EDA). Although Congress has not gone along with this proposal so far in the 2018 appropriations process, both the House and Senate have proposed

cuts to the EDA's funding. The EDA is primarily a granting agency that funds economic development projects throughout the country in partnership with local governments or non-profits. Funding from the EDA is used to support private investment and generally funds projects such as infrastructure improvements that help reinvigorate areas and lead to additional reinvestment in homes and businesses. EDA grant funding could assist the City in future redevelopment efforts.

Support continued funding of the Economic Development Administration and any City of Gainesville applications for funds.

EB-5 Visa Program: The EB-5 visa investor program was created in 1990 and allows foreign entrepreneurs, their spouses, and unmarried children under 21 to apply for a green card if they invest at least \$500,000 in qualified development projects and create at least 10 permanent jobs in the United States. Through the program, the applicants can receive their green cards in two years, which is a shorter wait than most other immigrants have. In 2016, 9,947 visas were granted under the program. The program has been controversial with accusations of fraud and the implication that it allows immigrants to essentially buy their way into the country. The Trump Administration has stated they will evaluate "wholesale reform of the EB-5 program to ensure the program is used as intended and that investment is being spread to all areas of the country."

Last year, the Department of Homeland Security (DHS) proposed a series of changes to the program, including raising the minimum investment from \$500,000 to \$1.35 million. The authorization for the program expires December 8, 2017, but is expected to be extended.

Monitor the status of the EB-5 program and any proposed reforms.

Job Corps: Gainesville is home to one of the 122 Job Corps Centers across the country run by the Department of Labor (DOL). Job Corps is the nation's largest residential education and job training program for at-risk youth ages 16 through 24, serving over 50,000 youth nationwide each year. The Trump Administration's FY 2018 budget proposes to fund the Job Corps program at \$1.448 billion, which is just over a \$200 million reduction in funding from FY 2017 and suggests achieving this savings by closing low-performing centers and concentrating training on those over the age of 20. With that in mind, the DOL will conduct a comprehensive assessment of all centers to assess the cost of maintaining a physical facility and may lead to suspensions or closures of centers.

The House has proposed FY 2018 funding for Job Corps essentially level with the FY 2017 enacted amount, at \$1.688 billion. The House language also requires the Department of Labor to submit a list with justification to the Committees on Appropriations in the House and the Senate at least 60 days prior to initiating the closure of any existing Job Corps Centers. The Senate has proposed funding the program at \$ 1.7 billion for FY 2018..

Support funding for the Job Corps program. **Monitor** any proposed changes to the program or closure of centers.

Environmental Issues

Water resources: In an effort to respond to the lack of federal funding opportunities for new water infrastructure projects, Congress created a five-year program called the Water Infrastructure Finance and Innovation Act (WIFIA) in the Water Resources Reform and Development Act (WRRDA) of 2014. Under WIFIA, eligible entities, including local governments, may apply for a low-cost, long-term secured loan to finance eligible water infrastructure projects. Loans may be used for clean water and drinking water projects through the Environmental Protection Agency, as well as water resources projects (e.g., flood control and navigation) through the Army Corps of Engineers. Eligible activities include: planning, feasibility studies, environmental review, permitting, engineering and design, construction, rehabilitation, and property acquisition.

The program's benefits include an extended length of a loan and that borrowers can develop customized terms and repayment plans that meet the unique features of specific projects. These options could include regular payments over the life of the loan, payment deferrals until 5 years after completion of the project, a period of interest only payments, or other options to be negotiated between the government and the borrower. Finally, the program provides loans at a fixed rate equal to the Treasury rate. Currently, that rate would be under three percent. WIFIA may provide another funding option for Gainesville Regional Utilities as they undertake additional water infrastructure projects.

Support adequate funding of the WIFIA program. **Support** all City and GRU efforts to secure federal funding assistance through any available funding program.

Brownfields/Superfund: The Cabot-Koppers Superfund site is located in the City of Gainesville and has been in the Superfund Program's National Priorities List since 1984. The site is currently in the remedial design and remedial action phase and a portion of the site has been redeveloped for commercial use. Mitigation, sampling and monitoring are ongoing.

In its FY 2018 budget, the Trump Administration proposed significant cuts to the Environmental Protection Agency (EPA), which oversees the Superfund program. More recently, in May 2017, EPA Administrator Scott Pruitt released a memo outlining his plans for the Superfund program to speed up decontamination at Superfund sites. In addition to delegating authority to regional administrators for remedies that cost less than \$50 million, he has established a taskforce to examine how the cleanup process can be restructured. The taskforce has released their initial report but has not prioritized their recommendations or set any timeline for implementation. Many of the recommendations in the report, such as development of stronger stakeholder relationships, have already been implemented in Gainesville.

The EPA also administers a cleanup program to provide financial assistance to state, local and tribal government entities for sites known as brownfields that have known or suspected contamination but do not rise to the level of risk of a Superfund site. The brownfields program focuses on providing federal financial assistance for "orphan" sites at which the potential need for cleanup remains unaddressed. EPA's brownfields program awards two different categories of grants: one competitive (Section 104(k)) and one formula-based. In Fiscal Year (FY) 2017, Congress provided the EPA with \$80 million for the Section 104(k) competitive grant program.

The Trump Administration in its FY 2018 budget proposed cutting the funding for this program to \$69 million, but the House has proposed increasing funding to \$90 million in its version of the appropriations bill that funds the EPA.

Meanwhile, the House recently passed H.R. 3017, the Brownfields Enhancement Economic Redevelopment and Reauthorization Act, which among other things increases funding limits for direct mediation grants, creates a new multipurpose grant for entities to conduct remediation activities at more than one brownfield site in a proposed area, and expands grant eligibility to government entities that acquired brownfield property prior to the brownfields law and to certain nonprofit organizations. In the Senate, the Brownfields Utilization, Investment and Local Development (BUILD) Act has been introduced by Senators Jim Inhofe (R-OK) and Ed Markey (D-MA). The BUILD Act would increase the funding limit for remediation grants, increase eligibility for government entities and nonprofits and created a revolving loan fund to locate clean energy projects at brownfields sites.

Support continued adequate annual funding for the Environmental Protection Agency's Superfund and brownfields programs. **Monitor** changes to the Superfund program. **Support** City of Gainesville applications for funding assistance for contaminated sites.

Waters of the United States: The Environmental Protection Agency (EPA) and the Army Corps of Engineers (Corps) announced in 2017 that they would begin a two-step process to rewrite the Waters of the United States (WOTUS) rule as a part of implementing President Trump's February executive order on this issue. WOTUS provides the jurisdictional scope for programs under the Clean Water Act. A series of decisions by the U.S. Supreme Court over the past decade imposed restrictions on the scope of that definition. In response to those rulings, the EPA and Corps under the Obama administration went through a rulemaking process and finalized a new definition in 2015. There were concerns by many local governments and others that the new definition was too expansive, and 31 states sued to stop implementation of the rule. The courts blocked the implementation of the rule while the various lawsuits proceeded.

The Administration's effort to redefine WOTUS is expected to consider "Supreme Court decisions, agency guidance, and longstanding practice" and is anticipated to more narrowly define which wetlands and streams are protected under the Clean Water Act. For more than a decade, federal agencies have relied on Justice Anthony Kennedy's opinion in the 2006 wetland-permitting case, *Rapanos v. United States*, in determining where the federal reach over waterways begins. The court ruled in favor of *Rapanos*, but in a 4-1-4 vote, the majority split on what approach to use to define government jurisdiction. President Trump's executive order specifically asks the agencies to consider the opinion of the late Supreme Court Justice Antonin Scalia in the 2006 case, saying the Clean Water Act ought only to cover navigable waters and waterways "with a continuous surface connection" to them — a far more restrictive definition than what the Obama EPA put into its rule. The definitions of WOTUS directly impacts how local governments maintain stormwater infrastructure such as detention ponds, ditches, flood control structures and drinking water facilities.

It is expected that a new draft rule will be released and available for public comment in 2018.

Monitor activity related to the Waters of the U.S. rule.

Disaster Response and Recovery

National Flood Insurance Program: With over 1,100 National Flood Insurance Program (NFIP) policies in force in the City of Gainesville, the ongoing affordability and stability of the program is essential to many in the City.

In late 2017, the House passed a legislation perceived to be detrimental to Florida consumers and local governments. Among other things, the bill would increase costs for policy holders, create an unfunded mandate by increasing regulatory burdens, costs and responsibilities for local governments, and result in a fewer NFIP participants, thereby undermining the integrity of the program. Although this bill passed the House, it is unlikely to gain significant traction in the Senate.

A bipartisan, bicameral group of members of Congress, including both Senators Nelson and Rubio, have introduced competing NFIP legislation entitled the Sustainable, Affordable, Fair and Efficient (SAFE) NFIP Act. This bill would limit premium rate increases, not create any new unfunded mandates on local governments, create means tested affordability provisions, invest significantly in mitigation, and more effectively cap Write Your Own company payments, therefore returning more premium dollars into the NFIP.

Support efforts to improve the National Flood Insurance Program for the benefit of all participants. **Monitor** FEMA's implementation of the Homeowner Flood Insurance Affordability Act.

FEMA disaster deductible: The Federal Emergency Management Agency (FEMA) is considering changes to the Public Assistance Program that would require each state to meet a deductible as a condition of being able to access funding from FEMA for the repair and replacement of public infrastructure in the event of a federally declared disaster. FEMA has stated that the intent of the deductible is to increase resiliency and reduce future disaster costs, in part due to pressure from Congress and the Government Accountability Office to do so. The deductible, as currently proposed, also aims to reduce federal expenditures in the aftermath of a disaster, potentially shifting this burden to state and local governments. Florida's proposed starting annual deductible is the highest in the nation, at \$141.5 million. With the application of potential credits, Florida's estimated starting deductible could be reduced to \$57.9 million. FEMA's proposal is silent on how this deductible would be split between state and local governments. This proposal and other ideas to help reduce the federal costs of disasters will continue to be considered by the Administration and Congress, especially in light of the cost of the 2017 hurricane season.

Monitor any proposed changes to FEMA's Public Assistance Program.

Hurricane Recovery: As a result of the impacts of Hurricane Irma earlier this month, a Major Disaster Declaration was issued for the state of Florida. Alachua County is eligible for both

Public Assistance and Individual Assistance. Additionally, the federal government has provided disaster assistance through the Community Development Block Grant program and will likely consider additional funding in the future as well as other resources to assist in the recovery effort such as tax relief for victims of recent hurricanes, potential funding of projects through the Economic Development Administration. The City may be able to benefit by accessing funds for recovery, effectively connecting citizens with programs that may assist them, and taking advantage of funding available to improve resiliency to withstand future disasters. A third supplemental disaster funding request from the Administration is currently being considered by Congress.

Monitor disaster recovery efforts. **Support** the appropriation of funding to assist the City with recovery and projects to improve resiliency for future disasters.

