

REGULAR MEETING
OF THE BOARD OF DIRECTORS
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
18700 Ward Street, Board Room, Fountain Valley, California
July 17, 2019, 8:30 a.m.

AGENDA

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC COMMENTS/PARTICIPATION

At this time, members of the public will be given an opportunity to address the Board concerning items within the subject matter jurisdiction of the Board. Members of the public may also address the Board about a particular Agenda item at the time it is considered by the Board and before action is taken. If the item is on the Consent Calendar, please inform the Board Secretary before action is taken on the Consent Calendar and the item will be removed for separate consideration.

The Board requests, but does not require, that members of the public who want to address the Board complete a voluntary "Request to be Heard" form available from the Board Secretary prior to the meeting.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Determine need and take action to agendize items(s) which arose subsequent to the posting of the Agenda. (ROLL CALL VOTE: Adoption of this recommendation requires a two-thirds vote of the Board members present, or, if less than two-thirds of the Board members are present, a unanimous vote of those members present.)

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING

Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection in the lobby of the District's business office located at 18700 Ward Street, Fountain Valley, California 92708, during regular business hours. When practical, these public records will also be made available on the District's Internet Web site, accessible at <http://www.mwdoc.com>.

NEXT RESOLUTION NO. 2088

CONSENT CALENDAR (Items 1 to 8)

(All matters under the Consent Calendar will be approved by one motion unless a Board member requests separate action on a specific item)

1. MINUTES

- a. June 3, 2019 Special Board Meeting
- b. June 5, 2019 Workshop Board Meeting
- c. June 5, 2019 Special Board Meeting
- d. June 19, 2019 Regular Board Meeting

Recommendation: Approve as presented.

2. COMMITTEE MEETING REPORTS

- a. Planning & Operations Committee Meeting: June 3, 2019
- b. Administration & Finance Committee Meeting: June 12, 2019
- c. Public Affairs & Legislation Committee Meeting: June 17, 2019
- d. Executive Committee Meeting: June 20, 2019

Recommendation: Receive and file as presented.

3. TREASURER'S REPORTS

- a. MWDOC Revenue/Cash Receipt Register as of June 30, 2019
- b. MWDOC Disbursement Registers (June/July)

Recommendation: Ratify and approve as presented.

- c. Summary of Cash and Investment and Portfolio Master Summary Report (Cash and Investment report) as of May 31, 2019
- d. PARS Monthly Statement (OPEB Trust)
- e. Water Use Efficiency Projects Cash Flow

Recommendation: Receive and file as presented.

4. FINANCIAL REPORT

- a. Combined Financial Statements and Budget Comparative for the Period ending May 31, 2019

Recommendation: Receive and file as presented.

5. PRESSURE REGULATING VALVE REPLACEMENT PILOT PROGRAM

Recommendation: Authorize the General Manager to enter into professional services agreements with EcoTech Services, Inc. and Large Plumbing to provide pressure regulating valve testing and replacement services at a cost not to exceed \$249,850.

6. AWARD CONTRACT FOR COMPUTER ROOM AIR CONDITIONER REPLACEMENT PROJECT

Recommendation: Approve entering into the subject agreement for replacement of the MWDOC administration building computer room air conditioner: (1) Make a CEQA finding that the project is categorically exempt under: Class 1-Existing Facilities; and (2) Award ACCO Engineered Systems "MWDOC Computer Room Air Conditioner Replacement Project" contract in the amount of \$75,818.00 (including providing and installing dedicated VAV Zone box with ALC controls for computer room) plus 10% contingency.

7. AWARD OF CONSULTING CONTRACT FOR MEMBER AGENCY COMPLIANCE WITH THE AMERICA'S WATER INFRASTRUCTURE ACT (AWIA)

Recommendation: Authorize the General Manager to: (1) Enter into a consulting contract with Herndon Solutions Group (HSG) in the estimated amount of, and not to exceed \$4.4 million (costs are contingent upon final Participating Agency commitments and include a 10% contingency for Phases 2 & 3).

- a. Phase 1 - \$412,000
- b. Phase 2 - \$2,289,000
- c. Phase 3 - \$1,685,000

(2) Enter into Letter Agreements or Contracts with up to 28 of our participating agencies (including two of the three cities) for cost recovery of the expenditures; (3) Authorize MWDOC's commitment to the AWIA process at an estimated cost of \$131,000 (includes the 10% contingency), with combined funds from engineering, WEROC and finance to be provided; and (4) Hire a part-time temporary position within WEROC to coordinate the consultant's efforts with Participating Agencies. Position will be charged back to participating agencies.

8. MESA WATER DISTRICT'S REQUEST FOR CONTRIBUTION TOWARDS TECHNICAL CONSULTING AND ADVISORY ASSISTANCE FOR THE BURIED UTILITIES COALITION (BUC) TO RESPOND TO POTENTIAL NEW SCAQMD REGULATIONS

Recommendation: Authorize contribution of \$20,000 to Mesa Water towards funding efforts related to the BUC for advocacy pertaining to the South Coast Air Quality Management District's (SCAQMD) Proposed Amended Rule (PAR) 1403 regarding asbestos.

End Consent Calendar

DISCUSSION ITEM

9. POLICY DISCUSSION REGARDING CONDUCTING INVOCATIONS AT BOARD MEETINGS

Recommendation: Discuss and decide whether to conduct invocations at Board meetings.

ACTION ITEMS

10-1 LEGISLATION BEING DRAFTED BY CONGRESSMAN MIKE LEVIN ON FUNDING SUPPORT FOR BRACKISH AND OCEAN DESALINATION PROJECTS

Recommendation: Adopt a "support in concept" position for Congressman Levin's legislative language for funding support for brackish and ocean desalination projects while waiting to see the final wording outcome of any legislation that moves forward, particularly on the use of renewable energy

INFORMATION CALENDAR (All matters under the Information Calendar will be Received/Filed as presented following any discussion that may occur)

11. GENERAL MANAGER'S REPORT, JULY 2019 (ORAL AND WRITTEN)

Recommendation: Receive and file report(s) as presented.

12. MWDOC GENERAL INFORMATION ITEMS

- a. Board of Directors - Reports re: Conferences and Meetings
- b. Requests for Future Agenda Topics

Recommendation: Receive and file as presented.

CLOSED SESSION

13. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: General Manager

Government Code Section 54957(b)(1)

ADJOURNMENT

Note: Accommodations for the Disabled. Any person may make a request for a disability-related modification or accommodation needed for that person to be able to participate in the public meeting by contacting Maribeth Goldsby, District Secretary, at (714) 963-3058, or writing to Municipal Water District of Orange County at P.O. Box 20895, Fountain Valley, CA 92728. Requests must specify the nature of the disability and the type of accommodation requested. A telephone number or other contact information should be included so that District staff may discuss appropriate arrangements. Persons requesting a disability-related accommodation should make the request with adequate time before the meeting for the District to provide the requested accommodation.

**MINUTES OF THE SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY**

June 3, 2019

At 9:00 a.m., President Barbre called to order the Special Meeting of the Municipal Water District of Orange County Board of Directors of MWDOC at District facilities, 18700 Ward Street, Fountain Valley, California. Director Dick led the Pledge of Allegiance and Secretary Davanaugh called the roll.

MWDOC DIRECTORS

Brett R. Barbre
Larry Dick
Vacant, Division 3
Joan Finnegan (absent)
Sat Tamaribuchi
Jeffery M. Thomas
Megan Yoo Schneider

STAFF PRESENT

Robert Hunter, General Manager
Karl Seckel, Assistant General Manager (absent)
Joe Byrne, Legal Counsel
Maribeth Goldsby, Board Secretary
Harvey De La Torre, Associate General Manager
Melissa Baum Haley, Sr. Water Resources Analyst
Tina Dubuque, Executive Assistant
Heather Baez, Governmental Affairs Manager
Tiffany Baca, Public Affairs Manager
Sarah Wilson, Public Affairs Specialist
Hilary Chumpitazi, Accounting Manager

OTHERS PRESENT

Jose Vergara	El Toro Water District
Peer Swan	Irvine Ranch Water District
Jim Atkinson	Mesa Water
Stacy Taylor	Mesa Water
Mike Markus	Orange County Water District
Mathew Forester	Candidate, Division 3
Robert McVicker	Candidate, Division 3
Larry Crandall	Candidate, Division 3

PUBLIC PARTICIPATION

Mr. Bob McVicker, Candidate the Division 3 vacancy, addressed the Board, highlighting his passion for the water industry and his positive rapport with MWDOC's member agencies. He advised that he would embrace the opportunity to visit the agencies within Division 3, and would consider the option of filling the vacancy on a limited-term basis. The Board thanked Mr. McVicker for his comments.

General Manager Hunter announced that Mr. Khanh Nguyen had removed his name from the candidacy pool for Division 3.

**APPOINT A DIRECTOR TO FILL THE UNEXPIRED TERM IN DIVISION 3 OR
CALL AN ELECTION TO FILL THE VACANCY**

President Barbre raised the issue of possibly holding a special election to fill the unexpired term for Division 3 (in lieu of an appointment); the Board generally concurred to proceed with the appointment process.

Director Thomas made a MOTION, which was seconded by Director Dick, to appoint Larry Crandall as Director, Division 3. The MOTION failed by a vote of 3-2. Directors Barbre, Dick, and Thomas voted in favor; Directors Yoo Schneider and Tamaribuchi opposed.

Director Tamaribuchi made a MOTION, which was seconded by Director Yoo Schneider to appoint Bob McVicker as Director, Division 3.

The Board then discussed Candidate Bob McVicker, including his qualifications and possible conflicts of interest (if any) due to his work as a consultant in the water industry. Legal Counsel Byrne advised that he was not aware of any conflicts of interest.

Director Yoo Schneider advised she would be supporting Mr. McVicker's candidacy. Director Dick commented that although he originally supported a different candidate, he would prefer that the choice for appointment remain with the MWDOC Board, rather than being referred to the Board of Supervisors (in the event the MWDOC Board is not able to make an appointment). As a result, he would be supporting Mr. McVicker's candidacy as well.

The MOTION to appoint Bob McVicker as Director, Division 3 failed by a vote of 3-2. With Directors Dick, Yoo Schneider, and Tamaribuchi in favor, and Directors Barbre and Thomas opposed.

Director Barbre made a MOTION, which was seconded by Director Thomas, to appoint Mathew Forester as Director, Division 3. The MOTION failed by a vote of 2-3. Directors Barbre and Thomas were in favor, and Directors Dick, Yoo Schneider, and Tamaribuchi were opposed.

Director Barbre made a MOTION to appoint Janet Nguyen as Director, Division 3. Said MOTION failed for lack of a second.

Director Dick suggested this matter be deferred and that the Board continue to work toward a solution so that this issue is not forwarded to the Board of Supervisors.

President Barbre, with the Board's concurrence, recommended the Board hold a special meeting on June 5, 2019 (following the Workshop Board Meeting) to again consider this item.

President Barbre asked that Government Affairs Manager Heather Baez research whether (in the past) the Board of Supervisors had to make an appointment in lieu of an election.

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 9:16 a.m.

APPROVED:

Maribeth Goldsby, Secretary

**MINUTES OF THE WORKSHOP BOARD MEETING
OF THE BOARD OF DIRECTORS OF
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY (MWDOC)
WITH THE MWDOC MET DIRECTORS**

June 5, 2019

At 8:30 a.m., President Barbre called to order the Regular Meeting of the Municipal Water District of Orange County in the Board Room at the District facilities located in Fountain Valley. Mesa Water Director Jim Atkinson led the Pledge of Allegiance and Secretary Goldsby called the roll.

MWDOC DIRECTORS

Brett R. Barbre
Larry Dick
Joan Finnegan (absent)
Vacant
Sat Tamaribuchi
Jeffery M. Thomas
Megan Yoo Schneider

STAFF

Robert Hunter, General Manager
Karl Seckel, Assistant General Manager
Joe Byrne, Legal Counsel
Maribeth Goldsby, Board Secretary
Harvey De La Torre, Associate General Manager
Damon Micalizzi, Dir. of Public Affairs
Kevin Hostert, Water Resources Analyst
Melissa Baum-Haley, Sr. Water Resources Analyst
Joe Berg, Director of Water Use Eff. Programs
Charles Busslinger, Principal Engineer
Heather Baez, Government Affairs Manager
Tiffany Baca, Public Affairs Manager

*Also MWDOC MET Directors

OTHER MWDOC MET DIRECTORS

Larry McKenney
Linda Ackerman

OTHERS PRESENT

Adan Ortega
Brent Yamasaki
Jose Vergara
Mark Monin
Mike Dunbar
Steve LaMar
Doug Reinhart
Peer Swan
Paul Cook
Paul Weghorst
Jim Atkinson
Stacy Taylor
Don Froelich
Jose Solorio
Kelly Rowe
John Kennedy
Adam Hutchinson
Saundra Jacobs
Dennis Erdman

MET Director, Fullerton
Metropolitan Water District of So. California
El Toro Water District
El Toro Water District
Emerald Bay Service District
Irvine Ranch Water District
Irvine Ranch Water District
Irvine Ranch Water District
Irvine Ranch Water District
Irvine Ranch Water District
Irvine Ranch Water District
Mesa Water
Mesa Water
Moulton Niguel Water District
Moulton Niguel Water District
Orange County Water District
Orange County Water District
Orange County Water District
Santa Margarita Water District
South Coast Water District

Brooke Jones
Mat Forester
Larry Crandall
Bob McVicker
Kristy Khachigian
Nicholas Dibs

Yorba Linda Water District
Division 3 Candidate
Division 3 Candidate
Division 3 Candidate
Kristy Khachigian Consulting

PUBLIC PARTICIPATION/PUBLIC COMMENTS

President Barbre inquired whether any members of the public wished to comment on agenda items.

No public comments were made.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED - Determine need and take action to agendize item(s), which arose subsequent to the posting of the Agenda. (ROLL CALL VOTE: Adoption of this recommendation requires a two-thirds vote of the Board members present or, if less than two-thirds of the Board members are present, a unanimous vote.)

No items were presented.

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING

President Barbre inquired as to whether there were any items distributed to the Board less than 72 hours prior to the meeting.

No items were presented.

PRESENTATION/DISCUSSION/INFORMATION ITEMS

INPUT OR QUESTIONS ON MET ISSUES FROM THE MEMBER AGENCIES/MET DIRECTOR REPORTS REGARDING MET COMMITTEE PARTICIPATION

Director Ackerman highlighted California WaterFix activities.

Director Dick expressed some concern with the proposed \$200,000 expenditure for the California Resilience Challenge (on the MET Board Consent Calendar). He also highlighted the proposed \$1.26 million expenditure to purchase insurance coverage for MET's Property and Casualty Insurance Program, the proposed \$696,000 expenditure for the Colorado River Board and Colorado River Authority, as well as reporting that MET is interviewing the final candidates for the Ethics Officer position.

City of Fullerton MET Director, Adan Ortega, concurred with Director Dick's concerns relative to the California Resilience Challenge expenditure and he also commented on the California WaterFix activities.

Considerable discussion ensued regarding the California WaterFix activities (communication/education issues, the steps necessary to get to completion, the need for a 6-9K cfs pipe, and the potential for natural disaster, e.g., an earthquake).

WATER SUPPLY CONDITIONS UPDATE

The Board received and filed the report that was included in the packet of materials; no presentation was made.

PRESENTATION BY BRENT YAMASAKI REGARDING MET'S OPERATING PLAN FOR 2019 AND MET'S EMERGENCY DELIVERY CONCEPT

Mr. Brent Yamasaki (MET's Interim Chief of Operations) presented an overview of MET's 2019 Annual Operating Plan and Emergency Delivery concept.

Mr. Yamasaki advised that MET's Annual Operating Plan (Plan) provides a framework for strategic operations and continued reliability, as well as a tool to communicate expected future operations to help MET's member agencies and partners better prepare for the upcoming year. He provided an overview of the Plan, how it was developed, the analyses of balancing operations through varying conditions (as well as being prepared for a range of conditions), maintaining a high level of storage reserves, and supply and demand balance. Mr. Yamasaki also provided an overview of the Water Surplus and Drought Management Plan (WSDM) and how the WSDM Plan provided guidelines to prioritize the use of storage in shortage conditions, and the replenishment of storage in surplus conditions.

Mr. Yamasaki then presented information regarding the potential concept for emergency deliveries of member agency water supplies (utilizing the MET system in an emergency), noting that this concept is intended to provide MET's member agencies the ability to deliver water supplies through MET's system under specific emergency conditions in which MET is physically unable to make deliveries to an operable existing member agency service connection due to damage associated with a natural disaster or other catastrophic event, for a period greater than seven days. Included in his presentation were emergency scenarios and examples. He noted that emergency water deliveries should be considered in a proactive and measured way (before a major emergency), that emergency deliveries must not displace other agency efforts to prepare for emergencies, that amendments to MET's Administrative Code will be required, and that this will be presented to the MET Board in June (as Information item) with anticipated action by the MET Board in July.

Following discussion, the Board thanked Mr. Yamasaki and received and filed the report as presented.

CALIFORNIA WATERFIX ACTIVITIES UPDATE

No additional information was discussed; the Board received and filed the staff report.

MWD ITEMS CRITICAL TO ORANGE COUNTY

- a. MET's Water Supply Conditions
- b. MET's Finance and Rate Issues
- c. Colorado River Issues
- d. Bay Delta/State Water Project Issues
- e. MET's Ocean Desalination Policy and Potential Participation by MET in the Doheny Desalination Project
- f. Orange County Reliability Projects
- g. East Orange County Feeder No. 2

h. South County Projects

The information was received and filed.

METROPOLITAN (MET) BOARD AND COMMITTEE AGENDA DISCUSSION ITEMS

- a. Summary regarding May MET Board Meetings
- b. Review items of significance for the upcoming MET Board and Committee Agendas

The information was received and filed.

ADJOURNMENT

There being no further business, the meeting adjourned at 10:08 a.m.

Maribeth Goldsby
Board Secretary

**MINUTES OF THE SPECIAL MEETING
OF THE BOARD OF DIRECTORS OF
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY**

June 5, 2019

At 10:19 a.m., President Barbre called to order the Special Meeting of the Municipal Water District of Orange County Board of Directors of MWDOC at District facilities, 18700 Ward Street, Fountain Valley, California. Director Dick led the Pledge of Allegiance and Secretary Davanaugh called the roll.

MWDOC DIRECTORS

Brett R. Barbre
Larry Dick
Joan Finnegan (absent)
Vacant
Sat Tamaribuchi
Jeffery M. Thomas
Megan Yoo Schneider

STAFF

Robert Hunter, General Manager
Karl Seckel, Assistant General Manager
Joe Byrne, Legal Counsel
Maribeth Goldsby, Board Secretary
Harvey De La Torre, Associate General Manager
Damon Micalizzi, Dir. of Public Affairs
Kevin Hostert, Water Resources Analyst
Melissa Baum-Haley, Sr. Water Res. Analyst
Joe Berg, Director of Water Use Eff. Programs
Charles Busslinger, Principal Engineer
Heather Baez, Government Affairs Manager
Tiffany Baca, Public Affairs Manager

*Also MWDOC MET Directors

OTHER MWDOC MET DIRECTORS

Larry McKenney
Linda Ackerman

OTHERS PRESENT

Adan Ortega
Brent Yamasaki
Jose Vergara
Mark Monin
Mike Dunbar
Steve LaMar
Doug Reinhart
Peer Swan
Paul Cook
Paul Weghorst
Jim Atkinson
Stacy Taylor
Don Froelich
Jose Solorio
Kelly Rowe
John Kennedy

MET Director, Fullerton
Metropolitan Water District of So. California
El Toro Water District
El Toro Water District
Emerald Bay Service District
Irvine Ranch Water District
Irvine Ranch Water District
Irvine Ranch Water District
Irvine Ranch Water District
Irvine Ranch Water District
Mesa Water
Mesa Water
Moulton Niguel Water District
Moulton Niguel Water District
Orange County Water District
Orange County Water District

Adam Hutchinson
Saundra Jacobs
Dennis Erdman
Brooke Jones
Mathew Forester
Larry Crandall
Bob McVicker
Kristy Khachigian
Nicholas Dibs

Orange County Water District
Santa Margarita Water District
South Coast Water District
Yorba Linda Water District
Division 3 Candidate
Division 3 Candidate
Division 3 Candidate
Kristy Khachigian Consulting

PUBLIC PARTICIPATION

Mr. Nicholas Dibs addressed the Board regarding the Division 3 Director appointment, urging the Board to appoint Mr. Bob McVicker.

Mr. Mathew Forester, Candidate for the Division 3 vacancy, addressed the Board, provided an overview of this background, highlighting the diversity in his background in business/leadership which he believed would be an asset to the Board.

APPOINT A DIRECTOR TO FILL THE UNEXPIRED TERM IN DIVISION 3 OR CALL AN ELECTION TO FILL THE VACANCY

President Barbre advised that the proposal to appoint a Director for Division 3, as the result of the vacancy created by the resignation of Wayne Osborne, was before the Board for consideration.

Director Tamaribuchi made a MOTION, which was seconded by Director Yoo Schneider, for the Board to appoint Bob McVicker as Director for Division 3.

Directors Dick and Thomas each stated that they would now be supporting Mr. McVicker as Director, Division 3; they each thanked all of the candidates who applied.

Following discussion, and by a vote of 4-1, the Board adopted RESOLUTION NO. 2087 appointing Robert R. McVicker as Municipal Water District of Orange County's Division 3 Director. Said RESOLUTION NO. 2087 was adopted by the following roll call vote:

AYES:	Directors Dick, Yoo Schneider, Tamaribuchi & Thomas
NOES:	Director Barbre
ABSENT:	Director Finnegan
ABSTAIN:	None

ADJOURNMENT

There being no further business to come before the Board, the meeting was adjourned at 10:40 a.m.

APPROVED:

Maribeth Goldsby, Secretary

**MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
June 19, 2019**

At 8:30 a.m., President Barbre called to order the Regular Meeting of the Municipal Water District of Orange County in the Board Room at the District facilities located in Fountain Valley. Director McVicker led the Pledge of Allegiance, Director Thomas conducted an invocation, and Secretary Goldsby called the roll.

MWDOC DIRECTORS

Brett R. Barbre
Larry Dick
Joan Finnegan (absent)
Vacant
Sat Tamaribuchi
Jeffery M. Thomas
Megan Yoo Schneider (absent)

STAFF

Robert Hunter, General Manager
Karl Seckel, Assistant General Manager
Alisha Winterswyk, Legal Counsel
Maribeth Goldsby, Board Secretary
Harvey De La Torre, Associate General Manager
Damon Micalizzi, Dir. of Public Affairs
Melissa Baum-Haley, Sr. Water Resources Analyst
Joe Berg, Director of Water Use Efficiency
Heather Baez, Governmental Affairs Manager

ALSO PRESENT

Jose Vergara
Peer Swan
Jim Atkinson
Stacy Taylor
Don Froelich
Kelly Rowe
Greg Mills
Dennis Erdman
Rick Shintaku
Brooke Jones
Christine Carson

El Toro Water District
Irvine Ranch Water District
Mesa Water District
Mesa Water District
Moulton Niguel Water District
Orange County Water District
Serrano Water District
South Coast Water District
South Coast Water District
Yorba Linda Water District
Aleshire & Wynder

PUBLIC PARTICIPATION/PUBLIC COMMENT

President Barbre announced members of the public wishing to comment on agenda items could do so after the item has been discussed by the Board and requested members of the public identify themselves when called on. Mr. Barbre asked whether there were any comments on other items which would be heard at this time.

Director Jim Atkinson (Mesa Water) thanked MWDOC for support on the California United Water Symposium to be held) June 26-28, 2019 in Auburn, California.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

No items were received.

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING

President Barbre inquired as to whether there were any items distributed to the Board less than 72 hours prior to the meeting.

No items were distributed.

EMPLOYEE SERVICE AWARDS

President Barbre, along with General Manager Hunter, presented awards to Heather Baez for five years of service to the District, and Kelly Hubbard for fifteen years of service to the District.

CONSENT CALENDAR

President Barbre stated all matters under the Consent Calendar would be approved by one MOTION unless a Director wished to consider an item separately.

Upon MOTION by Director Thomas, seconded by Director Tamaribuchi, and carried (5-0), the Board approved the following Consent Calendar items. Directors Barbre, Dick, McVicker, Tamaribuchi, and Thomas and voted in favor; Directors Finnegan and Yoo Schneider were absent.

MINUTES

The following minutes were approved.

May 1, 2019 Workshop Board Meeting (adjourned)
May 15, 2019 Regular Board Meeting
May 21, 2019 Special Board Meeting
May 29, 2019 Special Board Meeting

COMMITTEE MEETING REPORTS

The following Committee Meeting reports were received and filed as presented.

Combined Planning & Operations/ Administration & Finance
Committee Meeting: May 6, 2019
Public Affairs & Legislation Committee Meeting: May 20, 2019
Executive Committee Meeting: May 16, 2019

TREASURER'S REPORTS

The following items were ratified and approved as presented.

MWDOC Revenue/Cash Receipt Register as of May 31, 2019
MWDOC Disbursement Registers (May/June)

The following items were received and filed as presented.

MWDOC Summary of Cash and Investment and Portfolio Master Summary Report (Cash and Investment report) as of April 30, 2019

PARS Monthly Statement (OPEB Trust)

Water Use Efficiency Projects Cash Flow

FINANCIAL REPORT

The following items were received and filed as presented.

Combined Financial Statements and Budget Comparative for the period ending April 30, 2019

LANDSCAPE DESIGN AND MAINTENANCE ASSISTANCE PROGRAM

The Board authorized the General Manager to enter into professional services agreements not to exceed \$160,000 with: (1) The Plant Nerd, Inc. and EcoTech Services to provide landscape design assistance; (2) The Plant Nerd, Inc. and TerraWorks Studio to provide landscape maintenance assistance; and (3) Other firms (to be determined) who demonstrate they are qualified to do the work and agree to a competitive fee structure.

AMENDMENTS TO ADMINISTRATIVE CODE SECTION 9500

The Board authorized staff to update the Administrative Code for Section 9500.

2019-20 PAY STRUCTURE ADJUSTMENT

The Board approved the proposed Pay Structure Schedule, adjusting the District salary ranges by 3.8%, as approved during the budget process.

AWARD CONTRACT FOR ELECTRICAL SYSTEM REHABILITATION PROJECT

The Board approved entering into the subject agreement for improvements to the MWDOC administration building electrical system: (1) Made a CEQA finding that the project is categorical exempt under: Class 1-Existing Facilities; (2) Awarded AVRAM Electric "MWDOC Electrical System Rehabilitation Project" construction contract in the amount of \$213,883.00; (3) Authorized the General Manager to enter into a license agreement with OCWD to install and maintain underground electric utilities and related equipment on OCWD property, and pay OCWD a one-time license fee of \$1,148.00.

- END CONSENT CALENDAR -

ACTION CALENDAR**SB 200 (MONNING) – SAFE AND AFFORDABLE DRINKING WATER FUND**

Director Thomas expressed concern with the legislation, noting that it allows the fund to be set up, but is not clear as to funding sources. He believed this may eventually allow a “tax” to fund the “fund”; Director Barbre concurred.

Director McVicker made a MOTION, which was seconded by Director Dick, to adopt a support position on SB 200 (Monning) the Safe and Affordable Drinking Water Fund. Said MOTION failed by a vote of 3-2. Directors Dick, McVicker and Tamaribuchi voted in favor; Directors Thomas and Barbre opposed; and Directors Finnegan and Yoo Schneider were absent.

AB 402 (QUIRK) – STATE WATER RESOURCES CONTROL BOARD: LOCAL PRIMACY AGENCIES, FUNDING STABILIZATION

Upon MOTION by Director Thomas, seconded by Director McVicker, and carried (5-0), the Board adopted an oppose unless amended position on AB 402 (Quirk), State Water Resources Control Board: local primacy delegation: funding stabilization program. Directors Barbre, Dick, McVicker, Tamaribuchi, and Thomas voted in favor. Directors Finnegan and Yoo Schneider were absent.

H.R. 2313 (HUFFMAN) – WATER CONSERVATION REBATE TAX PARITY ACT

Upon MOTION by Director Dick, seconded by Director Thomas, and carried (4-1), the Board voted to adopt a support position on H.R. 2313 (Huffman). Directors Dick, McVicker, Tamaribuchi & Thomas voted in favor; Director Barbre opposed; and Directors Finnegan and Yoo Schneider were absent.

EXTENSION OF CONSULTING CONTRACT WITH ACKERMAN CONSULTING

Upon MOTION by Director Thomas, seconded by Director McVicker, and carried (5-0), the Board authorized the extension of the contract with Ackerman Consulting for specialized services. Directors Barbre, Dick, McVicker, Tamaribuchi & Thomas voted in favor; Directors Finnegan and Yoo Schneider were absent.

ASSOCIATION OF CALIFORNIA WATER AGENCIES (ACWA) REGION 10 CALL FOR CANDIDATES

Director Tamaribuchi advised that although MWDOC MET Director Larry McKenney had originally indicated a desire for MWDOC to nominate him to the ACWA Region 10 Board, he has now sent a letter withdrawing his interest in doing so. President Barbre asked that the letter be distributed to the Board. No member of the MWDOC Board expressed an interest in running for the Region 10 Board. No action was taken.

CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) 2019 BOARD OF DIRECTORS ELECTION – SOUTHERN NETWORK REGION, SEAT B

Upon MOTION by Director Dick, seconded by Director Thomas, and carried (5-0), the Board authorized President Barbre, or his designee, to cast the District's ballot in favor of candidate Greg Mills (Serrano Water District) for the CSDA 2019 Board of Directors Election – Southern Network Region, Seat B. Directors Barbre, Dick, McVicker, Tamaribuchi & Thomas voted in favor; Directors Finnegan and Yoo Schneider were absent.

SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) BOARD OF DIRECTORS ELECTION

Upon MOTION by Director Dick, seconded by Director Thomas, and carried (5-0), the Board authorized President Barbre, or his designee, to cast the District's ballot for the SDRMA Board of Directors. Directors Barbre, Dick, McVicker, Tamaribuchi & Thomas voted in favor; Directors Finnegan and Yoo Schneider were absent.

AB 1752 (PETRIE-NORRIS): DOHENY DESALINATION FACILITY

Mr. Rick Shintaku (General Manager, South Coast Water District) thanked the MWDOC Board for setting the foundation for the Doheny Desalination Project, which falls directly in line with the recently published OC Reliability Study, as well as MET's Integrated Resources Plan. He encouraged support for AB 1752, and invited the Board to attend the Doheny Desalination Project's final draft EIR hearing scheduled for Thursday, June 27, 2019 at 6:00 pm.

Director Barbre suggested the co-author of the legislation also be mentioned (Assemblyman Bill Brough).

Upon MOTION by Director Dick, seconded by Director Thomas, and carried (5-0), the Board adopted a support position on AB 1752. Directors Barbre, Dick, McVicker, Tamaribuchi & Thomas voted in favor; Directors Finnegan and Yoo Schneider were absent.

INFORMATION CALENDAR**GENERAL MANAGER'S REPORT, JUNE 2019**

General Manager Hunter advised that the General Manager's report was included in the Board packet.

General Manager Hunter advised that he would be attending the Doheny Desalination Project final draft EIR hearing on June 27th.

Mr. Hunter also distributed lapel pins to the Board (with MWDOC's logo), as well as a plaque from the County of Butte Board of Supervisors thanking MWDOC for the assistance provided during the "Camp Fire".

The Board received and filed the report as presented.

MWDOC GENERAL INFORMATION ITEMS**a. BOARD OF DIRECTORS**

The Board members each reported on their attendance at the regular (and special) MWDOC Board and Committee meetings. In addition to these meetings, the following reports were made on conferences and meetings attended on behalf of the District.

Director Thomas noted his attendance at the OC Water Summit, the ACWA conference, the Special Board meetings regarding the Division 3 vacancy. He noted he would be attending a Girl Scout event at Santa Margarita Water District.

Director Tamaribuchi reported on attending the regularly scheduled MWDOC meetings except the Executive Committee, (Planning & Operations, Administration & Finance, and Public Affairs & Legislation Committee meetings, as well as the Workshop and Regular Board meetings), the OC Water Summit, the WACO meeting, the MNWD/BIA Water & Housing Forum, and a meeting with representatives from OC CoastKeeper.

Director McVicker reported on attending the regularly scheduled MWDOC meetings (since his appointment on June 5th), including the Administration & Finance and Public Affairs & Legislation Committee meetings. He also attended the Mesa Water District Board meeting, and will be attending the ISDOC luncheon to be held later in the month.

Director Dick reported on attending the regularly scheduled meetings (Planning & Operations, Administration & Finance and Executive Committee meetings, and Board and Workshop meetings), as well as the Special meetings regarding the Division 3 vacancy, Urban Water Institute planning meeting, MET's Solar Cup event, the WACO Planning and WACO meetings, the MET employee service luncheon, the OC Water Summit, the ISDOC meeting, a meeting with Supervisor Chaffee's office, the Garden Grove Legislative Committee meeting, the MET Executive Committee meeting, the MET Board and Committee meetings, and the MET Caucus.

Director Barbre advised that he submitted a written report to Secretary Goldsby. He noted that the written report included the following meetings in his capacity as MET Director: the Poster Awards Ceremony at Discovery Cube, the MET Committee day (late), a meeting with Scott Maloni (Poseidon), the MWDOC/MET Director caucus (early), a meeting with the BUREC Commissioner, a meeting with MET Chair Gloria Gray, and the Regional Water Quality Control Board hearing regarding Poseidon issues. He also noted that he was invited to testify at the House National Resources Subcommittee on Water, Oceans, and Wildlife. In his capacity as MWDOC Director he attended the following meetings: the Executive, Public Affairs & Legislation (May and June), and Planning & Operations Committee meetings, the Workshop Board meeting, the Special Board meetings regarding the Division 3 vacancy (including interviews), a meeting with Tustin Councilman Bernstein, the OC Water Summit, a meeting with Jim Barker, and he attended the Placentia Library Commission meeting. Director Barbre noted he also attended the Fairmont Booster Pump Station Dedication ceremony.

b. REQUESTS FOR FUTURE AGENDA TOPICS

Although, no additional topics for future agendas were requested, President Barbre asked Mr. Hunter several questions relating to the General Manager's responsibilities relative to the Board members and staff (e.g., relating to compliance with the Personnel Manual, Conflict of Interest Laws, campaign disclosure, residency laws, travel and expenses, and personnel training requirements).

CLOSED SESSION ITEMS

At 9:08 a.m., Legal Counsel Winterswyk announced that the Board would adjourn to closed session, for a conference with Legal Counsel Winterswyk on the following matter:

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: (One case)

At 9:51, a.m, Legal Counsel Winterswyk exited the meeting, and the Board adjourned to closed session for a conference with Legal Counsel Christine Carson on the following matters:

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. One Case: San Diego County Water Authority v. Metropolitan Water District of Southern California; all persons interested in the validity of the rates adopted by the Metropolitan Water District of Southern California on April 13, 2010, et al., former Los Angeles Superior Court, Case No. BS 126888, transferred on October 21, 2010, to San Francisco Superior Court, Case No. CPF-10-510830. [On Remand from Court of Appeal Case No. A146901]

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Government Code 54956.9. One Case: San Diego County Water Authority v. Metropolitan Water District of Southern California; all persons interested in the validity of the rates adopted by the Metropolitan Water District of Southern California on April 10, 2012 to be Effective January 1, 2013 and January 1, 2014; and Does 1-10, et al., former Los Angeles Superior Court, Case No. BS137830, transferred on August 23, 2012, to San Francisco Superior Court, Case No. CPF-12-512466. [On Remand from Court of Appeal Case No. A148266]

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. One Case: San Diego County Water Authority v. Metropolitan Water District of Southern California; all persons interested in the validity of the rates adopted by the Metropolitan Water of Southern California on April 8, 2014, et al., former Los Angeles Superior Court, Case No. BC547139, transferred on December 2, 2014, to San Francisco Superior Court, Case No. CPF-14-514004.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. One Case: San Diego County Water Authority v. Metropolitan Water District of Southern California; all persons interested in the validity of the rates adopted by the Metropolitan Water District of Southern California on April 12, 2016, effective January 1, 2017 and January 1, 2018, et al., former Los Angeles Superior Court, Case No. BS161729, transferred to San Francisco Superior Court, Case CPF-16-515282.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. One Case: San Diego County Water Authority v. Metropolitan Water District of Southern California; all persons interested in the validity of the rates adopted by the Metropolitan Water District of Southern California in 2017 to be effective January 1, 2018, et al., Los Angeles Superior Court, Case No. BS 169881, transferred to San Francisco Superior Court Case CGC-17-563350.

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION

Pursuant to Paragraph (1) of subdivision (d) of Government Code Section 54956.9. One Case: San Diego County Water Authority v. Metropolitan Water District of Southern California; all persons interested in the validity of the rates adopted by the Metropolitan Water District of Southern California on April 10, 2018 to be effective January 1, 2019, and Jan. 1, 2020, et al., Los Angeles Superior Court, Case No. BS 173868, Transferred to San Francisco Superior Court, Case CPF-18-516389.

(Director Tamaribuchi left the meeting at 10:17 a.m.).

RECONVENE

The Board reconvened at 10:38 a.m., and President Barbre announced that no reportable action was taken in closed session.

ADJOURNMENT

There being no further business to come before the Board, President Barbre adjourned the meeting at 10:39 a.m.

Respectfully submitted,

Maribeth Goldsby, Secretary

MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF THE
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
Jointly with the
PLANNING & OPERATIONS
June 3, 2019 – 8:30 a.m. to 8:45 a.m.
Conference Room 101

P&O Committee:

Director Megan Yoo Schneider
Director Sat Tamaribuchi
Director Larry Dick

Staff:

Rob Hunter, Karl Seckel, Joe Berg,
Maribeth Goldsby, Harvey De La Torre,
Charles Busslinger, Melissa Baum Haley,
Heather Baez, Rachel Davis, Joe Byrne,
Damon Micalizzi, Kevin Hostert, Tiffany Baca,
Sarah Wilson

Also Present:

Director Brett Barbre
Director Jeff Thomas
Jose Vergara, ETWD
Peer Swan, IRWD
Jim Atkinson, Mesa Water
Stacy Taylor, Mesa Water
Mike Markus, OCWD
Larry and Sarah Crandall
Mathew Forester
Bob McVicker

Director Yoo Schneider called the meeting to order at 8:30 a.m.; Director Dick led the Pledge of Allegiance.

PUBLIC COMMENTS

No comments were received.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

No items were presented.

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING

No items were distributed.

ACTION ITEMS

LANDSCAPE DESIGN AND MAINTENANCE ASSISTANCE PROGRAM

Director of Water Use Efficiency, Joe Berg, advised that staff is proposing to reinstate landscape design assistance into MWDOC's portfolio of landscape programs and to add a landscape maintenance component. Mr. Berg stated that staff composed and distributed a

Request for Proposals (RFP) outlining the desired services and schedule for the MWDOC Landscape Design and Maintenance Assistance Program, and is recommending that the Board approve entering into contracts with (1) Plant Nerd and EcoTech services to provide landscape design assistance, (2) Plant Nerd and TerraWorks Studio to provide landscape maintenance assistance, and (3) other firms (to be determined) who demonstrate they are qualified to do the work and agree to a competitive fee structure.

Discussion ensued regarding the cost differences between North and South Orange County agencies, with Director Dick highlighting his belief that all agencies should pay equal costs.

Upon MOTION by Director Tamaribuchi, seconded by Director Dick, and carried (3-0), the Committee recommended the Board authorize the General Manager to enter into professional services agreements not to exceed \$160,000 with (1) Plant Nerd and EcoTech services to provide landscape design assistance, (2) Plant Nerd and TerraWorks Studio to provide landscape maintenance assistance, and (3) other firms (to be determined) who demonstrate they are qualified to do the work and agree to a competitive fee structure. Directors Yoo Schneider, Dick, and Tamaribuchi voted in favor. This item will be presented to the Board on June 19, 2019.

DISCUSSION ITEM

WEROC GIS DATA AND MAPPING UPDATE

Director of Emergency Management Kelly Hubbard provided an overview of the WEROC GIS Data and Mapping Project, noting it will enhance the accuracy of the datasets for MWDOC's use and for sharing with others, and should reduce overall mapping costs and turn-around time per project, through efficiencies in utilizing the improved data moving forward. She advised that the Project cost is within the General Manager's authority (cost estimate through CDR is \$19,643).

Upon MOTION by Director Dick, seconded by Director Tamaribuchi, and carried (3-0), the Committee received and filed the report as presented.

INFORMATION ITEMS

STATUS REPORTS

- a. Ongoing MWDOC Reliability and Engineering/Planning Projects
- b. WEROC
- c. Water Use Efficiency Projects
- d. Water Use Efficiency Programs Savings and Implementation Report

The Committee reviewed the status reports for Engineering, WEROC and Water Use Efficiency (WUE)

The informational reports were received and filed.

REVIEW OF ISSUES RELATED TO CONSTRUCTION PROGRAMS, WATER USE EFFICIENCY, FACILITY AND EQUIPMENT MAINTENANCE, WATER STORAGE, WATER QUALITY, CONJUNCTIVE USE PROGRAMS, EDUCATION, DISTRICT FACILITIES, AND MEMBER-AGENCY RELATIONS

Director Tamaribuchi requested information regarding MET's regional storage portfolio; it was noted that the presentation from the April 3, 2019 Workshop Board meeting, along with the White Paper, would be sent to Director Tamaribuchi.

Director Tamaribuchi also requested that a status update on the small non-compliant water systems be included in the Engineering matrix next month.

Director Tamaribuchi noted he would like a better understanding on the impacts of the Public Utilities Commission (PUC) de-energization on first responders in local government; particularly impacts to Orange County. It was noted that Kelly Hubbard would include this in an upcoming meeting.

ADJOURNMENT

There being no further business to be brought before the Committee, the meeting adjourned at 8:45 a.m.

MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF THE
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
Jointly with the
ADMINISTRATION & FINANCE COMMITTEE
June 12, 2019 – 8:30 a.m. to 8:59 a.m.
Conference Room 101

A&F Committee:

Director Jeff Thomas
Director Joan Finnegan (absent)
Director Bob McVicker

Staff:

Rob Hunter, Karl Seckel, Joe Berg,
Katie Davanaugh, Harvey DeLaTorre,
Charles Busslinger, Hilary Chumpitazi,
Cathy Harris, Maribeth Goldsby,
Damon Micalizzi

Also Present:

Director Megan Larry Dick
Director Megan Sat Tamaribuchi
MWDOC MET Director Linda Ackerman
MWDOC MET Director Larry McKenney
Peer Swan, Irvine Ranch Water District
Marwan Khalifa, Mesa Water
Neely Shahbakhti, El Toro Water District

Director Thomas called the meeting to order at 8:30 a.m. In the absence of Director Finnegan, Director Yoo Schneider sat on the Committee.

PUBLIC COMMENTS

No comments were received.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

No items were presented.

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING

No items were distributed.

ACTION ITEMS

PROPOSED BOARD CONSENT CALENDAR ITEMS

TREASURER'S REPORT

- a. Revenue/Cash Receipt Report – May 2019
- b. Disbursement Approval Report for the month of June 2019
- c. Disbursement Ratification Report for the month of May 2019
- d. GM Approved Disbursement Report for the month of May 2019
- e. Water Use Efficiency Projects Cash Flow – May 30, 2019

- f. Consolidated Summary of Cash and Investment – April 2019
- g. OPEB and Pension Trust Fund monthly statement

Following review of the disbursement reports, and upon MOTION by Director Yoo Schneider, seconded by Director McVicker and carried (3-0), the Committee recommended the Treasurer's Report for approval at the June 19, 2019 Board meeting. Directors Yoo Schneider, Thomas, and McVicker voted in favor.

FINANCIAL REPORT - Combined Financial Statements and Budget Comparative for the Period ending April 30, 2019

Following review of the Financial Report, upon MOTION by Director Yoo Schneider, seconded by Director Thomas and carried (3-0), the Committee recommended the Financial Report for approval at the June 19, 2019 Board meeting. Directors Yoo Schneider, Thomas, and McVicker voted in favor.

ACTION ITEMS

AMENDMENT TO ADMINISTRATIVE CODE SECTION 9500

Upon MOTION by Director Yoo Schneider, seconded by Director McVicker and carried (3-0), the Committee recommended approval of the Amendment to Administrative Code Section 9500 at the June 19, 2019 Board meeting. Directors Yoo Schneider, Thomas and McVicker voted in favor.

It was noted that Section 9500 pertains to disposal of surplus property.

2019-20 PAY STRUCTURE ADJUSTMENT

Mr. Hunter noted that the pay structure adjustment presented in the staff report is to the salary schedule only (which was approved during the budget process) and not an adjustment to individual salaries. Additionally, the revisions to the pay structure included additions of the new Water Loss Control positions which were also approved during the budget process.

Staff was directed to remove the word "COLA" from the pay structure, as it is not applicable.

Upon MOTION by Yoo Schneider, seconded by Director McVicker and carried (3-0), the Committee recommended approval of 2019-20 Pay Structure Adjustment at the June 19, 2019 Board meeting. Directors Yoo Schneider, McVicker and Thomas voted in favor.

AWARD CONTRACT FOR ELECTRICAL SYSTEM REHABILITATION PROJECT

Charles Busslinger reviewed the bid process for the necessary electrical improvements as well as the selection criteria process. The electrical work is required before other building improvements can be started. The staff report was reviewed which outlined project bidding information, bid summary, license agreement requirements with OCWD and a financial summary for the work.

Upon MOTION by Director McVicker, seconded by Director Yoo Schneider and carried (3-0), the Committee recommended approval of the contract for electrical system rehabilitation work at the June 19, 2019 Board meeting. Directors Yoo Schneider, McVicker and Thomas voted in favor.

Staff was directed to hold a pre-construction meeting to review the schedule of work to minimize potential change orders and minimize the disruption of work by staff during work/construction activities.

INFORMATION ITEMS

OFFICE BUILDING MARKET RESEARCH

Mr. Hunter noted that the market research was conducted at the request of the Board, following questions whether the cost effectiveness of the improvements proposed were warranted, versus the cost of moving the District office to a new location. The Committee reviewed and held discussion on the listing of potential buildings for sale, square footage, office space needs and cost.

The Committee received and filed the report.

DEPARTMENT ACTIVITIES REPORTS

- a. Administration
- b. Finance and Information Technology

MONTHLY WATER USAGE DATA, TIER 2 PROJECTION, AND WATER SUPPLY INFORMATION

The informational reports were received without comment.

OTHER ITEMS

REVIEW ISSUES REGARDING DISTRICT ORGANIZATION, PERSONNEL MATTERS, EMPLOYEE BENEFITS FINANCE AND INSURANCE

No information was presented.

ADJOURNMENT

There being no further business to be brought before the Committee, the meeting adjourned at 8:59 a.m.

**MINUTES OF THE MEETING OF THE BOARD OF DIRECTORS OF THE
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY**

Jointly with the

PUBLIC AFFAIRS AND LEGISLATION COMMITTEE

June 17, 2019 – 8:30 a.m. to 9:57 a.m.

MWDOC Conference Room 101

Committee:

Director Dick, Chairman
Director Thomas
Director McVicker

Staff: R. Hunter, H. Baez, M. Goldsby,
J. Berg, M. Baum-Haley, S. Wilson,
H. De La Torre, T. Baca, T. Dubuque

Also Present:

Brett Barbre, MWDOC Director
Sat Tamaribuchi, MWDOC Director
Larry McKenney, MWDOC MET Director
Syrus Devers, BB&K
Dick Ackerman, Ackerman Consulting
John Lewis, Lewis Consulting
Jim Barker, (via teleconference)
Nick Crockett (via teleconference with
Jim Barker)
Stacy Taylor, Mesa Water
Peer Swan, Irvine Ranch Water District
Steve LaMar, Irvine Ranch Water District
Frank Prewoznik, Irvine Ranch WD
Mike Gaskins, El Toro Water District
Pasquale Talarico, Yorba Linda WD
Tim Kerns, Hashtag PinPoint
Greg Mills, Serrano Water District

Director Dick called the meeting to order at 8:30 a.m. Upon the absence of Director Thomas, Director Barbre sat on the committee. Director Barbre exited the meeting at 9:37 a.m. and Director Tamaribuchi sat on the committee.

PUBLIC PARTICIPATION

No public comments received.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

No items were presented.

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING

No items were distributed.

DISCUSSION ITEMS**LEGISLATIVE ACTIVITIES****a. Federal Legislative Report (Barker)**

Mr. James Barker reviewed his report included in the packet noting that this week top congressional leaders, both Democrat and Republican are going to the White House to try to strike a budget deal. The relevance to MWDOC is the language contained in the Energy and Water Appropriations bill includes the Doheny Beach Desal project's \$8.3 million funding. Mr. Barker also highlighted draft language of a bill, which is being circulated by Senator Feinstein and Republican Senator Gardner - this measure would reauthorize the 2016 WIIN Act.

b. State Legislative Report (BBK)

Mr. Syrus Devers shared that Lena Gonzalez was sworn into the State Senate on Wednesday. Ms. Gonzalez is replacing Senator Ricardo Lara, who was elected the state's Insurance Commissioner in November 2018.

Mr. Devers' focus was on the first bill of the year, SB 1 by Senator Toni Atkins – the California Environmental, Public Health, and Workers Defense Act of 2019. He wanted to discuss this bill because a number of water districts are weighing in on it. Essentially SB 1 would prevent any action by the Trump Administration to roll back environmental protections in California and prohibits the standards from falling below baselines established as of January 19, 2017. The portion of this bill that would be of the most interest to the water districts is the Endangered Species Act. Many water districts and the Southern California Water Coalition oppose this bill. ACWA and MET have adopted an oppose unless amended position.

Director Tamaribuchi requested to see a copy of the bill. He stated that since this bill affects the Endangered Species Act, we need to exercise great care. Director Dick requested that Heather Baez provide the requested information to Director Tamaribuchi.

c. County Legislative Report (Lewis)

Mr. John Lewis updated the Committee on LAFCO activities noting that the pay increase for the LAFCO executive officer was approved. He also shared that the vote for the County of Orange's \$6.8 billion budget would take place June 25, and he commented on the Orange County Jail scandal. Mr. Lewis noted that the exceptionally cool weather in Colorado is delaying the snowmelt; this will extend the snowmelt another month or longer. He noted that Lake Powell has increased by one foot a day in the last eight days.

d. Legal and Regulatory Report (Ackerman)

Mr. Dick Ackerman highlighted items number 8 and 9 in his report. He stated there is increased interest in using water facilities to generate electricity. For example, the plan would store water in a reservoir in Lower Rock Creek dam, release the water during peak electricity hours through power turbines to lower reservoirs and then during non-peak hours pump the water back up into the upper reservoirs.

e. MWDOC Legislative Matrix

The Legislative Matrix was received and filed.

f. Metropolitan Legislative Matrix

The Legislative Matrix was received and filed.

ACTION ITEMS**SB 200 (MONNING) – SAFE AND AFFORDABLE DRINKING WATER FUND**

Mr. Syrus Devers shared that SB 200 contains some of the framework from SB 623, minus the water tax language or other funding mechanism. SB 200 contains everything that is needed, including the following wording: “this act does not impose a levy, charge, or exaction of any kind, such as a tax or fee”. This bill adequately creates the fund in its current form but there are other things that could be added.

Upon MOTION by Director McVicker and seconded by Director Barbre and carried (2-1) the Committee recommended the Board vote to adopt a support position for SB 200 (Monning) the Safe and Affordable Drinking Water Fund. Directors Dick and McVicker voted in favor and Director Barbre opposed. This item will be presented to the Board on June 19, 2019.

AB 402 (QUIRK) STATE WATER RESOURCES CONTROL BOARD; LOCAL PRIMARY AGENCIES, FUNDING STABILIZATION

Government Affairs Manager Heather Baez stated that the State Board has recently given indication that they believe in order to adequately fund the LPAs in the rest of the state that they are going to need to enact a small fee from all water providers, not just LPAs. She went on to say that even though the fee would be a small amount from our ratepayers, it is basically a water tax.

Upon MOTION by Director Barbre, seconded by Director McVicker, and carried (3-0), the Committee recommended the Board adopt an oppose unless amended position on AB 402 (Quirk) State Water Resources Control Board: Local Primary Agencies, Funding Stabilization. Directors Dick, McVicker and Barbre voted in favor. This item will be presented to the Board on June 19, 2019.

H.R. 2313 (HUFFMAN) – WATER CONSERVATION REBATE TAX PARITY ACT

Upon MOTION by Director McVicker, and seconded by Director Barbre and carried (2-1) the Committee recommended the Board adopt a support position on H.R. 2313 (Huffman) Water Conservation Rebate Tax Parity Act. Directors Dick and McVicker voted in favor, Director Barbre opposed. This item will be presented to the Board on June 19, 2019.

EXTENSION OF CONSULTING CONTRACT WITH ACKERMAN CONSULTING

Upon MOTION by Director Barbre, seconded by Director McVicker, and carried (3-0), the Committee recommended the Board consider extending the contract with Ackerman Consulting for specialized services. Directors Dick, McVicker, and Barbre voted in favor. This item will be presented to the Board on June 19, 2019.

**ASSOCIATION OF CALIFORNIA WATER AGENCIES (ACWA) REGION 10
CALL FOR CANDIDATES**

Discussion ensued around nominating Director Larry McKenney to the ACWA Region 10 Board. The conversation centered on Director McKenney's experience, time availability and desire to serve on the ACWA Region 10 Board. Director McKenney stated that he is currently serving on ACWA committees and this position would not add to the time commitment. Director LaMar, Vice President of ACWA expressed his support for Director McKenney's continued participation in ACWA as a region representative or committee member. No MWDOC Board members expressed a desire to be nominated.

Upon MOTION by Director McVicker, seconded by Director Tamaribuchi, and carried (3-0), the Committee recommended the Board discuss/support Director Larry McKenney's nomination run for the ACWA Region 10 Board and to determine whether any of the MWDOC Directors had a desire to be nominated. Directors Dick, McVicker and Tamaribuchi voted in favor. This item will be presented to the Board on June 19, 2019.

**CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) 2019 BOARD OF
DIRECTORS ELECTION – SOUTHERN NETWORK REGION, SEAT B**

The Committee reviewed the list of candidates that are running for CSDA 2019 Board of Directors – Southern Network - Seat B.

Director Dick stated that he felt confident in nominee Greg Mills' (Director at Serrano Water District) qualifications for this seat. Director Mills spoke to promote his candidacy for the California Special Districts Associations, Southern Network Region, Seat B and said he would be honored to serve in this way.

Upon MOTION by Director Tamaribuchi, seconded by Director McVicker and carried (3-0), the Committee recommended the Board support Serrano Water District Director Greg Mills for the California Special Districts Associations, Southern Network Region, Seat B, as well as, authorizing President Barbre, or his designee, to cast the District's ballot. Directors Dick, McVicker and Tamaribuchi voted in favor. This item will be presented to the Board on June 19, 2019.

**SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY (SDRMA) BOARD OF
DIRECTORS ELECTION 2020**

Upon MOTION by Director Tamaribuchi, seconded by Director McVicker, and carried (3-0), the Committee recommended the Board review the candidates and authorize President Barbre, or his designee, to cast the District's ballot for the SDRMA Board of Directors election. Directors Dick, McVicker and Tamaribuchi voted in favor. This item will be presented to the Board on June 19, 2019.

INFORMATION ITEM**SOLE SOURCE JUSTIFICATION PROCUREMENT FOR MELTWATER**

Mr. Hunter advised that MELTWATER will provide MWDOC with unlimited news & social media monitoring with unlimited interactive and exportable reporting.

He also advised that MWDOC signed a two-year contract with MELTWATER at a 57.5% discount.

Director Dick requested that MWDOC provide information on MELTWATER and its stability. Mr. Hunter stated that he would provide this information at the Board Meeting on June 19, 2019.

The Committee received and filed the report.

SB 204 (DODD) STATE WATER PROJECTS - CONTRACTS

Since this bill's introduction, a coalition representing the State Water Contractors and other affected parties have been working with Senator Dodd to remove some of the more concerning issues. On May 17, SB 204 was heard in the Senate Appropriations Committee where the author agreed to amend this bill, addressing the issues identified in the May 7 letter to the committee.

Director Tamaribuchi asked that Mr. Syrus Devers include in his next report, information on why MWDOC originally opposed SB 204 and why they are now supporting it.

The Committee received and filed the report.

2019 OC WATER SUMMIT RECAP

The Committee received and filed the report.

WYLAND FOUNDATION POCKET PARK(S) UPDATE

The Committee received and filed the report.

EDUCATION PROGRAMS UPDATE

Director Tamaribuchi expressed interest in knowing the percent of students that increased their understanding of the science, geography, economics, and history of Orange County Water by attending the school assemblies. Sarah Wilson replied that the report included in the packet is the last one for this school year but the information will be included in next year's report.

The Committee received and filed the report.

PUBLIC AFFAIRS ACTIVITIES REPORT

The Committee received and filed the report.

OTHER ITEMS

Director Larry McKenney requested that an informational discussion take place regarding groundwater recharge. He stated that it is a hot topic around the state and it is confusing. Syrus Devers responded that he might have some resources to assist with that conversation.

ADJOURNMENT

There being no further business to be brought before the Committee, the meeting adjourned at 9:57 a.m.

MINUTES OF THE MEETING OF THE
BOARD OF DIRECTORS OF THE
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
jointly with the
EXECUTIVE COMMITTEE
June 20, 2019, 8:30 a.m. to 9:16 a.m.
Conference Room 102

Committee:

Director Barbre, President
Director Finnegan, Vice President (absent)
Director Dick

Staff:

R. Hunter, M. Goldsby

Also Present:

Director Thomas
Director McVicker

At 8:36 a.m., President Barbre called the meeting to order. In the absence of Director Finnegan, Director Thomas served on the Committee.

PUBLIC PARTICIPATION

No public comments were received.

ITEMS RECEIVED TOO LATE TO BE AGENDIZED

No items were distributed.

At the beginning of the meeting, Staff distributed the draft agendas for the upcoming month.

EXECUTIVE COMMITTEE PROPOSALS FOR FUTURE AGENDAS

The Committee reviewed and discussed the draft agendas for each of the meetings and made revisions/additions as noted below.

a. Planning & Operations Committee Meeting

Although no new items were added to the agenda, the Award of Contract re Americas Water Infrastructure Act was moved to the Administration & Finance Committee agenda.

b. Workshop Board Meeting

No new items were added to the agenda.

c. Administration & Finance Committee meeting

No new items were added to the agenda. Staff was asked to confirm that the full deposits/payments have been made to the OPEB account.

d. Public Affairs & Legislation Committee

No new items were added. Discussion was held regarding the LAFCO election, and whether the Board had the desire to direct President Barbre's vote in the election; Mr. Barbre advised that he had already cast the District's ballot (per Board action on May 15, 2019).

e. Executive Committee

No new items were added to the agenda.

DISCUSSION REGARDING UPCOMING ACTIVITIES OF SIGNIFICANCE

Director Dick referenced the invocation conducted at the June 19th Board meeting, noting that the District had never previously conducted one. He suggested legal counsel provide guidelines, so that the District stays within the law. The Committee concurred and also recommended that in the event the Board adopts a policy regarding invocations, they be limited to Board meetings. President Barbre referenced the U.S. Supreme Court ruling regarding invocations, noting he would distribute it to the Board. It was noted that a policy discussion regarding invocations would be placed on the July 10, 2019 Administration & Finance Committee agenda.

MEMBER AGENCY RELATIONS

Discussion ensued regarding OC-70 metering issues, the Doheny Desalination Project Final Draft EIR hearing, and the OCWD basin storage discussions with Moulton Niguel Water District.

GENERAL MANAGER'S REPORTS

General Manager Hunter stated no new updates.

REVIEW AND DISCUSS DISTRICT AND BOARD ACTIVITIES

Discussion ensued regarding the recent Attorney General opinion regarding Director Compensation/retirement plan contributions and the amount of money credited back on MWDOC's billing from Best, Best & Krieger regarding this issue; the Committee determined no further discussion was needed.

The Executive Committee reviewed and approved a late Business Expense Report from Kelly Hubbard.

ADJOURNMENT

There being no further business to be brought before the Committee, the meeting adjourned at 9:16 a.m.

Municipal Water District of Orange County
REVENUE / CASH RECEIPT REPORT
June 2019

WATER REVENUES

Date	From	Description	Amount
06/03/19	City of La Habra	April 2019 Water deliveries	4,446.66
06/03/19	South Coast Water District	April 2019 Water deliveries	471,113.04
06/03/19	City of La Palma	April 2019 Water deliveries	4,010.86
06/06/19	Laguna Beach County Water District	April 2019 Water deliveries	70,894.03
06/06/19	City of Garden Grove	April 2019 Water deliveries	54,379.33
06/07/19	City of San Clemente	April 2019 Water deliveries	614,030.48
06/10/19	Serrano Water District	April 2019 Water deliveries	12,449.22
06/10/19	City of Buena Park	April 2019 Water deliveries	497,044.44
06/10/19	City of Seal Beach	April 2019 Water deliveries	9,155.65
06/10/19	Mesa Water	April 2019 Water deliveries	268,086.17
06/12/19	El Toro Water District	April 2019 Water deliveries	564,283.47
06/13/19	Santa Margarita Water District	April 2019 Water deliveries	1,896,172.73
06/13/19	City of San Juan Capistrano	April 2019 Water deliveries	436,883.05
06/13/19	City of Westminster	April 2019 Water deliveries	292,544.01
06/13/19	City of Orange	April 2019 Water deliveries	225,427.82
06/14/19	East Orange County Water District	April 2019 Water deliveries	452,801.14
06/14/19	Orange County Water District	April 2019 Water deliveries	216,161.93
06/14/19	Golden State Water Company	April 2019 Water deliveries	211,279.79
06/14/19	Yorba Linda Water District	April 2019 Water deliveries	56,519.07
06/14/19	Moulton Niguel Water District	April 2019 Water deliveries	2,010,879.37
06/14/19	Irvine Ranch Water District	April 2019 Water deliveries	773,002.20
06/24/19	City of Fountain Valley	May 2019 Water deliveries	11,598.85
06/24/19	Serrano Water District	May 2019 Water deliveries	12,449.22
06/24/19	City of Garden Grove	May 2019 Water deliveries	405,604.33
06/27/19	City of La Habra	May 2019 Water deliveries	4,446.66
06/27/19	Trabuco Canyon Water District	May 2019 Water deliveries	48,175.04
06/28/19	City of Huntington Beach	May 2019 Water deliveries	1,419,435.35
06/28/19	City of San Clemente	May 2019 Water deliveries	497,017.15
06/28/19	City of Brea	May 2019 Water deliveries	15,997.65

TOTAL REVENUES \$ 11,556,288.71

Municipal Water District of Orange County
REVENUE / CASH RECEIPT REPORT
June 2019

MISCELLANEOUS REVENUES

Date	From	Description	Amount
06/28/19	Paypal	2/21/19 Water Policy dinner	87.09
06/28/19	Paypal	ISDOC Luncheon	559.38
06/10/19	So Cal Gas	6/1/18 OC Water Summit sponsorship	1,600.00
06/27/19	Keith Lyon	July 2019 Retiree Health insurance	288.99
06/06/19	Carlos Mustane	Public Records Act request payment for copies	294.50
06/10/19	US Bank	Cal Card rebate	1,022.39
06/17/19	Harvey De La Torre	Movie tickets	90.00
06/28/19	US Bank	Monthly Interest	30.71
06/17/19	El Toro Water District	April 2019 Smartimer rebate program	134.99
06/21/19	City of San Clemente	April 2019 Smartimer rebate program	80.00
06/26/19	Trabuco Canyon Water District	April 2019 Smartimer rebate program	114.04
06/10/19	City of Fountain Valley	April 2019 Turf Removal rebate program	222.00
06/24/19	City of Newport Beach	April 2019 Turf Removal rebate program	485.05
06/28/19	Yorba Linda Water District	April 2019 Turf Removal rebate program	111.00
06/10/19	Moulton Niguel Water District	April 2019 Smartimer and Turf Removal rebate program	10,625.97
06/17/19	Irvine Ranch Water District	April 2019 Smartimer and Rotating Nozzle rebate program	890.79
06/17/19	Irvine Ranch Water District	April 2019 Turf Removal and Spray to Drip rebate program	611.44
06/17/19	City of Orange	April 2019 Turf Removal and Spray to Drip rebate program	222.00
06/03/19	Moulton Niguel Water District	April 2019 So Cal Watersmart rebate program	2,800.00
06/10/19	Irvine Ranch Water District	April 2019 So Cal Watersmart rebate program	7,799.34
06/21/19	City of San Clemente	April 2019 So Cal Watersmart rebate program	500.00
06/26/19	Irvine Ranch Water District	May 2019 So Cal Watersmart rebate program	12,265.00
06/10/19	Department of Water Resources	Jul-Sep 2018 Strategic Turfgrass Removal and Design Assistance program	1,398.60
06/13/19	Department of Water Resources	Retention payment for the Phase 3 Extended Pumping and Pilot Plant Testing program	149,999.93
06/24/19	SOCWA	Hazard Mitigation Plan FY 17-18	5,630.84
TOTAL MISCELLANEOUS REVENUES			\$ 197,864.05
TOTAL REVENUES			\$ 11,754,152.76



Robert J. Hunter, General Manager



Hilary Chumpitazi, Treasurer

**Municipal Water District of Orange County
Disbursement Approval Report
For the month of July 2019**

<i>Invoice#</i>	<i>Vendor / Description</i>	<i>Amount to Pay</i>
Core Expenditures:		
	Richard C. Ackerman	
1239	June 2019 Consulting on legal and regulatory matters	2,825.00
	*** Total ***	2,825.00
	ACWA Joint Powers	
0006204	7/1/19-6/30/20 Property insurance renewal	2,873.66
	*** Total ***	2,873.66
	Alta FoodCraft	
51912487	6/24/19 Coffee & tea supplies	253.69
	*** Total ***	253.69
	American Red Cross	
22204095	First aid, CPR and AED training	1,361.50
	*** Total ***	1,361.50
	ARC Document Solutions, LLC	
10218055	Plan copies for MWDOC office electrical panel upgrade project	26.86
10211886	7 Posters printed for Boy Scout clinics	449.92
	*** Total ***	476.78
	Best Best and Krieger LLP	
55401-MAY19	May 2019 Legal services	23,611.18
851758	May 2019 State legislative advocacy services	7,500.00
	*** Total ***	31,111.18
	CalDesal	
2019-2020	FY 19/20 Annual membership renewal	5,000.00
	*** Total ***	5,000.00
	California Council for Environmental and Economic Balance	
182U	FY 19/20 Annual membership renewal for California Environmental Dialogue	22,000.00
312U	FY 19/20 Annual membership renewal	2,500.00
	*** Total ***	24,500.00
	California Newspapers Partnership	
5244010-MAY19	Public notice for MWDOC office electrical upgrade project bids	2,226.00
	*** Total ***	2,226.00
	California Special Districts Assn	
47282	9/25/19 Governance Foundations program registration for Director McVicker	225.00
	*** Total ***	225.00
	Carl Markham Signs & Graphics	
19-290	2 Name plaques for Director McVicker	83.96
	*** Total ***	83.96

**Municipal Water District of Orange County
Disbursement Approval Report
For the month of July 2019**

<i>Invoice#</i>	<i>Vendor / Description</i>	<i>Amount to Pay</i>
	Dudek	
20193523	4/27/19-5/31/19 Planning level reliability for South County Interconnection	8,535.00
	*** Total ***	8,535.00
	Fry's Electronics	
22849199	6/14/19 Computer supplies	65.23
	*** Total ***	65.23
	GovConnection, Inc.	
56879094	Security router with rack mount kit and support	1,354.50
	*** Total ***	1,354.50
	HashtagPinpoint Corporation	
1197	June 2019 Social media consultation and services	7,917.00
	*** Total ***	7,917.00
	Hazen and Sawyer	
0000002	White Paper on new local water supply integration	40,000.00
	*** Total ***	40,000.00
	Independent Special Dist of OC	
ISDOC-6/27/19A	5/29/19-6/27/19 PayPal receipts for 6/27/19 meeting	559.38
062719REG	6/27/19 ISDOC meeting registration for Directors McVicker and Thomas	34.00
	*** Total ***	593.38
	James C. Barker, P.C.	
105-0619	June 2019 Federal legislative advocacy services	8,000.00
	*** Total ***	8,000.00
	Jill Promotions	
10577	1,000 Sunglasses for promotional items	2,326.85
10581	2,470 Drawstring backpacks for promotional items	4,025.83
10583	500 Surfboard 8G USBs for promotional items	4,431.93
10584	250 Charging cables for promotional items	1,164.42
10585	2,500 Lip balms for promotional items	2,443.58
10587	1,000 Square mint tins for promotional items	1,440.70
10589	1,000 Silver straws for promotional items	2,832.65
10591	1,000 Dress socks for promotional items	5,108.02
	*** Total ***	23,773.98
	Karen's Detail Custom Frames, LLC	
3093	8 Recognitions custom framed for Scouting program	677.35
	*** Total ***	677.35
	L.A. Design Studio	
5107	April-June 2019 MWDOC Website support and enhancement	600.00
	*** Total ***	600.00

**Municipal Water District of Orange County
Disbursement Approval Report
For the month of July 2019**

<i>Invoice#</i>	<i>Vendor / Description</i>	<i>Amount to Pay</i>
	Lawnscape Systems, Inc.	
401802	6/7/19 Landscape maintenance for atrium	295.00
	*** Total ***	295.00
	Lewis Consulting Group	
2019-135	June 2019 Consulting services	3,875.00
	*** Total ***	3,875.00
	Keith Lyon	
APR-JUN2019	April-June 2019 Retiree medical premium	406.50
	*** Total ***	406.50
	Edward G. Means III	
MWDOC-1072	June 2019 Consulting on MET issues and guidance to Engineering staff	1,000.00
	*** Total ***	1,000.00
	NDS	
718265	6/14/19 Delivery charges for Board packets	172.01
	*** Total ***	172.01
	Office Solutions	
I-01590387	2,000 Note cards printed for Public Affairs department	721.06
I-01592486	2,000 Envelopes for notes card for Public Affairs department	307.37
I-01593144	6/19/19 Office supplies	32.61
I-01593429	6/19/19 Office supplies	68.76
I-01594349	6/20/19 Office supplies	27.29
I-01594643	6/21/19 Office supplies	312.68
I-01595318	1,000 Letterhead sheets printed	373.41
I-01599006	Task chair	304.48
I-01599335	7/1/19 Office supplies	39.73
	*** Total ***	2,187.39
	County of Orange	
GA19200057	FY 19/20 LAFCO Costs	27,233.33
	*** Total ***	27,233.33
	Orange County Dept. of Education	
94MI6061	April-June 2019 Core and Choice High School programs	41,967.00
	*** Total ***	41,967.00
	Orange County Fast Print, Inc.	
58033	Business cards for Director McVicker	58.88
	*** Total ***	58.88
	Orange County Water District	
20356	May 2019 Postage, shared office & maintenance expense	7,966.84
	*** Total ***	7,966.84

**Municipal Water District of Orange County
Disbursement Approval Report
For the month of July 2019**

<i>Invoice#</i>	<i>Vendor / Description</i>	<i>Amount to Pay</i>
	Patricia Kennedy Inc.	
10961	July 2019 Plant maintenance	214.00
	*** Total ***	214.00
	Petty Cash	
MAY-JUN2019	May-June 2019 Petty Cash reimbursement	117.74
	*** Total ***	117.74
	Judy Pfister	
APR-JUN2019	April-June 2019 Retiree medical premium	400.50
	*** Total ***	400.50
	Plump Engineering, Inc.	
56810	Seismic analysis of supports for new IT server room air conditioning unit	2,507.83
57343	Overnight delivery of plans for supports for new IT server room air conditioning unit	21.29
	*** Total ***	2,529.12
	Joey C. Soto	
MWDOC#013	May 2019 Grant research and acquisition assistance	2,999.50
	*** Total ***	2,999.50
	Tangram Interiors	
602863	Steelcase office chair	973.34
	*** Total ***	973.34
	Lisa Thompson	
062619	Services for re-design of Ricki Raindrop educational booklet for elementary school program	6,500.00
	*** Total ***	6,500.00
	Top Hat Productions	
95246	6/20/19 Lunch for Managers' meeting	434.77
	*** Total ***	434.77
	USAFact, Inc.	
9062928	Pre-employment background check	65.24
	*** Total ***	65.24
	WageWorks, Inc.	
INV1485752	June 2019 Cafeteria plan administration	196.07
	*** Total ***	196.07
	Water Systems Optimization, Inc.	
1572	June 2019 Water Loss Control program	2,600.00
1573	June 2019 Water Loss Audit Validation Research	2,000.00
1574	June 2019 Services to develop a Water Loss Control business plan	2,080.00
	*** Total ***	6,680.00

**Municipal Water District of Orange County
Disbursement Approval Report
For the month of July 2019**

<i>Invoice#</i>	<i>Vendor / Description</i>	<i>Amount to Pay</i>
	Pauline D. Wennerstrom	
JUL-SEP2019	July-September 2019 Retiree medical premium	367.50
	*** Total ***	367.50
	Total Core Expenditures	<hr/> 269,092.94

Choice Expenditures:

	Discovery Science Center	
DSOC/IV/000920	June 2019 Elementary school program	4,795.98
	*** Total ***	4,795.98
	Enterprise Information Sys Inc	
#MWDOC-22012	April-June 2019 Support for California Sprinkler Adjustment Notification System program	3,000.00
	*** Total ***	3,000.00
	Orange County Dept. of Education	
94MI6061	April-June 2019 Core and Choice High School programs	13,113.00
	*** Total ***	13,113.00
	Orange County Water District	
20356	May 2019 Postage for Water Use Efficiency rebate programs	28.61
	*** Total ***	28.61
	Total Choice Expenditures	<hr/> 20,937.59

Other Funds Expenditures:

	Mission RCD	
2704	May 2019 Field verifications for Water Use Efficiency rebate programs	6,476.15
	*** Total ***	6,476.15
	Water Systems Optimization, Inc.	
1572	June 2019 Water Loss Control program	10,010.00
	*** Total ***	10,010.00

**Municipal Water District of Orange County
Disbursement Approval Report
For the month of July 2019**

<i>Invoice#</i>	<i>Vendor / Description</i>	<i>Amount to Pay</i>
	Trisha Woosl原因 (Athena EHS Consulting, LLC)	
1003	4/1/19-4/30/19 WEROC Program assistance	3,495.75
1004	5/1/19-5/31/19 WEROC Program assistance	442.50
1005	6/1/19-6/11/19 WEROC Program assistance	398.25
	*** Total ***	4,336.50
	Total Other Funds Expenditures	<hr/> 20,822.65
	Total Expenditures	<hr/> <hr/> 310,853.18

**Municipal Water District of Orange County
Disbursement Ratification Report
For the month of June 2019**

<i>Check #</i>	<i>Date</i>	<i>Vendor # Invoice/CM #</i>	<i>Name / Description</i>	<i>Net Amount</i>
Core Disbursements:				
138947	6/5/19	SPECTB	Spectrum Business	
		0375210060119	June 2019 Telephone and internet expense	1,099.18
			***Total ***	1,099.18
138948	6/5/19	VERIZO	Verizon Wireless	
		9830772485	May 2019 4G Mobile broadband unlimited service	114.03
			***Total ***	114.03
138961	6/14/19	SPECTB	Spectrum Business	
		0343564061019	June 2019 Telephone expense for 3 analog fax lines	108.14
			***Total ***	108.14
138963	6/14/19	USBANK	U.S. Bank	
		0403/0640/5443-MAY19	4/23/19-5/22/19 Cal Card charges	10,566.71
			***Total ***	10,566.71
			(See attached sheet for details)	
ACH003999	6/14/19	ACKEEX	Linda Ackerman	
		053119	May 2019 Business expense	16.24
			***Total ***	16.24
	6/14/19	BACATI	Tiffany Baca	
ACH004003		043019	April 2019 Business expense	84.40
ACH004004		053119	May 2019 Business expense	103.18
			***Total ***	187.58
ACH004005	6/14/19	BAEZHE	Heather Baez	
		053119	May 2019 Business expense	244.69
			***Total ***	244.69
ACH004006	6/14/19	BARBRE	Brett Barbre	
		053119	May 2019 Business expense	158.34
			***Total ***	158.34
ACH004007	6/14/19	BERGIO	Joseph Berg	
		053119	May 2019 Business expense	219.23
			***Total ***	219.23
ACH004016	6/14/19	DAVISR	Rachel Davis	
		053019	May 2019 Business expense	121.42
			***Total ***	121.42
ACH004017	6/14/19	DELATO	Harvey De La Torre	
		053119	May 2019 Business expense	86.62
			***Total ***	86.62

**Municipal Water District of Orange County
Disbursement Ratification Report
For the month of June 2019**

Check #	Date	Vendor # Invoice/CM #	Name / Description	Net Amount
ACH004018	6/14/19	DICKEK 053119	Larry Dick May 2019 Business expense ***Total ***	 109.62 109.62
ACH004022	6/14/19	FINNEG 033119	Joan Finnegan March 2019 Business expense ***Total ***	 32.48 32.48
ACH004025	6/14/19	HOSTER 053119	Kevin Hostert May 2019 Business expense ***Total ***	 90.48 90.48
ACH004028	6/14/19	HUNTER 052219	Robert J. Hunter May 2019 Business expense ***Total ***	 73.17 73.17
ACH004036	6/14/19	MCKEEK 053119	Larry B. McKenney May 2019 Business expense ***Total ***	 492.90 492.90
ACH004038	6/14/19	MEIERJ 053119	Jonathan Meier May 2019 Business expense ***Total ***	 68.21 68.21
ACH004042	6/14/19	MULDOO 053119	Traci L. Muldoon May 2019 Business expense ***Total ***	 19.78 19.78
ACH004050	6/14/19	ROBERT 053119	Bryce Roberto May 2019 Business expense ***Total ***	 243.79 243.79
ACH004051	6/14/19	TAMARI 053119	Satoru Tamaribuchi May 2019 Business expense ***Total ***	 120.64 120.64
ACH004052	6/14/19	THOMAS 053119	Jeffery Thomas May 2019 Business expense ***Total ***	 1,407.37 1,407.37
ACH004056	6/14/19	WILSON 053119	Sarah C. Wilson May 2019 Business expense ***Total ***	 36.94 36.94
ACH004057	6/14/19	RICOHMA 5056781912	Ricoh USA, Inc. March-May 2019 Reproduction costs ***Total ***	 1,748.21 1,748.21

**Municipal Water District of Orange County
Disbursement Ratification Report
For the month of June 2019**

Check #	Date	Vendor # Invoice/CM #	Name / Description	Net Amount
138968	6/28/19	IRONMO	Iron Mountain	
		BSML156	June 2019 Archived document storage fees	209.70
			***Total ***	209.70
138970	6/28/19	OFFICED	Office Depot, Inc.	
		319453097001	5/30/19 Office supplies	37.54
		2312096275	6/12/19 Office supplies	18.44
			***Total ***	55.98
	6/28/19	HALEY	Melissa Baum Haley	
ACH004061		043019	April 2019 Business expense	52.78
ACH004062		053119	May 2019 Business expense	401.49
			***Total ***	454.27
Total Core Disbursements				18,085.72

Choice Disbursements:

138963	6/14/19	USBANK	U.S. Bank	
		0640-MAY19	4/23/19-5/22/19 Cal Card charges	14.95
			***Total ***	14.95
			(See attached sheet for details)	
ACH004007	6/14/19	BERGJO	Joseph Berg	
		053119	May 2019 Business expense	205.67
			***Total ***	205.67
Total Choice Disbursements				220.62

Other Funds Disbursements:

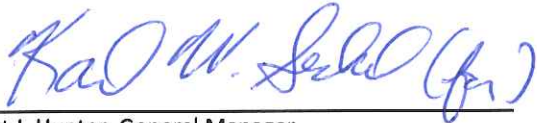
138948	6/5/19	VERIZO	Verizon Wireless	
		9830772485	May 2019 4G Mobile broadband unlimited service	76.02
			***Total ***	76.02
138950	6/14/19	ATTUVEOC	AT&T	
		1812-JUN19	June 2019 U-verse internet service for WEROC N. EOC	50.00
			***Total ***	50.00
138952	6/14/19	ATTCALN	AT&T	
		000013102145	May 2019 WEROC S. EOC telephone expense	917.51
		000013102146	May 2019 WEROC N. EOC telephone expense	106.39
			***Total ***	1,023.90

Municipal Water District of Orange County
Disbursement Ratification Report
For the month of June 2019

Check #	Date	Vendor # Invoice/CM #	Name / Description	Net Amount
138963	6/14/19	USBANK	U.S. Bank	
		0640-MAY19A	4/23/19-5/22/19 Cal Card charges	562.78
			***Total ***	562.78
			(See attached sheet for details)	
	6/14/19	HUBBAR	Kelly Hubbard	
ACH004026		043019	April 2019 Business expense	33.10
ACH004027		053119	May 2019 Business expense	15.00
			***Total ***	48.10
138971	6/28/19	SANTI1	Santiago Aqueduct Commission	
		APR2019	April 2019 SAC Pipeline Operation surcharge	2,917.39
			***Total ***	2,917.39
	6/28/19	DRIPPR	Spray to Drip Program	
138974		S2D2-C-MNT-9067-17326	Nellie Gail Ranch HOA (Foothill Ranch)	365.92
138975		S2D2-C-MNT-9067-17330	Nellie Gail Ranch HOA (Foothill Ranch)	351.11
138976		S2D2-R-O-37398-17345	D. Allen	209.92
			***Total ***	926.95
	6/28/19	TURFRP	Turf Removal Program	
138977		TR12-R-TC-28083-28007	R. Ijams	4,752.00
138978		TR12-R-MNT-29218-29140	C. Teale	357.00
138979		TR12-R-O-34253-34176	C. Mizera	854.00
138980		TR12-R-ETWD-35323-35248	D. Waters	1,200.00
138981		TR12-R-SM-35344-35267	C. Nalbach	1,485.00
138982		TR12-R-HB-37375-36299	J. Mills	2,354.00
138983		TR12-R-HB-37377-36300	J. Mills	850.00
138984		TR12-R-O-37398-36316	D. Allen	1,427.33
138985		TR12-R-IRWD-38424-37342	J. Baik	244.00
138986		TR12-R-MNT-38425-37343	M. Witt	8,478.00
138987		TR12-R-ETWD-38451-37365	J. Shamay	3,408.00
138988		TR12-R-MNT-38458-37371	J. Zheng	4,440.00
138989		TR12-R-MNT-38464-37377	J. Alston	1,032.00
138990		TR12-R-MNT-38468-37382	G. Shoup	1,167.00
138991		TR12-R-MNT-38474-37387	R. Sipkovich	1,545.00
138992		TR12-R-MNT-38555-37457	J. Mead	921.00
138993		TR12-R-IRWD-38539-37443	C. Shen	348.00
138994		TR12-R-MNT-38556-37458	M. Leonhart	786.00
138995		TR12-R-MNT-38570-37472	M. Fukuda	2,637.00
138996		TR12-R-MNT-38594-37499	P. Giordano	1,689.00
138997		TR12-R-MNT-38620-37526	J. Williams	2,154.00
			***Total ***	42,128.33
ACH004063	6/28/19	HUBBAR	Kelly Hubbard	
		033119	March 2019 Business expense	146.38
			***Total ***	146.38

**Municipal Water District of Orange County
Disbursement Ratification Report
For the month of June 2019**

<i>Check #</i>	<i>Date</i>	<i>Vendor # Invoice/CM #</i>	<i>Name / Description</i>	<i>Net Amount</i>
ACH004072	6/28/19	SANTAM	Santa Margarita Water District	
		APR2019	April 2019 SCP Pipeline Operation surcharge	25,579.12
			***Total ***	25,579.12
WIRE-190628	6/28/19	METWAT	Metropolitan Water District	
		9709	April 2019 Water deliveries	10,732,538.67
			***Total ***	10,732,538.67
Total Other Funds Disbursements				<u>10,805,997.64</u>
Total Disbursements				<u><u>10,824,303.98</u></u>



Robert J. Hunter, General Manager



Hilary Chumpitazi, Treasurer

Cal Card Charges
Statement Date: May 22, 2019
Payment Date: June 14, 2019

Date	Description	Amount
<u>Public Affairs Card</u>		
4/22/2019	Upgrade to Dropbox subscription	\$ 7.68
4/24/2019	Lunch meeting with Discovery Science school program staff	52.00
4/26/2019	Lunch for Public Affairs Workshop meeting	584.61
4/26/2019	Chair rental for Public Affairs Workshop meeting	60.00
4/29/2019	Lunch for KCAL 9 News shoot	35.17
5/9/2019	International Association of Business Communicators Mixer & Networking event in Costa Mesa, CA on May 14, 2019 - Registration for T. Muldoon	53.62
5/14/2019	Supplies for Poster Contest Awards ceremony	272.91
5/16/2019	Supplies for Boy Scout merit badge clinics	28.01
5/19/2019	Storm glass weather predictor for O.C. Water Summit Master of Ceremonies	29.99
5/19/2019	5/19/19-5/19/20 Dropbox subscription renewal	199.00
5/20/2019	Food for Poster Contest Awards ceremony	770.32
5/20/2019	Cake for Poster Contest Awards ceremony	37.98
5/20/2019	Decorations for Poster Contest Awards ceremony	13.04
5/22/2019	Supplies for Boy Scout merit badge clinics	31.87
Total		<u>\$ 2,176.20</u>

Cal Card Charges
Statement Date: May 22, 2019
Payment Date: June 14, 2019

Date	Description	Amount
<u>K. Seckel Card</u>		
4/22/2019	Lunch for MET Directors' meeting	\$ 166.47
4/22/2019	Lunch for Orange County MET Managers' meeting	147.17
4/23/2019	Dessert for Orange County MET Managers' meeting	30.00
4/23/2019	Waterjobs employment posting for WEROC Emergency Coordinator/ Specialist position	200.00
4/23/2019	Lunch for staff development meeting	68.96
4/24/2019	3/24/19-4/23/19 Web hosting service for MWDOC website	15.65
4/25/2019	Lunch for Administration staff department meeting	129.19
4/25/2019	Water District Jobs employment posting for WEROC Emergency Coordinator/ Specialist position	145.00
4/26/2019	Federal Express delivery charges for Black & Veatch on Apr. 23, 2019	20.13
4/27/2019	American Water Works Association Utility Risk and Resilience Certificate program online course - Registration for C. Lingad	252.00
4/29/2019	UPS Delivery charges for Board packets on Apr. 26, 2019	17.52
5/2/2019	5/01/19-5/31/19 E-mail service for California Sprinkler Adjustment Notification system	14.95
5/6/2019	UPS Delivery charges for Board packets on Apr. 26, 2019	28.66
5/7/2019	ACWA Spring conference in Monterey, CA from May 7-10, 2019 - Meal for H. Baez, M. Baum Haley and 4 guests	200.27
5/7/2019	Water Loss Prevention Standards meeting in Sacramento, CA on Jun. 7, 2019 - Airfare for C. Busslinger	347.96
5/7/2019	Plan check fees for air conditioning upgrade project	910.83
5/8/2019	Food for WEROC Emergency Services Coordinators' meeting	36.51
5/9/2019	ACWA Spring conference in Monterey, CA from May 7-10, 2019 - Car rental for H. Baez and M. Baum Haley	270.45
5/9/2019	State Water Resource Control Board/Department of Water Resources Urban Overview meeting in Sacramento, CA on May 20, 2019 - Airfare for J. Berg	497.96
5/10/2019	Food for staff development meeting	32.98
5/10/2019	Square chip credit card reader for event payments	38.24
5/10/2019	ACWA Spring conference in Monterey, CA from May 7-10, 2019 - Accommodations for H. Baez and M. Baum Haley	1,280.26
5/13/2019	Lunch for WEROC and El Toro Water District staff meeting	189.87
5/13/2019	UPS Delivery charges for Board packets on May. 10, 2019	16.38
5/13/2019	3 Toner cartridges	177.88
5/13/2019	Legislative Activities in Sacramento, CA on May 17, 2019 - Airfare change for H. Baez	86.00
5/16/2019	Federal Express delivery charges for Plump Engineering and Black & Veatch on May 13, 2019	38.26
5/16/2019	California Water Efficiency Partnership Peer-to- Peer conference in Anaheim, CA from May 15-16, 2019 - Accommodations for R. Davis	213.25
5/17/2019	7 Integrated telephone systems for WEROC S. EOC	336.40
5/20/2019	UPS Delivery charges for Board packets on May. 10, 2019	28.72
5/20/2019	Annual service for lunch room refrigerator	160.00
Total		\$ 6,097.92

Cal Card Charges
Statement Date: May 22, 2019
Payment Date: June 14, 2019

Date	Description	Amount
<u>R. Hunter Card</u>		
4/23/19-5/22/19	Meals for R. Hunter's meetings	\$ 41.37
4/29/2019	Orange County Business Council D.C. One Voice Two Capitols Advocacy trip in Washington, DC from May 6-8, 2019-Airfare for Director Yoo Schneider	525.78 ¹
5/1/2019	Orange County Business Council D.C. One Voice Two Capitols Advocacy trip in Washington, DC from May 6-8, 2019-Airfare for Director Yoo Schneider	415.95
5/7/2019	ACWA Spring conference in Monterey, CA from May 7-9, 2019 - Lunch for Director Thomas, R. Hunter and 1 guest	124.32
5/8/2019	ACWA Spring conference in Monterey, CA from May 7-9, 2019 - Lunch for R. Hunter and 1 guest	64.84
5/8/2019	ACWA Spring conference in Monterey, CA from May 7-9, 2019 - Dinner for R. Hunter, H. Baez, M. Baum Haley and 4 guests	376.88
5/9/2019	ACWA Spring conference in Monterey, CA from May 7-9, 2019 - Accommodations for R. Hunter	495.92
5/10/2019	ACWA Spring conference in Monterey, CA from May 8-10, 2019 - Accommodations for Director Yoo Schneider	692.28
5/14/2019	Orange County Water Association Industry Insight Presentation in Irvine, CA on May 15, 2019 - Registration for Director Barbre	45.00
5/15/2019	CalChamber online supervisor course - Registrations for D. Micalizzi and T. Baca	87.98
Total		<u>\$ 2,870.32</u>

¹ Flight was canceled, \$464.00 available for future travel

Municipal Water District of Orange County
GM Approved Disbursement Report ⁽¹⁾
For the month of June 2019

<i>Check #</i>	<i>Date</i>	<i>Vendor # Invoice/CM #</i>	<i>Name / Description</i>	<i>Net Amount</i>
Core Disbursements:				
ACH004074	6/28/19	ECSIMA 13979	ECS Imaging, Inc. 3 Licenses for Laserfiche records management software	2,160.00
			***Total ***	2,160.00
			Total Core Disbursements	<u>2,160.00</u>
Choice Disbursements:				
			Total Choice Disbursements	<u>-</u>
Other Funds Disbursements:				
			Total Other Funds Disbursements	<u>-</u>
			Total Disbursements	<u><u>2,160.00</u></u>



Robert J. Hunter, General Manager



Hilary Chumpitazi, Treasurer

(1) For disbursements that did not make the cut-off of previous month's Disbursement Approval report.
Disbursements are approved by GM for payment and need A & F Committee ratification.



Municipal Water District of Orange County
Consolidated Summary of Cash and Investment
 May 31, 2019

District investments and cash balances are held in various funds designated for certain purposes as follows:


Fund	Book Value	% of Portfolio
Designated Reserves		
General Operations	\$3,341,910	24.74%
Grant & Project Cash Flow	1,500,000	11.10%
Election Expense	608,000	4.50%
Building Repair	385,408	2.85%
OPEB	297,147	2.20%
Total Designated Reserves	6,132,465	45.39%
General Fund	5,135,169	38.03%
Water Fund	2,635,118	19.51%
Conservation Fund	(590,153)	(4.37%)
Desalination Feasibility Study Fund	(145,268)	(1.08%)
WEROC Fund	311,036	2.30%
Trustee Activities	29,249	0.22%
Total	\$13,507,616	100.00%

The funds are invested as follows:

Term of Investment	% of Portfolio	Book Value	Market Value
Cash	0.80%	\$107,750	\$107,750
Short-term investment			
• LAIF	46.62%	\$6,297,664	\$6,297,664
• OCIP	29.61%	4,000,112	4,000,112
Long-term investment			
• Corporate Bond	8.53%	1,152,090	1,145,097
• Certificates of Deposit	14.44%	1,950,000	1,957,708
Total	100.00%	\$13,507,616	\$13,508,331

The average number of days to maturity/call as of May 31, 2019 equaled 159 and the average yield to maturity is 2.368%. During the month, the District's average daily balance was \$23,298,282.24. Funds were invested in Federal Agency Issues, Certificates of Deposit, Negotiable CD's, Miscellaneous Securities, the Local Agency Investment Funds (LAIF) and the Orange County Investment Pool (OCIP) during the month of May 2019.

The \$715 difference between the book value and the market value on May 31, 2019 represents the exchange difference if all investments had been liquidated on that date. Since it is the District's practice to "buy and hold" investments until maturity, the market values are a point of reference, not an indication of actual loss or gain. There are no current plans or cash flow requirements identified in the near future that would require the sale of these securities prior to maturity.


 Robert J. Hunter
 General Manager


 Hilary Chumpitazi
 Treasurer

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 Fountain Valley, California 92708

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www.mwdoc.com

Brett R. Barbre
 President

Joan C. Finnegan
 Vice President

Larry D. Dick
 Director

Bob McVicker, P.E., D.WRE
 Director

Megan Yoo Schneider, P.E.
 Director

Sat Tamaribuchi
 Director

Jeffery M. Thomas
 Director

Robert J. Hunter
 General Manager

MEMBER AGENCIES

City of Brea
 City of Buena Park
 East Orange County Water District
 El Toro Water District
 Emerald Bay Service District
 City of Fountain Valley
 City of Garden Grove
 Golden State Water Co.
 City of Huntington Beach
 Irvine Ranch Water District
 Laguna Beach County Water District
 City of La Habra
 City of La Palma
 Mesa Water District
 Moulton Niguel Water District
 City of Newport Beach
 City of Orange
 Orange County Water District
 City of San Clemente
 City of San Juan Capistrano
 Santa Margarita Water District
 City of Seal Beach
 Serrano Water District
 South Coast Water District
 Trabuco Canyon Water District
 City of Tustin
 City of Westminster
 Yorba Linda Water District



MUNICIPAL WATER DISTRICT OF ORANGE COUNTY

Portfolio Management - Portfolio Summary

May 31, 2019

5/31/2019	Par Value	Market Value	Book Value	% of Portfolio	Days to Mat/Call	YTM @ Cost
Negotiable Certificate Of Deposit	1,950,000.00	1,957,708.00	1,950,000.00	14.55	731	2.504
Corporate Bond	1,150,000.00	1,145,097.00	1,152,089.76	8.58	604	2.290
Local Agency Investment Funds	6,297,664.24	6,297,664.24	6,297,664.24	47.01	1	2.440
Orange County Investment Pool	4,000,111.68	4,000,111.68	4,000,111.68	29.86	1	2.209
Total Investments	13,397,775.92	13,400,580.92	13,399,865.68	100.00	159	2.368
Cash						
Cash	107,749.96	107,749.96	107,749.96		1	0.00
Total Cash and Investments	13,505,525.88	13,508,330.88	13,507,615.64		159	2.368

Total Earnings	Month Ending May	Fiscal Year to Date
Current Year	45,979.13	500,352.29
Average Daily Balance	23,298,282.24	
Effective Rate of Return	2.368%	

We certify that this report reflects the cash and investments of the Municipal Water District of Orange County and is in conformity with the Government Code requirements and the District Investment Policy and Guidelines in effect at the time of investment. The Investment Program herein shown provides sufficient cash flow liquidity to meet the next six month's estimated expenditure. The source for the market values are from Union Bank. Per Resolution 2059 there are no compliance exceptions to report.

Robert J. Hunter

Robert J. Hunter, General Manager

Date

7-2-19

Hilary Chumbitazi

Hilary Chumbitazi, Treasurer

Date

7/2/2019

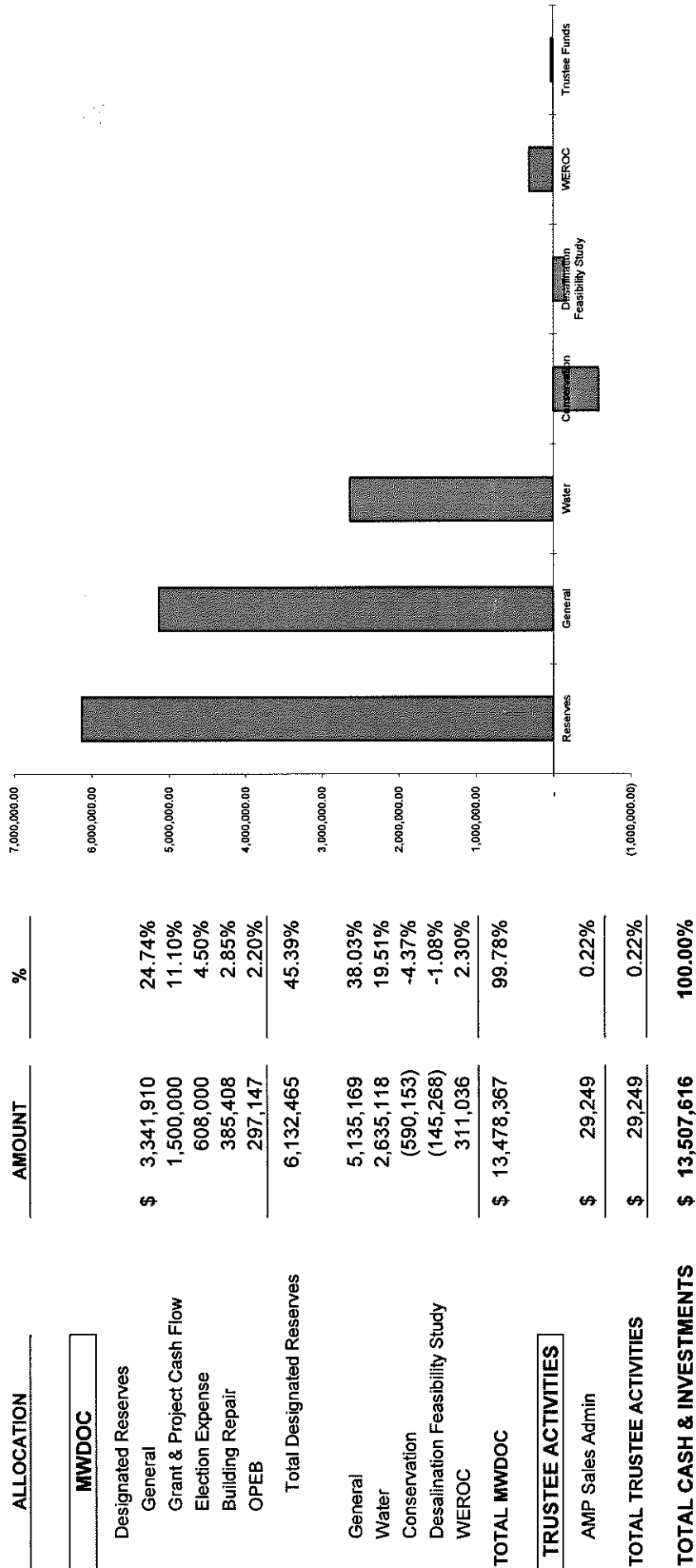
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
Portfolio Management
Long-Term Portfolio Details - Investments
May 31, 2019

Issuer	CUSIP/Ticker	Settlement Date	Par Value	Market Value	Book Value	Coupon Rate	YTM @ Cost	Days To Call/Maturity	Maturity Date
Negotiable Certificate Of Deposit									
Barclays Bank	06740KKY2	9/27/2017	250,000.00	247,337.50	250,000.00	2.250	2.250	1,215	9/27/2022
Capital One Bank	14042E6C9	9/2/2015	250,000.00	249,792.50	250,000.00	1.950	1.950	95	9/3/2019
Comenity Capital	20033AUX2	7/25/2017	200,000.00	197,908.00	200,000.00	2.000	2.000	777	7/16/2021
Discover Bank	254673RV0	7/25/2018	250,000.00	255,952.50	250,000.00	3.300	3.300	1,516	7/25/2023
Goldman Sachs Bank	38148PT98	8/8/2018	250,000.00	256,447.50	250,000.00	3.350	3.350	1,530	8/8/2023
HSBC Bank	40434AK65	1/21/2016	250,000.00	250,322.50	250,000.00	3.250	2.594	51	1/21/2021
Morgan Stanley Bank	61747MJ36	2/1/2018	250,000.00	250,060.00	250,000.00	2.500	2.500	612	2/1/2021
Synchrony Bank	87184XBY1	7/25/2014	250,000.00	249,887.50	250,000.00	2.050	2.050	60	7/30/2019
Sub Total			1,950,000.00	1,957,708.00	1,950,000.00	2.596	2.504	731	
Corporate Bond									
JP Morgan Chase	46625HKA7	11/2/2015	500,000.00	499,000.00	500,301.82	2.250	2.152	206	1/23/2020
National Rural Util Coop	63743FE51	7/27/2017	200,000.00	196,074.00	200,000.00	2.500	2.500	1,141	7/15/2022
Wells Fargo	94974BGR5	1/13/2016	250,000.00	250,095.00	250,500.87	2.550	2.409	556	12/7/2020
Westpac Banking Corp	961214DQ3	7/25/2017	200,000.00	199,928.00	201,287.07	2.500	2.278	1,124	6/28/2022
Sub Total			1,150,000.00	1,145,097.00	1,152,089.76	2.402	2.290	604	
Total Investments			3,100,000.00	3,102,805.00	3,102,089.76	2.524	2.425	684	
Total Earnings									
Current Year			Month Ending May	Fiscal Year To Date					
			6,600.14	68,595.14					

MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
Portfolio Management
Short-Term Portfolio Details - Cash and Investments
May 31, 2019

Investments	CUSIP/Ticker	Settlement Date	Par Value	Market Value	Book Value	Coupon Rate	YTM @ Cost	Days To Call/Maturity	Maturity Date
Local Agency Investment Funds									
LAIF LGIP	LAIF	6/30/2010	6,297,664.24	6,297,664.24	6,297,664.24	2.440	2.440	1	N/A
Sub Total			6,297,664.24	6,297,664.24	6,297,664.24	2.440	2.440	1	
Orange County Investment Pool									
County of Orange LGIP	OCIP	6/29/2005	4,000,111.68	4,000,111.68	4,000,111.68	2.209	2.209	1	N/A
Sub Total			4,000,111.68	4,000,111.68	4,000,111.68	2.209	2.209	1	
Total Investments			10,297,775.92	10,297,775.92	10,297,775.92	2.350	2.350		
Cash									
Petty Cash	CASH	7/1/2010	500.00	500.00	500.00	0.000	0.000	1	N/A
US Bank Cash	CASHUSBANK	7/25/2018	107,249.96	107,249.96	107,249.96	0.000	0.000	1	N/A
Total Cash			107,749.96	107,749.96	107,749.96	0.000	0.000	1	
Total Cash and Investments			10,405,525.88	10,405,525.88	10,405,525.88	2.350	2.350	1	
Total Earnings									
Current Year			Month Ending May	Fiscal Year To Date					
			39,378.99	431,757.15					

**Municipal Water District of Orange County
Cash and Investments at May 31, 2019**



MUNICIPAL WATER DIST OF ORANGE COUNTY
PARS Post-Employment Benefits Trust**Account Report for the Period**
5/1/2019 to 5/31/2019Rob Hunter
General Manager
Municipal Water Dist of Orange County
18700 Ward Street
Fountain Valley, CA 92708**Account Summary**

Source	Beginning Balance as of 5/1/2019	Contributions	Earnings	Expenses	Distributions	Transfers	Ending Balance as of 5/31/2019
OPEB	\$2,187,307.30	\$0.00	-\$55,347.91	\$455.69	\$0.00	\$0.00	\$2,131,503.70
PENSION	\$214,964.34	\$0.00	-\$5,439.49	\$44.78	\$0.00	\$0.00	\$209,480.07
Totals	\$2,402,271.64	\$0.00	-\$60,787.40	\$500.47	\$0.00	\$0.00	\$2,340,983.77

Investment Selection**Source**OPEB **Moderate HighMark PLUS**
PENSION **Moderate HighMark PLUS****Investment Objective****Source**

OPEB The dual goals of the Moderate Strategy are growth of principal and income. It is expected that dividend and interest income will comprise a significant portion of total return, although growth through capital appreciation is equally important. The portfolio will be allocated between equity and fixed income investments.

PENSION The dual goals of the Moderate Strategy are growth of principal and income. It is expected that dividend and interest income will comprise a significant portion of total return, although growth through capital appreciation is equally important. The portfolio will be allocated between equity and fixed income investments.

Investment Return

Source	1-Month	3-Months	1-Year	Annualized Return			Plan's Inception Date
				3-Years	5-Years	10-Years	
OPEB	-2.53%	0.51%	3.02%	6.79%	4.90%	-	10/26/2011
PENSION	-2.53%	0.51%	-	-	-	-	7/31/2018

Information as provided by US Bank, Trustee for PARS; Not FDIC Insured; No Bank Guarantee; May Lose Value

Past performance does not guarantee future results. Performance returns may not reflect the deduction of applicable fees, which could reduce returns. Information is deemed reliable but may be subject to change.

Investment Return: Annualized rate of return is the return on an investment over a period other than one year multiplied or divided to give a comparable one-year return.

Account balances are inclusive of Trust Administration, Trustee and Investment Management fees

Item No. 3e

Municipal Water District of Orange County WATER USE EFFICIENCY PROJECTS Cash Flow as of 06/30/19

Cash - Beginning Balance	Jul 2018	Aug 2018	Sep 2018	Oct 2018	Nov 2018	Dec 2018	Jan 2019	Feb 2019	Mar 2019	Apr 2019	May 2019	Jun 2019	TOTALS
REVENUES:	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	
BUREC	4,605.00	111.00		102,395.93			162,953.35		6,090.00				\$ 276,155.28
City of Brea													-
City of Buena Park	222.00	222.00									211.00		433.00
City of Fountain Valley			1,376.29	663.05	111.00		222.00		333.00		111.00	222.00	3,260.34
City of Fullerton													-
City of Garden Grove	598.99			40.00									-
City of Huntington Beach	222.00												638.99
City of La Habra	3,244.99	9,442.99		1,683.99	3,312.00	1,245.00	3,694.36	222.00	2,149.28	854.55	603.00	580.00	444.00
City of San Clemente													26,810.16
City of San Juan Capistrano													-
City of Santa Ana													-
City of Tustin													-
City of Newport Beach		3,343.80		1,980.57		2,314.05	91.45	94.75	162.00		222.00	485.05	8,693.67
City of Orange	444.00		913.75	1,134.10	173.85	428.00	111.00			444.00		222.00	3,870.70
City of Westminster	333.00	539.00	555.00		666.00			111.00		111.00	222.00		2,537.00
County of Orange	32,990.80												-
Department of Water Resources												1,398.60	34,389.40
East Orange County Water District													34,722.01
El Toro Water District	774.00			2,544.00	4,063.10	290.00	104.00	1,928.80	883.99	1,164.99	130.00	134.99	12,017.87
Irvine Ranch Water District	8,271.11	47,878.73		11,080.04	98,495.70	108,960.16	11,960.75	31,806.10	14,474.81	34,189.42	3,475.77	21,566.57	392,179.16
Laguna Beach County Water District		15.00		140.00		30.00		45.00	30.00				120.00
Mesa Water District	66.82	197.98	170.00			356.00			284.01	140.00			1,354.81
Metropolitan Water District	191,093.43			27,066.04	21,400.00	32,011.70	14,020.41	204,584.98	51,455.67	94,158.08	15,553.87	13,425.97	546,476.81
Moulton Niguel Water District	38,341.68	7,726.23	10,281.98	10,872.48			53,277.39			27,631.02	7,531.69		273,955.81
Orange County Water District													-
Santa Margarita Water District													-
Trabuco Canyon Water District	605.76			18.98	100.00				211.85	333.00	145.78	114.04	984.56
Yorba Linda Water District	284.07											111.00	939.92
Miscellaneous Revenues													-
Miscellaneous	2,228.14			1,587.30									-
Interest Revenue	91,568.53	262,233.99	13,297.02	134,140.44	128,321.65	172,720.95	246,434.71	238,792.63	76,074.61	193,749.07	12,652.24	53,814.09	\$ 1,623,798.93
Total Revenues													
EXPENDITURES:													
Budget Based Tiered Rates, Ratfells	2,220.00	1,050.00	1,800.00	11,960.00	730.00	5,150.00	2,080.00					8,250.00	24,990.00
Droplet													8,250.00
IRWD													-
Golden State Water Company													-
City of Huntington Beach													-
Laguna Beach CWD													-
Metropolitan Water District	28,091.13		25,193.39	87,250.95	24,411.51				24,769.89		21,283.68		211,000.55
Mission RCD	20,060.11		18,627.78	13,404.64	2,770.71	2,324.45	2,324.45	2,121.45	5,774.85		1,529.67	5,570.97	72,184.63
Multi Family HET Direct			4,800.00		75,975.00	100,275.00	81,300.00	127,420.00					388,770.00
Pollard Water		44,516.38			3,045.00			3,045.00					50,606.38
Recycled Water On Site Retrofit program			11,099.50	1,384.50									12,484.00
South Coast Water District					18,800.00								18,800.00
Spray to Drip program	690.45	4,310.08	5,308.76	1,129.60	1,320.58	413.25	567.80	1,060.00	1,609.06	2,033.84	9,849.13	926.95	29,219.50
SMWD	34,905.00												34,905.00
Turf Removal	32,139.00	58,464.60	177,399.11	117,228.82	337,478.95	30,263.28	154,566.83	58,814.62	100,324.71	216,762.32	287,406.45	42,128.33	1,612,977.02
Water Savings Incentive Program							15,000.00						15,000.00
Miscellaneous Expenses													-
Interest Expense							67.77	1,197.58			1,275.00		1,265.35
Salary & Benefit			5,563.51	1,700.00	1,785.00	1,275.00	2,040.00	1,020.00	425.00	510.00			15,593.51
Total Expenditures	98,045.58	128,401.17	249,792.05	234,058.51	466,316.75	137,376.53	257,946.85	194,678.65	132,903.51	219,506.16	321,343.93	56,876.25	\$ 2,497,045.94
Cash - Ending Balance	\$ 273,554.92	\$ 407,387.74	\$ 170,892.71	\$ 70,974.64	\$ (267,020.46)	\$ (231,676.04)	\$ (243,188.18)	\$ (199,074.20)	\$ (255,903.10)	\$ (281,461.19)	\$ (590,152.88)	\$ (593,215.04)	

MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
COMBINED FINANCIAL STATEMENTS
AND
BUDGET COMPARATIVE
JULY 1, 2018 THRU MAY 31, 2019

**Municipal Water District of Orange County
Combined Balance Sheet
As of May 31, 2019**

<u>ASSETS</u>	Amount
Cash in Bank	107,749.96
Investments	13,399,865.68
Accounts Receivable	19,950,166.79
Accounts Receivable - Other	152,967.14
Accrued Interest Receivable	97,155.71
Prepays/Deposits	227,523.77
Leasehold Improvements	3,735,829.68
Furniture, Fixtures & Equipment	563,307.34
Less: Accum Depreciation	(2,978,329.24)
TOTAL ASSETS	<u>\$35,256,236.83</u>
<u>LIABILITIES AND FUND BALANCES</u>	
Liabilities	
Accounts Payable	21,441,272.08
Accounts Payable - Other	62.39
Accrued Salaries and Benefits Payable	357,583.41
Other Liabilities	381,176.94
Unearned Revenue	954,311.68
Total Liabilities	<u>23,134,406.50</u>
Fund Balances	
Restricted Fund Balances	
Water Fund - T2C	<u>1,003,955.82</u>
Total Restricted Fund Balances	<u>1,003,955.82</u>
Designated Reserves	
General Operations	3,341,910.36
Grant & Project Cash Flow	1,500,000.00
Election Expense	608,000.00
Building Repair	385,407.45
OPEB	<u>297,147.00</u>
Total Designated Reserves	<u>6,132,464.81</u>
General Fund	3,072,149.80
General Fund Capital	525,009.00
WEROC Capital	104,948.58
WEROC	<u>183,846.12</u>
Total Unrestricted Fund Balances	<u>10,018,418.31</u>
Excess Revenue over Expenditures	
Operating Fund	2,087,921.48
Other Funds	<u>(988,465.28)</u>
Total Fund Balance	<u>12,121,830.33</u>
TOTAL LIABILITIES AND FUND BALANCES	<u>35,256,236.83</u>

Municipal Water District of Orange County
Revenues and Expenditures Budget Comparative Report
General Fund
From July 2018 thru May 2019

	Month to Date	Year to Date	Annual Budget	% Used	Encumbrance	Budget Remaining
<u>REVENUES</u>						
Retail Connection Charge	0.00	7,697,005.75	7,697,006.00	100.00%	0.00	0.25
Ground Water Customer Charge	0.00	499,012.00	499,012.00	100.00%	0.00	0.00
Water rate revenues	0.00	8,196,017.75	8,196,018.00	100.00%	0.00	0.25
Interest Revenue	44,545.56	480,396.56	390,000.00	123.18%	0.00	(90,396.56)
Subtotal	44,545.56	8,676,414.31	8,586,018.00	101.05%	0.00	(90,396.31)
Choice Programs	0.00	1,085,862.13	1,174,750.00	92.43%	0.00	88,887.87
Miscellaneous Income	0.00	23,512.44	3,000.00	783.75%	0.00	(20,512.44)
School Contracts	17,085.27	88,352.67	102,031.00	86.59%	0.00	13,678.33
Gain on Sale of Investments	0.00	3.61	0.00	0.00%	0.00	(3.61)
Transfer-In From Reserve	0.00	0.00	5,276.00	0.00%	0.00	5,276.00
Subtotal	17,085.27	1,197,730.85	1,285,057.00	93.20%	0.00	87,326.15
TOTAL REVENUES	61,630.83	9,874,145.16	9,871,075.00	100.03%	0.00	(3,070.16)

Municipal Water District of Orange County
Revenues and Expenditures Budget Comparative Report
General Fund
From July 2018 thru May 2019

	Month to Date	Year to Date	Annual Budget	% Used	Encumbrance	Budget Remaining
<u>EXPENSES</u>						
Salaries & Wages	240,090.52	3,133,776.23	3,522,982.00	88.95%	0.00	389,205.77
Salaries & Wages - Grant Recovery	0.00	(3,837.94)	(6,300.00)	60.92%	0.00	(2,462.06)
Salaries & Wages - Recovery	(1,071.00)	(9,139.20)	0.00	0.00%	0.00	9,139.20
Director's Compensation	15,903.84	240,807.30	255,360.00	94.30%	0.00	14,552.70
MWD Representation	8,107.84	150,840.39	145,920.00	103.37%	0.00	(4,920.39)
Employee Benefits	85,110.18	968,192.71	1,108,564.00	87.34%	0.00	140,371.29
CalPers Unfunded Liability Contribution	0.00	207,000.00	207,000.00	100.00%	0.00	0.00
Employee Benefits - Grant Recovery	0.00	(875.57)	0.00	0.00%	0.00	875.57
Employee Benefits - Recovery	(204.00)	(1,740.80)	0.00	0.00%	0.00	1,740.80
Director's Benefits	10,054.78	85,735.47	94,767.00	90.47%	0.00	9,031.53
Health Insurance for Retirees	4,048.74	56,405.25	70,519.00	79.99%	0.00	14,113.75
Training Expense	339.98	8,004.21	25,000.00	32.02%	18,000.00	(1,004.21)
Tuition Reimbursement	0.00	2,856.28	5,000.00	57.13%	0.00	2,143.72
Temporary Help Expense	0.00	0.00	5,000.00	0.00%	0.00	5,000.00
Personnel Expenses	362,380.88	4,838,024.33	5,433,812.00	89.04%	18,000.00	577,787.67
Engineering Expense	42,296.39	306,799.09	330,000.00	92.97%	257,274.07	(234,073.16)
Legal Expense	28,171.68	201,482.04	255,000.00	79.01%	53,517.96	0.00
Audit Expense	0.00	19,380.00	29,000.00	66.83%	0.00	9,620.00
Professional Services	85,822.53	916,299.44	1,430,758.00	64.04%	327,482.25	186,976.31
Professional Fees	156,290.60	1,443,960.57	2,044,758.00	70.62%	638,274.28	(37,476.85)
Conference-Staff	(725.00)	21,981.06	42,880.00	51.26%	0.00	20,898.94
Conference-Directors	770.00	14,196.31	24,930.00	56.94%	0.00	10,733.69
Travel & Accom.-Staff	4,925.76	51,931.02	99,600.00	52.14%	0.00	47,668.98
Travel & Accom.-Directors	3,000.36	27,154.25	51,750.00	52.47%	0.00	24,595.75
Travel & Conference	7,971.12	115,262.64	219,160.00	52.59%	0.00	103,897.36
Membership/Sponsorship	0.00	139,755.53	141,662.00	98.65%	0.00	1,906.47
CDR Support	0.00	47,044.26	47,044.00	100.00%	0.00	(0.26)
Dues & Memberships	0.00	186,799.79	188,706.00	98.99%	0.00	1,906.21
Business Expense	355.06	2,596.60	5,600.00	46.37%	0.00	3,003.40
Maintenance Office	7,834.81	88,595.58	132,796.00	66.72%	42,830.58	1,369.84
Building Repair & Maintenance	686.85	11,098.42	20,000.00	55.49%	11,630.54	(2,728.96)
Storage Rental & Equipment Lease	209.70	3,304.60	3,460.00	95.51%	155.40	0.00
Office Supplies	1,272.35	25,023.86	36,000.00	69.51%	1,893.27	9,082.87
Postage/Mail Delivery	861.21	9,150.65	9,000.00	101.67%	1,424.99	(1,575.64)
Subscriptions & Books	0.00	596.65	1,500.00	39.78%	0.00	903.35
Reproduction Expense	6,049.81	17,146.01	33,073.00	51.84%	0.00	15,926.99
Maintenance-Computers	520.91	4,159.27	8,000.00	51.99%	1,250.94	2,589.79
Software Purchase	2,260.98	36,109.16	45,861.00	78.74%	0.00	9,751.84
Software Support	3,643.26	39,544.96	51,934.00	76.14%	600.00	11,789.04
Computers and Equipment	0.00	9,391.24	11,850.00	79.25%	0.00	2,458.76
Automotive Expense	1,371.34	18,426.06	17,262.00	106.74%	0.00	(1,164.06)
Toll Road Charges	10.18	821.27	1,000.00	82.13%	0.00	178.73
Insurance Expense	8,628.85	98,897.79	138,500.00	71.41%	0.00	39,602.21
Utilities - Telephone	1,936.66	20,843.63	20,178.00	103.30%	331.23	(996.86)
Bank Fees	146.78	4,497.52	21,225.00	21.19%	0.00	16,727.48
Miscellaneous Expense	179,527.29	250,699.11	119,205.00	210.31%	1,500.00	(132,994.11)
MWDOC's Contrb. to WEROC	15,948.33	200,919.67	216,868.00	92.65%	0.00	15,948.33
Depreciation Expense	2,822.34	31,045.69	0.00	0.00%	0.00	(31,045.69)
Other Expenses	234,086.71	872,867.74	893,312.00	97.71%	61,616.95	(41,172.69)
Election Expense	0.00	196,135.57	304,000.00	64.52%	0.00	107,864.43
Building Expense	5,673.03	101,340.89	531,827.00	19.06%	157,311.68	273,174.43
Capital Acquisition	9,300.00	31,832.15	255,500.00	12.46%	220.00	223,447.85
TOTAL EXPENSES	775,702.34	7,786,223.68	9,871,075.00	78.88%	875,422.91	1,209,428.41
NET INCOME (LOSS)	(714,071.51)	2,087,921.48	0.00			

Municipal Water District of Orange County
Revenues and Expenditures Budget Comparative Report
Water Fund
From July 2018 thru May 2019

	Month to Date	Year to Date	Annual Budget	% Used	Budget Remaining
<u>WATER REVENUES</u>					
Water Sales	9,190,698.40	137,590,179.30	188,976,940.00	72.81%	51,386,760.70
Readiness to Serve Charge	839,273.57	9,615,930.73	10,902,178.00	88.20%	1,286,247.27
Capacity Charge CCF	299,996.67	3,427,468.35	3,854,976.00	88.91%	427,507.65
SCP/SAC Pipeline Surcharge	17,999.18	295,712.08	365,000.00	81.02%	69,287.92
Interest	<u>1,948.84</u>	<u>20,053.29</u>	<u>13,000.00</u>	<u>154.26%</u>	<u>(7,053.29)</u>
TOTAL WATER REVENUES	<u>10,349,916.66</u>	<u>150,949,343.75</u>	<u>204,112,094.00</u>	<u>73.95%</u>	<u>53,162,750.25</u>
<u>WATER PURCHASES</u>					
Water Sales	9,190,698.40	137,590,179.30	188,976,940.00	72.81%	51,386,760.70
Readiness to Serve Charge	839,273.57	9,615,930.73	10,902,178.00	88.20%	1,286,247.27
Capacity Charge CCF	299,996.67	3,427,468.35	3,854,976.00	88.91%	427,507.65
SCP/SAC Pipeline Surcharge	<u>17,999.18</u>	<u>295,712.08</u>	<u>365,000.00</u>	<u>81.02%</u>	<u>69,287.92</u>
TOTAL WATER PURCHASES	<u>10,347,967.82</u>	<u>150,929,290.46</u>	<u>204,099,094.00</u>	<u>73.95%</u>	<u>53,169,803.54</u>
EXCESS OF REVENUE OVER EXPENDITURES	<u><u>1,948.84</u></u>	<u><u>20,053.29</u></u>	<u><u>13,000.00</u></u>		

Municipal Water District of Orange County
WUE Revenues and Expenditures (Actuals vs Budget)
From July 2018 thru May 2019

	Year to Date Actual	Annual Budget	% Used
Spray To Drip Conversion			
Revenues	21,191.76	128,540.00	16.49%
Expenses	<u>33,072.52</u>	<u>128,540.00</u>	25.73%
Excess of Revenues over Expenditures	(11,880.76)	0.00	
Member Agency Administered Passthru			
Revenues	408,570.00	100,000.00	408.57%
Expenses	<u>408,570.00</u>	<u>100,000.00</u>	408.57%
Excess of Revenues over Expenditures	0.00	0.00	
ULFT Rebate Program			
Revenues	15,877.68	43,500.00	36.50%
Expenses	<u>15,877.68</u>	<u>43,500.00</u>	36.50%
Excess of Revenues over Expenditures	0.00	0.00	
HECW Rebate Program			
Revenues	213,263.44	425,000.00	50.18%
Expenses	<u>213,480.86</u>	<u>425,000.00</u>	50.23%
Excess of Revenues over Expenditures	(217.42)	0.00	
CII Rebate Program			
Revenues	110,847.21	462,500.00	23.97%
Expenses	<u>110,730.00</u>	<u>462,500.00</u>	23.94%
Excess of Revenues over Expenditures	117.21	0.00	
Turf Removal Program			
Revenues	579,250.52	1,345,000.00	43.07%
Expenses	<u>1,598,974.66</u>	<u>1,345,000.00</u>	118.88%
Excess of Revenues over Expenditures	(1,019,724.14)	0.00	
Comprehensive Landscape (CLWUE)			
Revenues	88,477.90	366,840.00	24.12%
Expenses	<u>120,755.87</u>	<u>366,840.00</u>	32.92%
Excess of Revenues over Expenditures	(32,277.97)	0.00	
Large Landscape Survey Program			
Revenues	2,114.56	64,000.00	3.30%
Expenses	<u>13,574.03</u>	<u>64,000.00</u>	21.21%
Excess of Revenues over Expenditures	(11,459.47)	0.00	
WSIP - Industrial Program			
Revenues	0.00	36,755.00	0.00%
Expenses	<u>15,000.00</u>	<u>36,755.00</u>	40.81%
Excess of Revenues over Expenditures	(15,000.00)	0.00	
WUE Projects			
Revenues	1,439,593.07	2,972,135.00	48.44%
Expenses	<u>2,530,035.62</u>	<u>2,972,135.00</u>	85.13%
Excess of Revenues over Expenditures	(1,090,442.55)	0.00	
WEROC			
Revenues	392,299.67	489,160.00	80.20%
Expenses	<u>327,002.35</u>	<u>489,160.00</u>	66.85%
Excess of Revenues over Expenditures	65,297.32	0.00	



CONSENT CALENDAR ITEM

July 17, 2019

TO: Board of Directors

FROM: **Planning & Operations Committee**
(Directors Yoo Schneider, Dick, Tamaribuchi)

Robert Hunter, General Manager Staff Contact: J. Berg, Director of WUE

SUBJECT: Pressure Regulating Valve Replacement Pilot Program

STAFF RECOMMENDATION

Staff recommends the Board of Directors to authorize the General Manager to enter into professional services agreements with EcoTech Services, Inc. and Large Plumbing to provide pressure regulating valve testing and replacement services at a cost not to exceed \$249,850.

COMMITTEE RECOMMENDATION

Committee concurred with staff recommendation.

SUMMARY

The proposed Pressure Regulating Valve Replacement Pilot Program (PRV Pilot Program) will utilize contracted plumbers to replace non-functioning PRVs at single-family residences that are within high-pressure areas. By reducing pressure, plumbing fixtures in the home will flow at lower rates, thereby reducing water use, and piping will be protected, lowering the likelihood of leaks. This PRV Pilot Program will function as a water-saving and leak-prevention effort and, in addition, MWD OC will perform a technical evaluation of the Program. This analysis will provide valuable insight to the water savings potential of the Program, filling a void in applicable research, and will be shared with other agencies interested in implementing similar programs. If significant water savings are found, staff will

Budgeted (Y/N): Y	Budgeted amount: \$249,850.00	Core <u> </u>	Choice <u>X</u>
Action item amount: \$249,850.00		Line item:	
Fiscal Impact (explain if unbudgeted): The proposed PRV Pilot Program will be funded through a combination of Metropolitan Member Agency Administered (MAA) Program funds and Proposition 1 IRWM Grant funds, totaling \$249,850.00. The MAA funds were approved on Wednesday, March 20, 2019 for \$132,500. Proposition 1 Grant agreements will be executed in the first quarter of 2020 and total \$117,350 for both the North and South County efforts.			

evaluate the most effective long-term program implementation framework for broader implementation.

DETAILED REPORT

It is estimated that PRVs have a useful life of ten to twelve years. When PRVs fail, they usually fail in the open position, thereby increasing indoor water pressure to street pressure. As a result, all plumbing fixtures, appliances, and leaks are likely flowing at higher rates causing an increase in water use. Replacing a defective PRV will reduce home pressure for indoor water use, thus preserving and protecting water using devices, appliances, and piping. The California Plumbing Code requires homes and businesses to have a pressure regulating valve (PRV) when the water supply pressure or street pressure is 80 psi or greater.

According to the Uniform Plumbing Code Illustrated Training Manual:

[a] limit of 80 psi (551.6 kPa) is the maximum static pressure of any water supply system. The reason for this is to reduce water hammer, unnecessary use of water, splashing, excessive discharge of pressure relief valves, and to protect appliance and fixture valves and mechanisms from pressure that exceeds their design limits. Any installation with pressures above 80 psi will require a pressure regulating valve to limit the pressure to 80 psi or below.

Staff is proposing implementation of a PRV Pilot Program, in partnership with member agencies such as the City of Brea, Mesa Water, and Santa Margarita Water District, to evaluate the viability of a PRV replacement program to save water. The PRV Pilot Program will rely on licensed plumber(s) to canvas targeted neighborhoods known to have high pressure. With the homeowner's permission, the licensed plumber will test the PRV. If the test results in a failed PRV, the licensed plumber will offer to replace it with a new one at no cost to the homeowner's owner. Pre and post retrofit water use will be collected and analyzed by MWDOC staff to quantify water savings.

Request for Proposals Process

Staff composed and distributed a Request for Proposals (RFP) outlining the desired services and schedule for the PRV Pilot Program. On March 7, 2019, the RFP was distributed to more than 150 licensed plumbing contractors capable of providing the needed services. On March 20, 2019, staff held an RFQ informational meeting to review the RFP with potential respondents and give them an opportunity to ask questions regarding the desired work to be performed. Four plumbing contractors attended this meeting. The RFP required proposals to be submitted to MWDOC on March 28, 2019. Six plumbing contractors submitted proposals for the PRV Pilot Program: Coast View Plumbing, Inc., EcoTech Services, Inc., Justin Time Plumbing, Large Plumbing, Severson Plumbing Services, Inc., and T.E. Roberts, Inc.

All of the plumbing contractor's proposals described their capabilities to perform the required services of the PRV Pilot Program. All were deemed qualified to perform the services based on verification of their credentials, proposed cost, and references. Table 1 below lists the plumbing contractor and their fees to replace a defective PRV.

Table 1 Pressure Regulating Valve Fee Structure	
Plumbing Contractor	PRV Replacement Cost
Large Plumbing	\$550.00
EcoTech Services, Inc.	\$560.00
Severson Plumbing Services, Inc.	\$590.00
Justin Time Plumbing	\$625.00
Coast View Plumbing, Inc.	\$678.00
T.E. Roberts, Inc.	\$927.00

MWDOC proposes to hire two licensed Contractors, Large Plumbing and EcoTech Services, Inc. to perform the needed services of the PRV Replacement Program. Approximately 560 sites in high-pressure-zone-designated neighborhoods in Orange County will be offered PRV testing. These areas will be identified by the participating water agencies, and it will be the responsibility of the licensed Contractor(s) to determine if the existing PRV has failed and, if applicable, replace it with a new PRV.

Table 2 outlines the unit costs for sites receiving a PRV Replacement and sites receiving a PRV Test. PRV Replacement sites include PRV testing, and parts and labor for replacing a malfunctioning PRV. PRV Test sites receive only a PRV Test when a Test result verifies a properly functioning PRV.

Table 2 Unit Costs for Sites Receiving a PRV Replacement and Sites Receiving a PRV Test			
Type of Site Visit	Cost Per Site	Estimated # of Sites	Total Cost
Site visit resulting in PRV Replacement	\$560	390 (70%)	\$218,400
Site visit resulting in PRV Test	\$185	170 (30%)	\$31,450
Total		560	\$249,850

Research Evaluation

The PRV Pilot Program will serve as a data collection and analysis effort that will include a Program evaluation to supplement the limited data available regarding water savings associated with PRV replacement. The evaluation will quantify water saved through the PRV Pilot Program and analyze the spatial distribution and density of homes in need of PRV replacement, ultimately contributing to determining the feasibility of a future PRV Replacement Program. It is roughly estimated that 30% of visited sites may not need a PRV

replaced; however, this PRV Pilot Program will provide an opportunity to gather data to firm up this number, determine the amount of water saved when a PRV is replaced, and provide awareness of the issue to the homeowner.

Funding

The PRV Pilot Program will be implemented using a combination of funding from Metropolitan (through their Member Agency Administered (MAA) program) and Grant funds from both North and South Orange County Proposition 1 IRWM funding.

Table 3 provides a summary of the funding partnership for the PRV Pilot Program. Metropolitan has approved \$132,500 through the Metropolitan-Funded, Member Agency-Administered funding allocated to MWDOC. This was done through a proposal to Metropolitan and was approved on March 20, 2019. Proposition 1 Grant Funds requested total \$117,350 from the North (SAWPA) and South (County of Orange) funding areas. Proposition 1 Projects that include PRV replacement are currently in the funding approval stage within both of the IRWM processes. Together, the MAA and Proposition 1 funding totals \$249,850.

Table 3 PRV Replacement Program Funding Plan	
Funding Source	Cost Per Site
Metropolitan thru its MAA program	\$132,500
Proposition 1 IRWM Grant Funds	\$117,350
Total	\$249,850

BOARD OPTIONS

Option #1: Staff recommends the Board of Directors authorize the General Manager to enter into professional services agreements with EcoTech Services, Inc. and Large Plumbing to provide pressure regulating valve testing and replacement services at a cost not to exceed \$249,850.

Fiscal Impact: The proposed PRV Pilot Program will be funded through a combination of Metropolitan Member Agency Administered (MAA) Program funds and Proposition 1 IRWM Grant funds, totaling \$249,850.00. The MAA funds were approved on Wednesday March 20, 2019 for \$132,500. Proposition 1 Grant agreements will be executed in the first quarter of 2020 and total \$117,350 for both the North and South County efforts.

Business Analysis: Allows staff to evaluate a potential new water savings opportunity.

Option #2: No Action

Fiscal Impact: None

Business Analysis: N/A

STAFF RECOMMENDATION

Option # 1



CONSENT CALENDAR ITEM

July 17, 2019

TO: Board of Directors

FROM: **Administration & Finance Committee**
(Directors Thomas, Finnegan, McVicker)

Robert J. Hunter, General Manager

SUBJECT: **Award Contract for Computer Room Air Conditioner Replacement Project**

STAFF RECOMMENDATION

It is recommended that the Board of Directors approve entering into the subject agreement for replacement of the MWDOC administration building computer room air conditioner:

- Make a CEQA finding that the project is categorically exempt under: Class 1-Existing Facilities.
- Award ACCO Engineered Systems "MWDOC Computer Room Air Conditioner Replacement Project" contract in the amount of \$75,818.00 (including Alternate #2) plus 10% contingency.

COMMITTEE RECOMMENDATION

Committee concurred with staff recommendation.

SUMMARY

Staff is seeking Board authorization to proceed with replacement of the administration building computer room air conditioner which has reached the end of its useful life.

DETAILED REPORT

Staff informed the Board at the January 21, 2019 PAL Committee that recent issues with the computer room air conditioner led to an investigation that determined the air conditioning system was quickly reaching the end of its service life and needed to be replaced. Rosenberg & Associates Consulting Engineers was awarded a sole source contract to provide technical services, and to prepare plans, specifications, and bid

Budgeted (Y/N): Y	Budgeted amount: \$75,818 (FY 2019-20)	Core X	Choice __
Action item amount:		Line item: 19-8811	
Fiscal Impact (explain if unbudgeted):			

documents for the replacement of the air conditioning system on a time & materials basis not to exceed \$15,000.

Project Bidding

The job was advertised for bidding, a non-mandatory pre-bid meeting was held, and formal bids were received from 2 bidders on June 26, 2019. One of the bids was determined to be non-responsive as the bid was not submitted on the required District bid forms, nor was a Bid Bond included with the submittal. The apparent low bidder is ACCO Engineered Systems, Inc. ACCO has previously provided mechanical services to MWDOC with good results. Staff is in the process of completing paperwork associated with the bid package and should be fully completed by the time of the Board Meeting.

This work will be completed in coordination with the electrical system rehabilitation work with anticipated project completion in mid-October 2019.

Bid Summary

- | | | |
|----------------------------------|------------|------------|
| 1. ACCO Engineered Systems, Inc. | Pasadena | \$75,818 |
| 2. Prime Aire, Inc. | Chatsworth | **\$87,100 |

** Deemed non-responsive, as the bid was not submitted on required District Bid Forms, and did not include a Bid Bond.

Engineer's Estimate	\$85,000
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Low Bid Schedule

No.	Item Description	Unit Of Measure	Item Cost
1.	Mobilization / Demobilization	LS	\$7,343
2.	Remove existing Computer Server Room rooftop single package heating/cooling unit. Existing roof pad shall be re-used for new unit.	LS	\$3,014
3.	Install a new 3-ton in-ceiling/rooftop split system precision cooling unit.	LS	\$39,182
4.	Replace and modify ductwork as required for connection to existing terminals.	LS	\$603
5.	Provide electrical connection from Breaker Panel to new split system at roof and above hallway ceiling. Coordinate with Owner's electrical contractor as required to provide a fully functional system	LS	\$6,214
6.	Structural supports, including vibration isolation and seismic restraints.	LS	\$2,162
7.	Retrofit vibration isolation supports for two existing in-ceiling air conditioning units to remain, suitable for office occupancy Noise Criterion levels	LS	NA
8.	Provide new Variable Air Volume-terminal and duct connection from building HVAC system supply and return ducts to Server Room distribution system. Provide automatic	LS	Add Alternate *

	dampers and controls to open and operate the Variable Air Volume terminal unit when room temperature exceeds 72 degrees F (adjustable via Energy Management System).		
9.	Provide all Automated Logic Controller (ALC) controls, connect to existing ALC front-end, as indicated in the specifications.	LS	\$10,320

*** ACCO Proposes to provide additional alternates:**

- | | | |
|----|--|---------|
| 1. | Temporary Cooling for Computer Room up to 1 month | \$2,800 |
| 2. | Provide & Install dedicated VAV Zone box w/ALC controls for Comp. Rm | \$6,980 |
| 3. | Perform work after hours (Excluding Sundays/Holidays) | \$8,880 |

Financial Summary

- | | | |
|--------------------|---|--------------------|
| 1. | Design, Plans, Specifications and Construction Support Services | \$15,000.00 |
| 2. | Construction Contract | <u>\$75,818.00</u> |
| 3. | City Permit | <u>\$910.83</u> |
| Total Project Cost | | \$91,728.83 |

BOARD OPTIONS

Option #1

- Make a CEQA finding that the project is categorically exempt under: Class 1-Existing Facilities.
- Award ACCO Engineered Systems MWDOC Computer Room Air Conditioner Replacement Project" contract in the amount of \$75,818.00 plus 10% contingency.

Option #2

- Do not authorize the work. Continue to risk a failure of the computer room cooling system and possible interruption to business operations for an indeterminate amount of time until the system can be replaced.

STAFF RECOMMENDATION

Option #1



CONSENT CALENDAR ITEM

July 17, 2019

TO: Board of Directors

FROM: **Administration & Finance Committee**
(Directors Thomas, Finnegan, McVicker)

Robert J. Hunter, General Manager
Staff Contact: Kelly Hubbard, Director of Emergency Management

SUBJECT: **Award of Consulting Contract for Member Agency Compliance with the America's Water Infrastructure Act (AWIA)**

STAFF RECOMMENDATION

It is recommended that the Board of Directors authorize the General Manager to:

1. Enter into a consulting contract with Herndon Solutions Group (HSG) in the estimated amount of, and not to exceed \$4.4 million (costs are contingent upon final Participating Agency commitments and include a 10% contingency for Phases 2 & 3).
 - a. Phase 1 - \$412,000
 - b. Phase 2 - \$2,289,000
 - c. Phase 3 - \$1,685,000
2. Authorize the General Manager to enter into Letter Agreements or Contracts with up to 28 of our participating agencies (including two of the three cities) for cost recovery of the expenditures.
3. Authorize MWDOC's commitment to the AWIA process at an estimated cost of \$131,000 (includes the 10% contingency), with combined funds from engineering, WEROC and finance to be provided.
4. Authorize the General Manager to hire a part-time temporary position within WEROC to coordinate the consultant's efforts with Participating Agencies. Position will be charged back to participating agencies.

Budgeted (Y/N): N	Budgeted amount: \$0	Core _X_	Choice X
Action item amount: \$4.5 Million (est. \$4.4 Million for the contract & est. \$100,00 for temporary staffing); est. \$131,000 for WEROC/MWDOC cost share	Line item: 2000-41-7040 (Finance) 2000-21-7040 (Engineering) 2010-25-7040 (WEROC)		
Fiscal Impact (explain if unbudgeted): The project total of approximately \$4.5 million will be a cost share amongst participating agencies. WEROC and MWDOC's share will come from their respective reserves.			

COMMITTEE RECOMMENDATION

Committee concurred with staff recommendation.

SUMMARY

The American Water Infrastructure Act (AWIA) requires all drinking water utilities to conduct a Risk and Resilience Assessment (RRA) of their community water systems and develop a corresponding Emergency Response Plan (ERP). All drinking water utilities with greater than 3,000 customers, must complete these efforts and self-certify their compliance within the next 2 years depending on the size of the agency.

WEROC received, reviewed and ranked 7 proposals and recommends an award to Herndon Solutions Group (HSG) in an amount up to, with a not to exceed of \$4.4 million, depending on how many of our agencies participate in the process. This project and contract has been set up in a manner to allow agencies to opt in or out of each phase of service at their choice and therefore is an elective service being offered by WEROC and MWDOC. The group effort should result in a high level of efficiency in the contracting and completion of the work.

DETAILED REPORT

On October 23, 2018, Congress signed into law the America's Water Infrastructure Act (AWIA) (S.3021, Law 115-270). Per Section 2013 of Title II, the AWIA requires utilities to conduct Risk and Resilience Assessments (RRA) of their community water systems and develop a corresponding Emergency Response Plan (ERP). Upon completion of the RRA, the utility is to submit self-certification to the U.S. Environmental Protection Agency (USEPA) indicating that the RRA, in compliance with AWIA, is complete. Within six (6) months of submitting the RRA certification letter, the community water system is required to submit a self-certification to USEPA for the corresponding ERP. The legislation requires these documents to be updated every 5 years. The compliance due dates are:

Population Served*	Risk Assessment	Emergency Response Plan (ERP)**
≥100,000	March 31, 2020	September 30, 2020
50,000-99,999	December 31, 2020	June 30, 2021
3,301-49,999	June 30, 2021	December 30, 2021

*Population served is based on CA SWRCB DDW population numbers associated with the Water System's ID.

**ERP certifications are due six months from submittal of the risk assessment certification. Dates shown above are based on a utility submitting a risk assessment on the final due date. Penalties for missing deadlines is up to \$25,000 per day.

WEROC Project Coordination to Date

WEROC has taken on this extremely large task to assist participating agencies by creating a shared services project with a single contract and reimbursement concept in a manner similar to completion of the Urban Water Management Plans, wherein MWDOC completed 25 plans via a single consultant contract. WEROC has taken the following steps to date:

- WEROC reached out to Member Agencies to determine level of interest in a joint RFP process and contract. Initially 29 of the 31 water utilities in OC indicated their interest, and 28 have continued to participate at this time. Agencies not participating are: Anaheim, Golden State Water Company, and Orange County Water District.
- WEROC developed, in coordination with our agencies, a Request for Proposals (RFP) package. This effort took considerable time and effort from staff to organize the effort in a manner where multiple consultants could be selected, multiple agencies could elect to participate, or not, and where pricing breaks could be employed for conducting services for 5 or more agencies by a single consultant.
- WEROC received 7 proposals that were technically competitive, but showed a high range in potential costs (ranging from about \$4 million to about \$10 million combined for 28 agencies).
- In coordination with volunteer representatives from 4 of our agencies, the proposals were reviewed, evaluated and ranked. This write up will provide a summary and recommendation for award of contract for all phases of work to one consultant for all participating agencies. Due to some costs for each phase being shared costs, the final contract prices for each phase are pending final Participating Agency commitment. Contract costs presented today are based on the highest contract costs possible.
- Due to the overall timeline and deadlines for the project, WEROC staff started the process of collecting the documents and data that is needed from the Participating Agencies for all Phases of the project.
- Continue to coordinate with our agencies to begin the process of seeking financial commitments from up to 28 agencies in Orange County. This could result in a contract on the order of about \$4.4 million over the next two and half years.

Project Approach

WEROC staff proposed a 3 Phase process to meet the AWIA requirements. Below is an abbreviated outline of the proposed consultant's approach to the 3 Phases. The full proposed scope of work is attached.

1. **Phase 1 Design and Complete a Crosswalk Review** – This first task is to determine what resources each agency already has and what their GAPS are for compliance with the AWIA RRA and ERP requirements. Phase 1 per agency is estimated at \$15,099. The process is essentially the same for all agencies and is not dependent on the size of an agency. This task relies on each agency to provide all of their existing documentation so it can be reviewed to determine its completeness, currency and applicability to the current standards. This quote is a bit higher than we had originally estimated, however the consultant has recommended completing this “as a best practices” review, as

opposed to simply a checklist. This extra level of effort and cost was supported by all reviewing agencies, because they believe it will be a valuable ongoing tool for emergency planning. The crosswalk will be a living document that is maintained and updated by WEROC and its participating agencies, including other requirements, such as SEMS, and evolve into a robust tool for ongoing evaluation and process improvement.

2. Phase 2 Completion of the Risk and Resiliency Assessment (RRA) – The recommended consultant has proposed this as a fixed fee for all sizes of agencies, again because the process is essentially the same for all agencies. Additionally, the recommended consultant provided the highest level of services in terms of quantity of assets and threats to be reviewed per agency. The Phase 2 effort is expected to require the largest level of effort for both the agencies and the selected consultant. While some agencies have started to assess cyber and other risks, the RRA will support the assessment and determination of an “all- hazards” approach to determine the risk and resilience of all drinking water physical, operational, and cyber assets owned, utilized, or operated by each participating agency in accordance with industry standards. The RRA will identify and address the gaps identified under Phase I.

Three workshops will be held with each agency in the completion of their RRA:

Workshop #1 - The asset and threat characterization steps of the assessment process will be conducted in a two-day, facilitated planning workshop held at the participating agency’s facility. The following objectives will be completed:

- Asset Characterization
- Threat Characterization
- Consequence Analysis
- Vulnerability Analysis
- Risk/Resilience Analysis
- Risk/Resilience Management

Workshop #2 - The consequence and vulnerability analysis steps of the assessment process will be conducted during another two-day, facilitated planning workshop to be held at the participating agency’s facility. The following objectives will be completed:

- Review and edit consequences and vulnerabilities. At this point, an agreed list of critical assets, identified threats, and threat-asset pairs is required to continue the assessment.
- Identify Dependencies and Proximity Threats.
- Identify and calculate the risk likelihoods for the critical asset-threat pairs.

Workshop #3 - The draft risk assessment baseline report will be reviewed by the team and appropriate stakeholders during Workshop #3.

Based on all of the above, a Final Risk Assessment Baseline Report will be prepared. RRA should be considered to be Protected Critical Infrastructure

Information (PCII) and each agency is encouraged to work with their legal counsel to ensure the security of this final product.

Additionally, two to three group trainings will be provided on the RRA process to train Participating Agency's on how to update their RRA going forward to continue to meet the 5 year currency requirements.

3. Phase 3 Emergency Operations Plant (ERP) Update – The level of effort for preparation of the ERP for each participating agency will vary, depending on the condition and currency of each agency's existing ERP. Since each of the agencies are at different timelines of currency to their ERPs that address all-hazard response protocols, as well as other related response documents, Phase 3 will be tailored to each agency's needs. The chart below identifies the expected level of effort as either Low, Medium or High. All ERPs will be updated in a manner that is reflective of how MWDOC and participating agencies do business, but also in a way that aligns with local and state partners existing plans for coordination, emergency operations, and hazard mitigation.

ERP Level of Effort	Assumptions
Low	<ul style="list-style-type: none"> Participating agency has comprehensive and current ERP supported by appropriate procedures Content development will be limited to a 'AWIA Requirements' chapter and global updates identified through the Crosswalk process Any workshops conducted via webinar
Medium	<ul style="list-style-type: none"> Participating agency has comprehensive and current ERP but may require some targeted content development support in terms of SOP/annex development Content development includes development of an 'AWIA Requirements' chapter, global updates identified through crosswalk process, and development of one risk/function specific document Includes one in-person workshop and one webinar-based workshop with the HSG Team
High	<ul style="list-style-type: none"> Participating agency's ERP is not up to date Content development includes development of an 'AWIA Requirements' chapter, global updates identified through crosswalk process, and support bringing the plan into alignment with both AWIA requirements and ERP best practices Includes two in-person workshops with the HSG Team

For completion of Phase 3, one group ERP Kickoff Workshop will be held for all participating agencies to provide partners with a refresher on the results of the RRA and how it informs the ERP update; a brief introduction to ERP planning concepts (tailored to the agency's level of planning); a facilitated discussion on existing plan strengths and areas for improvement; and a hands-on work session tailored to the unique needs of the utility to advance progress on gaps identified.

At a minimum, all ERP update efforts will include development of an AWIA Requirements' chapter that explains how their RRA, ERP, and other relevant documents meet statutory and regulatory requirements. Regardless of the level of plan development required, all partners will receive the support and attention of experienced emergency planners to update their ERP documents.

Phase 3 will complete with the Final Plan Presentation and Awareness Training on an agency by agency basis. Depending on agency needs, this awareness level presentation would be conducted via webinar but could also include local, onsite support. The presentation will be aligned with the executive summary task that the utility can use moving forward to continue socializing the ERP with staff.

WEROC Temporary Part-Time Employee

Staff is requesting the approval of a Part-Time Temporary Employee within the WEROC Program to assist with the coordination efforts of this project. The Director of Emergency Services has committed a majority of her staff time to this project to date for several months and will need assistance to be able to support this program moving forward. The proposed individual would be an individual with emergency management background and would assist with project support, to include, but not limited to: the collection and tracking of the large numbers of documents to be exchanged between participating agencies and our consultant; remind agencies of due dates and documents needed; and to coordinate information, meetings and site visits between the participating agencies and the consultant. The associated costs of the position will be shared between participating agencies throughout the project.

Contracting Principles with Participating Agencies

WEROC has begun the process of circulating cost information with participating agencies to support them in their budgeting and approval process for these efforts. Participating Agencies are aware that a portion of these costs are variable based on the final number of participating agencies and final negotiation of the contract by WEROC Staff with the consultant.

Staff is recommending that all agencies participate in Phase 1, as completion of the Crosswalk is key to the completion of Phases 2 and 3 based on the GAPS identified. We believe that the Phase 1 cost efforts are typically within the signing authority of our agencies. We have asked our agencies to provide a letter of commitment indicating their participation in Phase 1 efforts by July 16.

Because of the magnitude of costs for Phase 2 and 3, a funding agreement will likely require participating agency governing body approval. In order to negotiate the overall contract with our consultant, WEROC is asking for Agencies to indicate their expected participation in Phases 2 and 3 by July 16, however this is with recognition that their participation is pending their own governing board approval. If an agency realizes that due to the costs involved, they will not be participating in Phases 2 & 3, WEROC has indicated that we need to know as soon as possible. The proposed consultant is setting aside significant staff time to complete the collective work assignments over the next 2.5 years of the project timeline. If all agencies participate, the highest total contract fee involved is approximately \$4.4 million.

Below is an estimate of the expected costs for each Phase per agency. Please note each phase includes the estimated costs of the temporary employee plus a contingency of 10% for Phases 2 and 3. We have asked our agencies for a commitment to Phase 1 participation and costs, as well as preliminary commitment to the level of funding for Phases 2 & 3, by July 16. Staff will provide a verbal update to the Board on actual Phase 1 commitments and preliminary Phase 2 & 3 commitments received as of the Board meeting. Below is the estimated summary of costs.

Phase 1- Crosswalk	Phase 2- RRA*	Phase 3 – ERP*			Agency Total		
		Low	Medium	High	Low	Medium	High
\$15,099	\$83,425	\$14,624	\$32,909	\$61,566	\$113,148	\$131,432	160,090

*These costs include a 10% contingency.

** All 3 Phases include a WEROC Temp for 16 hours a week for the 2.5 years of the project. This is a skilled temp in emergency management to assist with project support.

Below is the expected timeline for Board Review and Contracts or Agreements with the Consultant, as well as Participating Agencies.

MWDOC/WEROC & Consultant	MWDOC/WEROC & Participating Agencies
WEROC Staff is doing reference checks and is starting to negotiate the Contract.	
July 2 – A&F Committee/Board Staff Report Due (WEROC Staff will provide a template staff report to Participating Agencies based on our report.)	July 2 – Participating Agency Meeting – Review consultant selection process, Commitment Letter for Phase 1, Discuss Agency Phase 2 & 3 Needs, Identify Documents Needed from each Agency, and Review Agency Phase 2 & 3 Commitment Agreement concept
July 10 – Anticipated MWDOC A&F Committee Approval	
July 17 – Anticipated MWDOC Board Approval	July 16 – Participating Agency Letter of Commitment to Phase 1 Costs, along with “Expected” Commitment to Phase 2 & 3, pending Governing Body Approval is due.
July 22 – Anticipated Notice to Proceed on Phase 1, tentative on Phases 2 & 3	July 22 – October 30, 2019 – Phase 1 Efforts
	July 22 – October 4, 2019 – Participating Agency Governing Body Approval for Agreement with MWDOC and Costs for Phase 2 & 3
October 4-30, 2019 – Finalize contract and Notice to Proceed on Phases 2 & 3	October 4, 2019 – Final Agreement with MWDOC and commitment to Phase 2 & 3 Due

Review and Evaluation of Proposals

Many of the proposals were teams made up of multiple consultants to expand each proposal's capacity to serve the number of Participating Agencies and to meet the diversity of the project's needs. Proposals were received from the following consultants and teams. Note that Herndon Solutions Group (HSG) is recommended for the contract award, so a bit more detail has been provided.

1. Herndon Solutions Group (HSG) as the Primary Consultant employs 150 personnel that specialize in emergency response planning, environmental services and sustainability management. To handle the capacity of assisting up to 30 agencies, they have partnered with several subcontractors including:
 - Athena, a firm specializing in emergency preparedness and response with hands on expertise and background knowledge of Orange County water and wastewater agencies, as well as the WEROC program. Athena will serve as the Deputy Program Manager.
 - Atlas, a firm specializing in planning, climate adaptation, hazard mitigation and general safety plan elements.
 - Applied Engineering Management Corporation, Inc. (AEM), a top risk assessment leader, AEM developed the commonly used and approved PARRE software ("Program to Assist Risk & Resilience Examination), the only compliant software available today.
 - Horsley Witten Group (HW), a leading edge engineering, planning and environmental consultant firm. HW is currently providing services to EPA in support of AWIA implementation, to develop both RRA and ERP tools and guidance to help utilities in their compliance endeavors.
 - Ecology and Environment, Inc. (E&E), a fully integrated environmental consultancy with specialized practices in building resilient communities.

Herndon Solutions Group has worked with each of these sub-contractors on previous projects and a number of these consultants have worked together on a regular basis. The overall project team will be organized into 5 teams, all led by a senior staff member, to provide capacity for working on a number of agencies concurrently.

2. Willdan Financial Consultants, one of four operating divisions within the Willdan Group, Inc., is a large national firm. This division has particular expertise in emergency response plans and training. They partnered with West Yost & Associates, who specialize in water related consulting in California, Oregon and Arizona, and is updating the AWWA Water Sector Cybersecurity Risk Management Guidance.
3. Arup North America, is a large national with multi-disciplinary engineers, planners, designers and consultants. They partnered with Michael Baker International, Carollo Engineers, and Triad Consulting and System Design Group, who specializes in security management consulting and system design.

4. HDR, a national firm specializing in architecture, engineering and construction. They partnered with Claris Strategy (a LA based firm that has successfully completed prior work with MWDOC), Ankura Consulting (a nationally recognized cybersecurity risk expert), and Launch! Consulting (who helped develop the web-based AWIA training for AWWA.)
5. Hazen & Sawyer, a national water consulting group, partnered with Zivaro, who specializes in physical and cybersecurity consulting.
6. ABS Group Consulting, is recognized for providing natural and man-made risk management and engineering services. In addition to its government, commercial and private sector clients, the company has a history of successful work in vulnerability and risk assessment for multi-purpose public utilities.
7. Prestige Analytics, Inc. LLC, proposed only on the Phase 3 work for completion of up to 29 ERPs.

Overall, there was considerable strength and expertise in the various proposals, especially considering the additional talent added by sub-consultant team members. Many of the proposals had outstanding firms and assigned project individuals. The proposals were evaluated based on:

- Qualifications, 25%
- Schedule, 20%
- Approach, 20%
- Past Record of similar work, 15%
- Costs, 15%
- Innovation, 5%

The costs put forth by the various consultants had quite a range. When they were evaluated on a standardized basis, assuming all 29 agencies were included, the range in costs for five of the seven proposals were between \$4 million and \$10 million. Of the two other proposals, one only covered the Phase 3 portion of the work and another that seemed too low and lacking detailed expertise, were less than \$4 million.

The review group was comprised of representatives from IRWD, South Coast, YLWD, Santa Ana and MWDOC. After full discussion with the group and evaluating all aspects of all proposals, the unanimous recommendation was to award the contract to Herndon Solutions Group. Their proposal had the highest value for the lowest cost of the five highest ranked proposals.

The recommended award of contract with Herndon Solutions Group is in the amount of, and not to exceed \$4.4 million. As noted previously these costs are contingent upon final Participating Agency commitments. Staff is recommending a 10% contingency for Phases 2 and 3, for potential changes in scope along the way. Lastly, the total estimated costs for Phase 3 assumes the highest possible level of effort for all agencies. Although Staff does not expect all Participating Agencies to need this level of effort, it was used in order to

estimate the highest possible contract amount. Total estimated contract costs per phase is as follows:

- Phase 1 - \$412,000
- Phase 2 - \$2,289,000
- Phase 3 - \$1,685,000

WEROC staff is working with MWDOC Legal to incorporate language in the MWDOC standard consultant agreement to ensure clarity of pricing, number of participating agencies in each phase, and recognition that final participation numbers and therefore final contract amounts are contingent upon individual Participating Agency approvals. Staff will provide updates to the Board on final Participating Agency commitments for Phase 2 and 3, expected by the October MWDOC Planning and Operations Board Committee Meeting.

MWDOC/WEROC Cost for AWIA Compliance

It is a little unclear whether MWDOC as a regional wholesale water utility is required to meet the AWIA requirements. WEROC Staff have spoken to several US EPA and AWWA Emergency Management staff regarding whether MWDOC is required to meet the compliance requirements and the responses have differed. Considering the ambiguity of the requirement, and that AWIA is a national best practice for water utilities, WEROC staff recommends that MWDOC take advantage of this contract and approve staff to be involved as a Participating Agency. WEROC Staff recommend that MWDOC participate in Phase 1, Phase 2, and Phase 3 at a Medium Level of Effort for the estimated cost of \$131,000.

BOARD OPTIONS

Option #1

- Proceed with the award to HSG to provide necessary services for up to 28 agencies to comply with the AWIA.
- Authorize the General Manager to enter into Letter Agreements or Contracts with up to 28 of our participating agencies (including two of the three cities) for cost recovery of the expenditures.
- Authorize the General Manager to hire a part-time temporary position within WEROC to coordinate the consultant's efforts with Participating Agencies. Position will be charged back to participating agencies.

Fiscal Impact: Total estimated maximum costs of approximately \$4.5 million (including consultant contract with 10% contingency and temporary staffing costs). This is a great value for the money and offers a large savings to our agencies from facilitating a single contract.

Business Analysis: Great opportunity for WEROC/MWDOC to show both leadership and value to our agencies towards best practices.

Option #2

- Do not proceed with the award, and therefore no need for agreements with participating agencies or the temporary position.

Fiscal Impact: Likely higher costs for our agencies for compliance and a concern that the 100,000+ population agencies would struggle to meet their deadlines if they were to start their own RFP process at this time. The costs for non-compliance can be assessed at \$25,000 per day.

Business Analysis: Would be an opportunity passed up.

Option #3

- Authorize MWDOC's commitment to the AWIA process at an estimated cost of \$131,000, with a 10% contingency, with combined funds from engineering, WEROC and finance to be provided.

Fiscal Impact: Estimated cost for MWDOC would be split between WEROC, MWDOC Engineering and MWDOC Finance Department, as the analysis and products will have benefits for the WEROC program, as well as for MWDOC. This is an unbudgeted expense and would be paid from reserves.

Business Analysis: This will assist Staff with other efforts to identify gaps in emergency and business continuity planning, as well as cyber-security systems, enhancing WEROC and MWDOC's overall resilience.

STAFF RECOMMENDATION

Staff recommends Options #1 and #3.

City of Huntington Beach LHMP Update

Prior to joining Atlas, Mr. Pfannenstiel updated the City of Huntington Beach's 2012 and 2017 LHMP. These updates included a review of city plans and policies, identification of facilities necessary to city operation, prioritization of hazards, preparation of hazard profiles that could impact the city, preparation of a risk assessment, and updated mitigation actions to reduce potential vulnerabilities in the future. The process included facilitation of meetings with city department personnel and various stakeholders, as well as close coordination with city staff to ensure that the appropriate focus and direction were used to complete the LHMP. In addition, an online public opinion survey was distributed to more than 3,000 residents, stakeholders, and interested parties via a press release, direct correspondence, and the city's website. Final review of the plan by Cal OES and FEMA Region IX resulted in minimal comments and revisions. During the 2017 update, Mr. Pfannenstiel was also the assistant project manager for the city's comprehensive general plan update and was able to integrate these two plans in a meaningful way that further reinforces hazards policy and implementation throughout the city.

Exhibit 2-12. Risk Assessments for American Water

Risk Assessments for American Water	
Contract Beginning and Ending Dates: 20 April 2012 – Present	
Original Cost/Price: \$154,000	Actual Cost/Price: \$154,000
Explanation of Variance (if applicable)	
Original Schedule: Task order specific	Actual Schedule: Task order specific
Explanation of Variance (if applicable)	
This project is under a Master Services Agreement (MSA); therefore, the schedules vary by task order request; however, AEM meets all schedule requirements on its task orders.	
Project Description	
AEM is under an MSA with American Water to provide consulting services through risk and resilience assessments for their 150+ utilities as needed. Assessments have been completed to date for American Water's highest priority systems on the East Coast. AEM also developed American Water standards for completing these assessments. These standards, which are utilized in all assessments, have ensured consistency between individual utilities when analyzing the results of an assessment at a corporate level. The standards also allow the assessments to be completed at a faster rate and lower cost than would otherwise be required.	

3.0 ASSURANCE OF DESIGNATED PROJECT TEAM

Key personnel have signed commitment letters, which have been provided in Attachment C. We understand that reassignment and/or substitution must be approved by MWDOC.

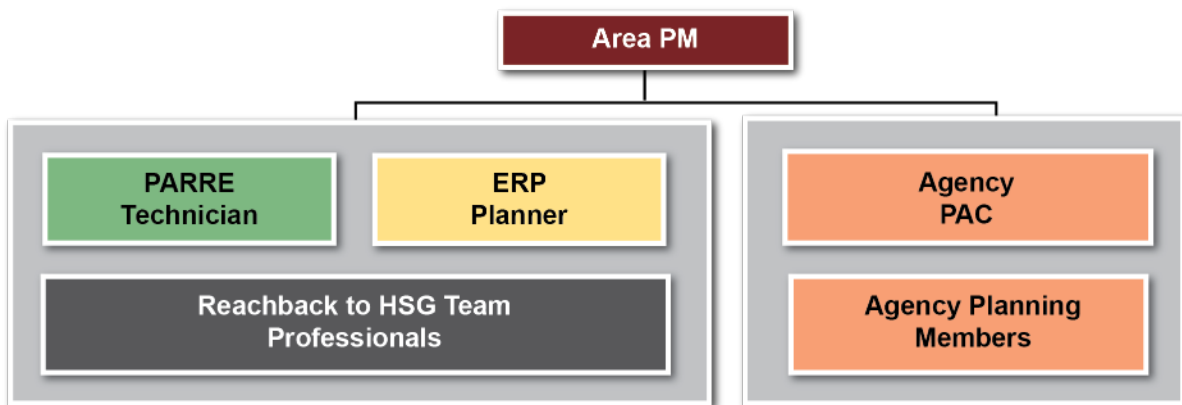
4.0 PROJECT APPROACH

Our proposed project approach takes into consideration the large volume of utilities requiring these services, the complexity of the services required, and the deadline in which these services need to be performed. The HSG Team is proposing to complete all phases of the project, including all 29 entities identified in the RFP. Our organizational chart uses the principles of "span of control" to ensure adequate resources and personnel are deployed to jurisdictions in need. Each of our five project managers will be

assigned to a group of agencies (or area), based on the number of agencies awarded to the HSG Team, geography, agency specific due dates, and information provided during the RFP process.

Each APM will remain with their assigned agencies throughout the entire project and be the single point of contact for the participating agency contact (PAC). Additionally, the APM will work with the PAC to develop a core planning team at the start of each phase that will remain the same throughout the duration of the project. The planning team, in its entirety, will include the APM, PAC, agency core planning members, dedicated PARRE technician, and assigned ERP planner. Other HSG Team professionals will be assigned, as needed to support the core planning team, which will remain the same throughout all phases of the project (**Exhibit 4-1**).

Exhibit 4-1. Core Planning Team



4.1 Phase I – Design and Complete Compliance Crosswalks

A compliance crosswalk can be an incredibly helpful tool to an organization to baseline its status with current regulations, requirements, and industry standards, and also serve as a metric for improvement.

4.1.1 Task 1: Design of AWIA Compliance Crosswalk

For the purposes of compliance with AWIA, the following three core standards should serve as the backbone of the compliance crosswalk, as they are the voluntary consensus standards that drive risk assessments and ERPs within the industry: J100, G430, and G440.

The HSG Team will use a crosswalk that was previously developed to perform gap assessments for the City of Westminster Public Works and Utilities (CO) and update it to ensure the elements of AWIA apply (i.e., currency within 5 years). The crosswalk will be a living document that is maintained and updated by MWDOC and its participating agencies, including other requirements, such as SEMS, and evolve into a robust tool for ongoing evaluation and process improvement.

In addition to the deliverables and milestones identified in Attachment C of the RFP, the HSG Team proposes conducting a kickoff meeting with the MWDOC project manager, as well as an “all-hands” meeting with the participating agencies, which will serve as the kickoff meetings for Phase I. The objective of the meetings will be to introduce the project team, discuss the project schedule, and inform them of their responsibilities (i.e., the initial data call, follow-on data calls, and how to provide the team information), as well as allow the agencies to ask any questions they may have regarding the project. Finally, HSG will create a secure SharePoint site for each participating agency to begin uploading documents immediately

following award (including a one-page fact sheet on how to access the website and upload documents). HSG will also show the PAC how to use the SharePoint site at the “all-hands” meeting. A summary of key events and deliverables, as well as corresponding task assumptions, are provided in **Exhibit 4-2**.

Exhibit 4-2. Phase I, Task 1 Key Events and Deliverables

Key Events/Deliverables
<ul style="list-style-type: none"> ▪ SharePoint website for each participating agency ▪ SharePoint “Fact Sheet” ▪ Initial data call ▪ Draft compliance crosswalk template ▪ Project kickoff with MWDOC project manager ▪ Project “all-hands” meeting with participating agencies ▪ Comments on draft compliance crosswalk template ▪ Final compliance crosswalk template
Assumptions
<ul style="list-style-type: none"> ▪ Compliance crosswalk template developed in Microsoft Excel ▪ Consolidated comments will be received from MWDOC on behalf of all agencies ▪ MWDOC will adjudicate conflicting comments, if applicable ▪ Comments will not require a significant re-work of the template ▪ Final compliance crosswalk template will be submitted one-time only ▪ Deliverables will be submitted electronically

4.1.2 Task 2: Complete AWIA Crosswalk for Each Participating Agency

Following the approved AWIA compliance crosswalk matrix, the HSG Team will complete the matrix for each participating agency based on the documentation provided. The list of documents provided in the RFP are an excellent starting point and should provide the HSG Team with the information needed to complete the matrix. In short, anything related to hazard mitigation, risk management, and emergency planning will be helpful, as HSG would rather have “too much” information than “too little.” HSG will coordinate with the PAC for resolution of any additional comments. A summary of key events and deliverables, as well as corresponding task assumptions, are provided in **Exhibit 4-3**.

In addition to individual crosswalks, once all assessments are complete, the HSG Team will develop a brief memorandum summarizing shared gaps and strengths that could be addressed through development of consistent content updates and best-in-class content potentially advanced across MWDOC and its participating agencies.

Exhibit 4-3. Phase I, Task 2 Key Events and Deliverables

Key Events/Deliverables
<ul style="list-style-type: none"> ▪ Draft compliance crosswalk per participating agency ▪ Comments on draft compliance crosswalk per participating agency ▪ Draft-Final compliance crosswalk per participating agency ▪ Comments on Draft-Final compliance crosswalk per participating agency ▪ Final compliance crosswalk per participating agency

- Memorandum on gaps and strengths

Assumptions

- Participating agencies provide all related emergency planning documents in electronic format
- Consolidated comments will be received from each participating agency
- Participating agencies will adjudicate conflicting comments, if applicable
- Comments will not require a significant rework of the crosswalk
- Draft deliverables will be submitted electronically
- One, color hard-copy of final crosswalk, per participating agency
- Two, electronic copies (Microsoft Word and PDF), per participating agency

4.2 Phase II – Conduct Risk and Resiliency Assessments

The HSG Team anticipates that Phase II will require the largest level of effort, as most risk management efforts have generally been focused on natural hazard mitigation planning. While some agencies have started to assess cyber and other risks, the RRA will support the assessment and determination of an “all-hazards” approach to determine the risk and resilience of all drinking water physical, operational, and cyber assets owned, utilized, or operated by each participating agency in accordance with industry standards. The HSG Team will utilize the J100 to develop the RRA and address the gaps identified under Phase I. Our detailed approach is provided below.

4.2.1 Task 1: Analysis Tool Selection

The HSG Team proposes the use of AEM’s PARRE tool (**Exhibit 4-4**) as it is the most cost efficient and effective tool to perform a risk assessment in accordance with the J100 standard, generates results that directly inform the agency, and provide the agency with SAFETY Act™ flow-down liability limitation from directed attacks. PARRE has many features including:

- Tracks progress at reducing risk and increasing resiliency over time against a fixed baseline.
- Quickly updates as investments are made or assets are modified to show the change in risk and risk-priorities.
- Accesses a complete suite of J100-required, directed threats for assessment team evaluation, automatically calculating asset risk for six natural threats (hurricane, tornado, seismic, flood, ice storm,



Exhibit 4-4. PARRE Dashboard

and wild fire) based on US government recurrence databases.

- Substitutes alternate recognized approaches for determining natural threat magnitudes and return periods, if desired.
- Calculates threat-asset pair risk probability values based on monetary consequences, vulnerability probability, and threat likelihood probability
- Guides the assessment team through the step-by-step logic of an assessment, assuring that significant information is not overlooked.
- Calculates both threat-asset pair level resilience and system-wide financial/operating resilience.
- Links to owner/operator preferred consequence models (e.g., blast analysis, contamination, and toxic gas release).
- Determines vulnerability probability using path analysis, decision tree analysis, and/or fault tree analysis.
- Determines threat likelihood using expert elicitation, conditional probability, and/or proxy tool.
- Accommodates proximity and interdependency evaluations from other lifeline sector risk assessments.
- Stores the amassed data in a secure, owner-controlled environment so that it is readily available for modification, updates, “what-if drills,” and/or future assessment team use.

The PARRE tool is also very user friendly and will be straight forward for the agency to use, maintain, and update on its own. While the PARRE tool is subscription based, AEM hosts PARRE in a secure environment and MWDOC, as well as each participating agency, owns their data. AEM offers bulk pricing and would honor a rate of \$399/year, per user, to maintain its subscription, which also includes technical support. While the HSG Team understands that participating agencies are generally opposed to a subscription-based tool, we have seen first-hand the laborious and inefficient effort to conduct a risk assessment using Microsoft Excel. Further, Microsoft Excel is not sustainable, as versions change over the years, formulas may no longer work, and there is no frontend (user interface) or backend (data storage) other than in the software itself, which after all the hard work that is going into this effort, is incredibly risky. Further, Microsoft Excel does not have the ability to generate reports based on the pre-populated data without the creation of complicated macros or programming using Visual Basic, which is also not sustainable. The use of Microsoft Excel would easily double the cost of the RRA.

The remaining option is EPA’s VSAT tool, which is web-based and also carries the SAFETY Act™ designation; however, PARRE and VSAT are very different in how the J100 standard is applied:

- VSAT was not developed for use with large utilities. The intended audience for the tool is very small utilities that would like to assess their risk, but do not have many assets or threats to consider (and does well, in those instances). PARRE, however, was developed for use by consultants and medium to large utilities, as well as the ability to handle significantly larger amounts of data, displayed in a way that allows the utility or consultant to view hundreds of threat-asset pairs simultaneously. These differences set PARRE above VSAT in terms of data handling and display.

- VSAT does not provide customer support. PARRE provides customer support, not only during the assessment but after its completion. If MWDOC and its participating agencies plan to access the data in the future and are met with any problems, AEM will be available to support through resolution.
- VSAT stores user data and analysis files in a local web browser; if one cleared their “cookies,” all data would be lost if it was not previously exported. Data must be saved on a local device then later uploaded if one wants to update the risk assessment at a later date. PARRE stores all data on a secure server (with daily backups) and is available to any user at any agency at any time.

Building on the above, the HSG Team will provide MWDOC with a memo outlining available options for risk assessment development including a description of the solution and expected pros and cons. However, based on our depth of experience supporting these efforts, the HSG Team recommends the exclusive use of the PARRE tool based on the reasons stated above. Should MWDOC desire another method, HSG would need to revise our technical approach, schedule, and pricing. Upon award, the HSG Team can provide additional information on the PARRE tool to MWDOC and its participating agencies. A summary of key events and deliverables, as well as corresponding task assumptions, are provided in **Exhibit 4-5**.

Exhibit 4-5. Phase II, Task 1 Key Events and Deliverables

Key Events/Deliverables
<ul style="list-style-type: none"> ▪ Risk Assessment Solutions Memo ▪ Confirmation of analysis tool
Assumptions
<ul style="list-style-type: none"> ▪ PARRE will be selected as the tool to conduct the risk assessment ▪ If a tool, other than PARRE, is selected, a revision to scope, schedule, and budget will be required

4.2.2 Task 2: Collection and Writing of the RRA

The RRA will take into consideration the findings under Phase I and leverage existing information, where available, and address data gaps, as appropriate. While the participating agencies have worked diligently on their risk management and emergency planning efforts, the HSG Team strongly feels that each participating agency will need to go through the entire J100 process, as it is unlikely that efforts, to date, will address each of the elements of the standard, unless an agency has previously conducted a J100 assessment. While their current efforts will certainly support and assist in the completion of the risk assessment, the process is the same. Therefore, it is unlikely to see significant “economics of scale” in the cost to perform it; however, MWDOC and the participating agencies will see efficiency by using our approach. The HSG Team will prepare an SOP on how each RRA will be performed to ensure consistency across the MWDOC and its participating agencies. The workshops will occur in tandem, regardless of RRA due date, allowing the project team to collaborate and ensure it is maximizing participating agencies’ efforts and maintaining consistency with our SOP.

The RFP provides a list of referenced documents that should be considered and requests the consultant to identify the primary materials and reference documents that will be utilized. During the RRA, the primary material utilized will be the J100 standard, as the backend data is built into the PARRE tool. However, there are some good reference documents that could help inform the J100 and could be used, as needed (**Exhibit 4-6**).

Exhibit 4-6. Phase II Key Materials and Reference Documents

Primary Material	Reference Documents (inform the primary material)
AWWA J100-10 (R13). RAMCAP. Denver, CO. 2013	<ul style="list-style-type: none"> ANSI/AWWA G440-17. Emergency Preparedness Practices. Denver, CO. 2017 (to support physical security aspect of the assessment) AWWA. Process Control System Security Guidance for the Water Sector. 2017 (to support the cybersecurity component) ANSI/AWWA G300, Source Water Protection AWWA Water Sector Resource Typing Guidance, 2019 (replaces AWWA Water & Wastewater Mutual Aid & Assistance Resource Typing Manual. 2008)

The HSG Team has a proven approach to conduct J100 risk assessments. The APM will facilitate three onsite work sessions with the participating agencies to assess risk and resilience of the public water system. An overview of the J100 process is provided in **Exhibit 4-7** and our approach is detailed below. Throughout the process, we will ensure that during the assessments, we are considering the ERP response concepts from AWIA, as indicated in the RFP.

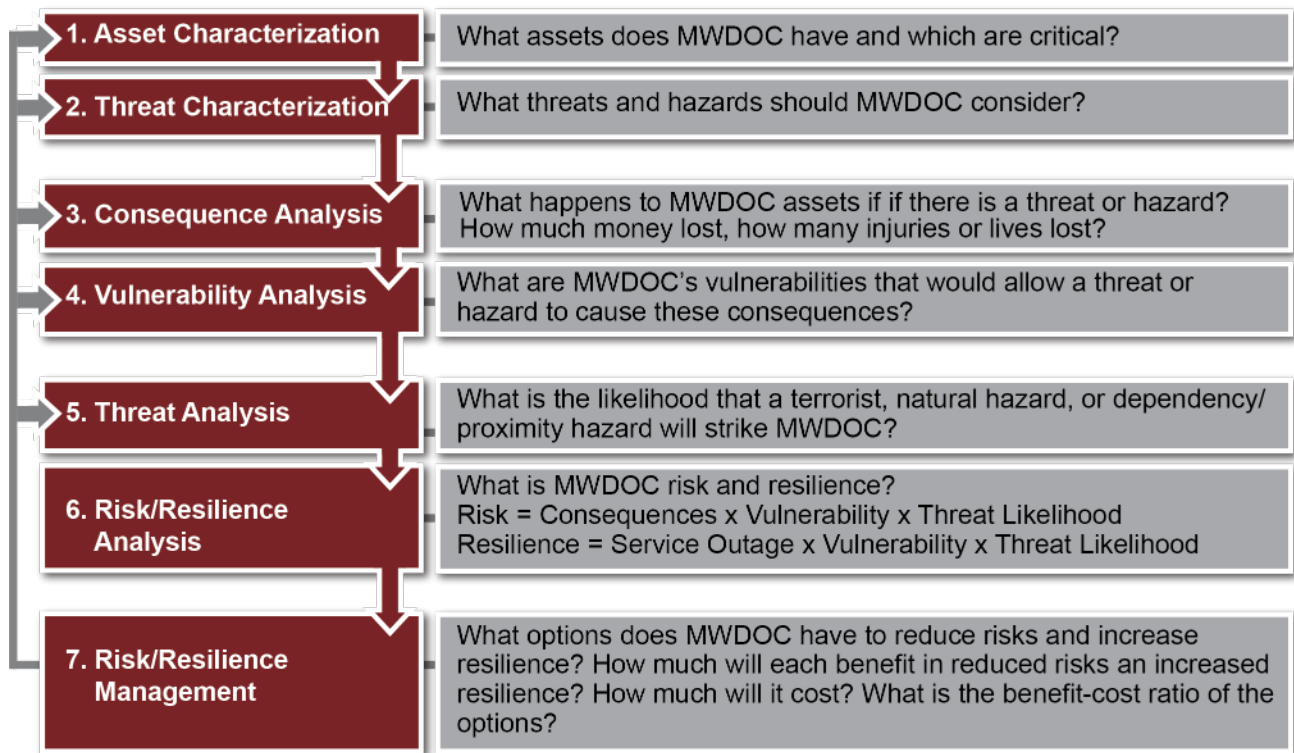


Exhibit 4-7: J100 Process

4.2.2.1 Preparation and Data Configuration

The APM will schedule a Phase II kickoff meeting to learn more about the participating agency, introduce the J100 standard, and provide an overview of the PARRE tool. The risk assessment is rooted in an understanding of an agency's assets; therefore, the HSG Team would appreciate if the agency could provide

an overview of its system. At this meeting, we will also discuss the initial data call, as well as follow-on data calls throughout the RRA process and the importance of accurate, complete, and up-to-date information. Concurrent with preparation and execution of the kickoff meeting, the HSG Team will work with AEM to setup and configure the PARRE databases for each participating agency.

4.2.2.2 Workshop #1

For each of the three workshops under Task 2, the APM will lead with two support staff: one support staff member will be the dedicated PARRE technician for the participating agency who will “real-time” update the system throughout the course of the workshop, while the second staff member will be the dedicated logistics coordinator/minute-taker who will be responsible for working with the PAC to ensure room logistics are organized in advance, and also take notes on behalf of the APM and PARRE technician. Further, the workshops will be scheduled, in-tandem with other participating agencies to not only minimize travel costs but allow for the APMs to coordinate throughout the week and benefit from work at each other’s participating agencies.

The asset and threat characterization steps of the assessment process will be conducted in the form of Workshop #1, a two-day, facilitated planning workshop held at the participating agency’s facility. Workshop #1 has the following objectives:

Asset Characterization. The APM will serve to facilitate with the participating agency to identify which assets are critical to the sustained and robust operation of the system. This could include grouping of assets, such as “reservoirs.” The critical assets will be prioritized to determine which assets will initially be analyzed as being especially critical to operations sustainability. Although not initially assessed, lower-priority assets are frequently brought into the asset pool as the team gains in-depth understanding of the risks. The facilitator will assist the team to clearly define and characterize the assets to be included in the analysis. This step is critical to the success of the project, as it serves as the foundation for risk assessment. The HSG Team assumes that MWDOC and its participating agencies, at a minimum, have a list of all of their assets, age, and replacement schedule.

Threat Characterization. The facilitator will help identify significant threats to the system. The threats to be considered will include the J100-required natural as well as man-made threats that are reasonable for the system. As the assessment matures, the facilitator will consider dependency and proximity threats that should be included for full understanding of system exposure.

Identify and Prioritize Threat-Asset Pairs. The facilitator will identify and prioritize the threat-asset pairs (the basic unit of a probability-based risk assessment) to be initially included in the assessment. Like the selection of critical assets, threat-asset pairs that are not initially included may be picked-up later in the assessment process.

Important note on threat-asset pairs. The total number of threat asset pairs is unknown until an assessment occurs and one understands what threats are of importance to the utility and how the critical assets might respond. The J100 process’ vetting routine gives priority to the “mission-critical assets” which are taken forward for full assessment. This approach saves effort on lower-priority pairs while still achieving a good outcome. To ensure consistency across the organizations, as well as ensure we are able to meet all deadlines, we are assuming no more than 150 threat-asset pairs, which should provide a reasonable assessment field for each participating agency to meet the AWIA provision; should

a participating agency identify more than 150 threat-asset pairs or choose to do more, those will need to be assessed at a later date.

Identify Countermeasures. The facilitator will work with the participating agencies to identify and characterize the countermeasures currently in place to protect the critical assets.

Introduce Vulnerability Probability Approaches. The APM will introduce the participating agency to the various approaches that are available for determining the probability of existing countermeasures failure. The agency will learn how to complete an expert elicitation evaluation, a path analysis, and a decision tree analysis. Furthermore, the agency will be introduced to the factors that determine which type of analysis is the most appropriate approach for each type of countermeasure.

Calculate Overall System Resilience. The facilitator will assist the team in determining its overall system resilience described in the J100 standard as the Utility Resilience Indicator (URI).


4.2.2.3 Vulnerability Analysis Preparation

The APM will prepare a summary of Workshop #1 for the participating agency to review and comment. The summary will include information developed during the workshop including the identified critical assets, significant threats, high-priority threat-asset pairs, existing countermeasures, and baseline resilience. The APM will also prepare a consequences strawman, providing an initial look at the worst reasonable consequences to each critical asset should a successful threat materialize against it. Further, the APM will prepare a vulnerability strawman, evaluating the robustness of the existing countermeasures to attenuate the consequences of a successful threat attack. Finally, the APM will prepare a list of assignments for participating agencies to fill-in gaps of missing information that permit data set completion.

4.2.2.4 Workshop #2

The consequence and vulnerability analysis steps of the assessment process will be conducted during Workshop #2, a two-day, facilitated planning workshop to be held at the participating agency's facility. Workshop #2 has the following objectives:

Review and Edit Consequences and Vulnerability Strawmen. The participating agency will review the consequences and the vulnerability strawmen and validate the direct costs to the utility system, as well as the estimates of potential serious injuries and fatalities.

 **DECISION POINT.** At this point, an agreed list of critical assets, identified threats, and threat-asset pairs is required to continue the assessment. Further work on the assessment will not continue until the participating agency confirms the initial data sets that are to be considered.

Identify Dependencies and Proximity Threats. The agency will identify dependencies that, if interrupted, have the high potential of causing the system to be unable to meet its mission. In addition, threats to proximate critical infrastructure that could adversely impact operations will be identified.

Introduction to Risk Likelihood. Identify and calculate the risk likelihoods for the critical asset-threat pairs. The agency will be introduced to the J100 approaches for determining the threat probability for directed threats including expert elicitation, conditional assessment, and the use of the proxy measure. Threat likelihood probabilities for natural-occurring events will be automatically calculated in PARRE

based on published historical records of event return periods as maintained by a variety of government agencies.

4.2.2.5 Draft Risk Assessment Baseline Preparation Report

Workshop #2 Summary. The APM will prepare a summary of Workshop #2 for the participating agency to review and comment. The summary will include the set of anticipated consequence and vulnerability probabilities, threat likelihood probabilities, and risks for each threat-asset pair.

Draft Risk Assessment Baseline Report. The APM will prepare and distribute a draft report of the risk assessment baseline. The system’s threat-asset pairs and their associated consequences, vulnerabilities, threat likelihoods, and risk values will be identified.

4.2.2.6 Workshop #3

The draft risk assessment baseline report will be reviewed by the team and appropriate stakeholders during Workshop #3. While typically, this is performed via WebEx, due to the volume of participating agencies, the HSG Team recommends this time is utilized to review the draft report and meet with senior management. The draft report affords the participating agency the first look at the relative and prioritized risks for each critical asset and of their systems overall. Based on the HSG Team’s review of this report, data gaps can be identified, and adjustments made to fully reflect conditions “on the ground.”

4.2.2.7 Draft-Final & Final Risk Assessment Baseline Report

Draft-Final Report. Based on the decisions reached during Workshop #3, the APM will prepare and distribute a draft-final baseline risk assessment report for review by the participating agency. Upon receipt of comments from the participating agency on the draft-final report, the APM will incorporate this guidance and will review the report for content and accuracy. The participating agency will have the opportunity to adjust, as necessary, during this period.

Final Report. The team will resolve any outstanding risk-calculation issues and adopt the baseline. After incorporating any input from the participating agency, a final risk assessment baseline report will be prepared and distributed.

PARRE Baseline Fixed. The baseline will be locked at this point to form the basis against which all proposed system changes/countermeasures will be measured.

4.2.2.8 J100, Step 7

In short, Step 7 of the J100 bridges from the statutory RRA into the ERP. It is a step to help the utility make the business case for those “good ideas” for reducing risk that have the greatest return on investment. While some entities feel Step 7 is optional, the HSG Team strongly believes Step 7 informs the ERP update, which will benefit Phase III.

Exhibit 4-8. Phase II, Task 2 Key Events and Deliverables

Key Events/Deliverables	
▪	Phase II kickoff meeting
▪	Workshop #1 (two days)
▪	Workshop #2 (two days)

- Workshop #3
- Draft RRA
- Comments on RRA
- Meeting with participating agency senior management
- Draft-Final RRA
- Comments on Draft-Final RRA
- Final RRA

Assumptions

- Anticipates that the level of detail of the analysis could require the assessment of up to 150 threat-asset pairs.
- MWDOC and its participating agencies, at a minimum, have a list of all of their assets, age, and replacement schedule
- Workshop #3 will be concurrent with Phase III kickoff meeting
- Key personnel will attend workshops
- Participating agency will provide venue for workshops
- Participating agency will provide consolidated comments on the draft, draft-final, and final report and adjudicate any conflicting comments, if applicable
- Draft deliverables will be electronic only
- One, color hard-copy (bound) for final RRA, per participating agency
- Two, electronic copies (Microsoft Word and PDF), per participating agency

4.2.3 Task 3: Participating Agency Training on Assessment Processes and Tools

Per the RFP, the HSG Team will develop a group training, including how the participating agency can utilize the processes and tools leveraged during the project for ongoing and future updates.

Exhibit 4-9. Phase II, Task 3 Key Events and Deliverables

Key Events/Deliverables
<ul style="list-style-type: none"> ▪ Participating agency training ▪ Training handouts
Assumptions
<ul style="list-style-type: none"> ▪ Training will be no more than one-business day ▪ Participating agency will host training ▪ One training will be provided ▪ Deliverables will be electronic

4.3 Phase III Update/Write ERP

Since the majority of the agencies have current ERPs that address all-hazard response protocols, as well as other related response documents, it is anticipated that Phase III will be much less of an effort than Phase II. All ERPs will be updated in a manner that is reflective of how MWDOC and participating agencies do business, but also in a way that aligns with local and state partners existing plans for coordination, emergency operations, and hazard mitigation. As stated in section 4.2, several of the reference documents provided in the RFP should be considered throughout this project. While the J100 is the primary material

for Phase II, the primary materials for Phase III are the G430 and G440 standards. A sample of the reference documents that support those primary materials, as requested in the RFP, is provided in **Exhibit 4-10**, as well as a list of other relevant references that could be leveraged depending on the needs of each ERP (e.g., the RFP states ERPs requiring a “high” level of effort may need to be updated extensively, which may include local or state specific guidance).

Exhibit 4-10. Phase III Key Materials and Reference Documents

Primary Materials	Reference Documents
AWWA G430-14. Security Practices for Operation and Management. Denver, CO. 2014	<ul style="list-style-type: none"> AWWA J100-10 (R13). RAMCAP. Denver, CO. 2013 AWWA. Process Control System Security Guidance for the Water Sector. 2017 AWWA. Utilities Helping Utilities: An Action Plan for Mutual Aid and Assistance Networks for Water and Wastewater Utilities. 2006 FEMA Local Mitigation Planning Handbook
ANSI/AWWA G440-17. Emergency Preparedness Practices. Denver, CO. 2017	<ul style="list-style-type: none"> AWWA M19. Emergency Planning for Water and Wastewater Utilities, Fifth Edition. Denver, CO. Updated 2018 AWWA Water & Wastewater Mutual Aid & Assistance Resource Typing Manual. 2008 AWWA. Utilities Helping Utilities: An Action Plan for Mutual Aid and Assistance Networks for Water and Wastewater Utilities. 2006 FEMA CPG 101 FEMA Local Mitigation Planning Handbook

4.3.1 Task 1: Update/Write ERP

The HSG Team has preliminary classified each agency’s emergency response planning effort as “low,” “medium,” or “high,” per the RFP, based on the information provided during the RFP process (**Exhibit 4-11**), as well as the assumptions in **Exhibit 4-12**. However, following completion of Phase I, one that may have been identified as “medium” could be reclassified as “low,” just as one that is identified as “medium” could be reclassified as “high.”

Exhibit 4-11. Preliminary Classifications

Agency	Preliminary Classification
Orange County Water District	High
Municipal Water District of Orange County	Medium
Irvine Ranch Water District	High
Santa Ana, City of	Medium
Huntington Beach, City of	High
Garden Grove, City of	High
Moulton Niguel Water District	High
Santa Margarita Water District	High
Fullerton, City of	Medium
Orange, City of	Medium

Agency	Preliminary Classification
Mesa Water District	Medium
Westminster, City of	Low
Buena Park, City of	Medium
Yorba Linda Water District	Medium
East Orange County Water District (Wholesale & Retail Zone)	High
Tustin, City of	Medium
Newport Beach, City of	Medium
La Habra, City of	High
Fountain Valley, City of	Medium
San Clemente, City of	High
El Toro Water District	Medium
Brea, City of	Medium
San Juan Capistrano, City of	Medium
South Coast Water District	Medium
Seal Beach, City of	Low
Laguna Beach County Water District	Medium
La Palma, City of	Medium
Trabuco Canyon Water District	Low
Serrano Water District	Low

Exhibit 4-12. ERP Levels of Effort and Assumptions

ERP Level of Effort	Assumptions
Low	<ul style="list-style-type: none"> Participating agency has comprehensive and current ERP supported by appropriate procedures Content development will be limited to a 'AWIA Requirements' chapter and global updates identified through the Crosswalk process Any workshops conducted via webinar
Medium	<ul style="list-style-type: none"> Participating agency has comprehensive and current ERP but may require some targeted content development support in terms of SOP/annex development Content development includes development of an 'AWIA Requirements chapter, global updates identified through crosswalk process, and development of one risk/function specific document Includes one in-person workshop and one webinar-based workshop with the HSG Team
High	<ul style="list-style-type: none"> Participating agency's ERP is not up to date Content development includes development of an 'AWIA Requirements chapter, global updates identified through crosswalk process, and support bringing the plan into alignment with both AWIA requirements and ERP best practices Includes two in-person workshops with the HSG Team

The HSG Team’s approach to ERP development is designed to reflect the reality that the level of completeness and compliance is going to vary from utility to utility, but assumes that all participating agencies have an existing ERP, or similar, that can be used as a foundational document for the plan update. At a minimum, all planning efforts will include the following key elements:

ERP Kickoff Workshop. This webinar-based workshop will provide partners with a refresher on the results of the RRA and how it informs the ERP update; a brief introduction to ERP planning concepts (tailored to the agency’s level of planning); a facilitated discussion on existing plan strengths and areas for improvement; and a hands-on work session tailored to the unique needs of the utility to advance progress on gaps identified in Task 1.

Draft /Draft-Final Plan Development. At a minimum, all ERP update efforts will include development of an ‘AWIA Requirements’ chapter that explains how their RRA, ERP, and other relevant documents meet statutory and regulatory requirements. Regardless of the level of plan development required, all partners will receive the support and attention of experienced emergency planners to update their ERP documents. Our planning approach for all plans is centered around the following principles:

- **Functional.** Build a plan that is compliant, user-friendly, and action-oriented
- **Streamlined.** Gather relevant and appropriate data and facilitate integration and alignment of plans.
- **Risk-Driven.** Build on the RRA (balance between all hazard and hazard-specific planning)
- **Coordinated.** Support operational coordination between utility and key partners (e.g., city emergency management organization and/or Certified Unified Protection Agency [CUPA] coordination)

Final Plan Presentation and Awareness Training. Depending on agency needs, this awareness level presentation would be conducted via webinar but also include local, onsite support. The HSG Team will provide partners with an overview of plan content. The presentation will be aligned with the executive summary task (section 4.3.2) that the utility can use moving forward to continue socializing the ERP with its staff.

Exhibit 4-13. Phase III, Task 1 Key Events and Deliverables

Key Events/Deliverables
<ul style="list-style-type: none"> ▪ Phase III kickoff meeting ▪ ERP workshops ▪ Draft ‘AWIA Requirements’ chapter ▪ Final ‘AWIA Requirements’ chapter ▪ Draft ERP ▪ Draft-Final ERP (for medium and high) ▪ Final ERP ▪ Plan awareness training
Assumptions
<ul style="list-style-type: none"> ▪ Phase III kickoff meeting will be concurrent with Workshop #3, under Phase II ▪ Participating Agency will host workshop ▪ Draft-Final ERP deliverable will only be required for “medium” and “high” level of efforts ▪ Consolidated comments will be received from each participating agency on the draft, draft-final (if applicable), and final ERP

- Participating agencies will adjudicate conflicting comments, if applicable
- Comments on the Draft and/or Draft-Final will not require a significant rework of the ERP
- Draft deliverables will be electronic only
- One, color hard-copy (bound) of final ERP, per participating agency
- Two, electronic copies (Microsoft Word and PDF), per participating agency

4.3.2 Task 2: Participating Agency Executive Summary

The HSG Team will prepare an executive summary including a summary of the work performed and current status as a tool to communicate with the CUPA in accordance with AWIA. The HSG Team will prepare a template to be adapted to each agency, as requested.

Exhibit 4-14. Task 2 Key Events and Deliverables

Key Events/Deliverables
<ul style="list-style-type: none"> ▪ Draft executive summary template ▪ Comments on executive summary template ▪ Final executive summary template ▪ Completed executive summary, per participating agency
Assumptions
<ul style="list-style-type: none"> ▪ Completed executive summary to be submitted one-time only ▪ Deliverables will be submitted electronically

5.0 PROJECT TIMELINE

Task	Start	End
Notice to Proceed	07/22/19	07/22/19
Receipt of Participating Agency Documents	07/22/19	07/22/19
Phase I: Design and Complete Compliance Crosswalks	07/22/19	10/28/19
Task 1: Design of AWIA Compliance Crosswalk	07/22/19	09/02/19
Project Kick Off Meeting with MWDOC Project Manager	07/22/19	07/22/19
Prepare Draft AWIA Compliance Crosswalk Template	07/22/19	08/08/19
Submit Draft AWIA Compliance Crosswalk Template	08/08/19	08/08/19
Review Period of Draft AWIA Compliance Crosswalk Template	08/09/19	08/15/19
Receive Consolidated Comments on Draft AWIA Compliance Crosswalk Template	08/15/19	08/15/19
Incorporate Comments into Final AWIA Compliance Crosswalk Template	08/16/19	08/27/19
Submit Final AWIA Compliance Crosswalk Template	08/27/19	08/27/19
Phase I Kickoff and All Hands Meeting with Participating Agencies	08/27/19	08/27/19
MWDOC Project Manager Approves Format	08/28/19	09/02/19
Task 2: Complete AWIA Crosswalk for each Participating Agency	09/03/19	10/28/19
Populate Draft Compliance Crosswalk for each Participating Agency	09/03/19	09/20/19

Task	Start	End
Submit Populated Draft Compliance Crosswalk for each Participating Agency	09/20/19	09/20/19
Review Period for Draft Compliance Crosswalk for each Participating Agency	09/23/19	10/04/19
Receive Consolidated Comments on Draft Compliance Crosswalk for each Participating Agency	10/07/19	10/18/19
Incorporate Comments Draft Compliance Crosswalk for each Participating Agency	10/21/19	10/25/19
Submit Final Compliance Crosswalk for each Participating Agency	10/28/19	10/28/19
Submit Memorandum on Gaps and Strengths	10/28/19	10/28/19
Phase II: Conduct Risk and Resilience Assessments (RRA)	10/29/19	06/21/21
Task 1: Analysis Tool Selection	10/29/19	11/11/19
Task 2: Collection and Writing of the RRA	10/29/19	06/21/21
Group 1 Agencies	10/29/19	03/30/20
RRA Workshop #1	11/12/19	11/13/19
RRA Workshop #2	12/12/19	12/17/19
Draft RRA	10/29/19	01/21/20
Comments from Participating Agencies	01/22/20	02/11/20
Final-Draft RRA	02/12/20	02/25/20
RRA Workshop #3	02/26/20	02/27/20
Meetings/Coordination with Participating Agencies	02/26/20	03/17/20
Final RRA	02/26/20	03/17/20
RRA Certification Letter to EPA	03/18/20	03/30/20
Group 2 Agencies	03/18/20	11/16/20
RRA Workshop #1	03/18/20	03/19/20
RRA Workshop #2	04/17/20	04/22/20
Draft RRA	03/31/20	08/17/20
Comments from Participating Agencies	08/18/20	09/14/20
Final-Draft RRA	09/15/20	10/05/20
RRA Workshop #3	10/06/20	10/07/20
Meetings/Coordination with Participating Agencies	10/06/20	11/02/20
Final RRA	10/06/20	11/02/20
RRA Certification Letter to EPA	11/03/20	11/16/20
Group 3 Agencies	11/03/20	06/21/21
RRA Workshop #1	11/03/20	11/04/20
RRA Workshop #2	12/03/20	12/08/20
Draft RRA	11/03/20	03/22/21

Task	Start	End
Comments from Participating Agencies	03/23/21	04/19/21
Revised Draft RRA	04/20/21	05/10/21
RRA Workshop #3	05/11/21	05/12/21
Meetings/Coordination with Participating Agencies	05/11/21	06/07/21
Final RRA	05/11/21	06/07/21
RRA Certification Letter to EPA	06/08/21	06/21/21
Task 3: Participating Agency Training on Assessment Processes and Tools	03/31/20	04/13/20
Phase III: Write/Update Emergency Response Plans	02/26/20	12/14/21
Task 1: Update/Write ERP	02/26/20	12/14/21
Group 1 Agencies	02/26/20	09/30/20
ERP Kickoff Workshop (All Groups)	02/26/20	02/26/20
Draft ERP	02/26/20	04/20/20
Comments on Draft ERP	04/21/20	05/19/20
Revised Draft ERP	05/20/20	06/19/20
Comments on Revised Draft ERP	06/22/20	07/21/20
Final ERP Preparation	07/22/20	08/20/20
Final ERP Presentation and Awareness Training	08/20/20	08/20/20
ERP Certification Letter to EPA from Agencies	08/21/20	09/30/20
Group 2 Agencies	10/06/20	05/11/21
Draft ERP	10/06/20	11/27/20
Comments on Draft ERP	11/30/20	12/28/20
Revised Draft ERP	12/29/20	01/28/21
Comments on Revised Draft ERP	01/29/21	03/01/21
Final ERP	03/02/21	03/31/21
Final ERP Presentation and Awareness Training	03/31/21	03/31/21
ERP Certification Letter to EPA from Agencies	04/01/21	05/11/21
Group 3 Agencies	05/11/21	12/14/21
Draft ERP	05/11/21	07/02/21
Comments on Draft ERP	07/05/21	08/02/21
Revised Draft ERP	08/03/21	09/02/21
Comments on Revised Draft ERP	09/03/21	10/04/21
Final ERP	10/05/21	11/03/21
Final ERP Presentation and Awareness Training	11/03/21	11/03/21
ERP Certification Letter to EPA from Agencies	11/04/21	12/14/21
Task 2: Participating Agency Executive Summary	08/20/20	11/29/21
Group 1 Agencies	08/20/20	10/14/20
Draft Executive Summary	08/20/20	09/16/20

Task	Start	End
Participating Agency Comments	09/17/20	10/07/20
Final Executive Summary	10/08/20	10/14/20
Group 2 Agencies	03/02/21	04/26/21
Draft Executive Summary	03/02/21	03/29/21
Participating Agency Comments	03/30/21	04/19/21
Final Executive Summary	04/20/21	04/26/21
Group 3 Agencies	10/05/21	11/29/21
Draft Executive Summary	10/05/21	11/01/21
Participating Agency Comments	11/02/21	11/22/21
Final Executive Summary	11/23/21	11/29/21

6.0 FEE SCHEDULE

Per the RFP, Attachment E of the RFP is being provided as a separate attachment to the email transmittal of this proposal and will be included as Volume 2.

7.0 CONTRACT

HSG is not requesting any changes to MWDOC's professional services agreement.



CONSENT CALENDAR ITEM

July 17, 2019

TO: Board of Directors

FROM: **Administration & Finance Committee**
(Directors Thomas, Finnegan, McVicker)

Robert J. Hunter, General Manager

SUBJECT: MESA WATER DISTRICT'S REQUEST FOR CONTRIBUTION TOWARDS TECHNICAL CONSULTING AND ADVISORY ASSISTANCE FOR THE BURIED UTILITIES COALITION (BUC) TO RESPOND TO POTENTIAL NEW SCAQMD REGULATIONS

STAFF RECOMMENDATION

It is recommended that the Board of Directors: Review, discuss, and consider a contribution to Mesa Water towards funding of efforts related to the Buried Utilities Coalition (BUC) for advocacy pertaining to the South Coast Air Quality Management District's (SCAQMD) Proposed Amended Rule (PAR) 1403 regarding asbestos.

COMMITTEE RECOMMENDATION

Committee recommended the Board authorize a contribution of \$20,000 to Mesa Water towards funding efforts related to the BUC for advocacy pertaining to the South Coast Air Quality Management District's (SCAQMD) Proposed Amended Rule (PAR) 1403 regarding asbestos.

SUMMARY

MWDOC and its agencies became aware of the SCAQMD intent to adopt NEW regulations when asbestos is present for the repair of pipes or it is included in asphalt materials in roadways when they need to be excavated. The "water industry" found out late about the potential regulations that were deemed as very intrusive and overreaching regarding the emergency repair of Asbestos Cement Pipe (ACP) and other construction related to roadway work. Mesa began organizing a response effort on behalf of all water utilities in seeking input and suggestions. MWDOC began participating in the process, but since the

Budgeted (Y/N): N	Budgeted amount: 0	Core ____	Choice ____
Action item amount: \$20,000+-	Line item:		
Fiscal Impact (explain if unbudgeted):			

organization had already been established by Mesa and MWDOC does not do any work with ACP or in roadways, MWDOC concurred with Mesa to continue to spearhead the effort. In other efforts where it benefits all agencies, MWDOC often coordinates and can even expend funds for such when required to respond. This occurred several years ago when the County Flood Control was intent on changing their encroachment permits. To further help in the efforts, MESA brought on technical expertise and consulting assistance to help organize the efforts, to attend and participate in SCAQMD meetings and to conduct conference calls or host events inviting all agencies.

MESA has been accumulating costs and has expended \$39,000 to date in outside funds (above and beyond staff time) and although future estimates are hard to make, expects to expend an additional \$19,500 for a grand total of \$68,500. The amount MESA has expended has benefited all water agencies in Orange County; one way of spreading the costs more proportionately among all water agencies is to seek funding assistance through MWDOC. MWDOC derives revenue from all water agencies in the County with the exception of the Three Cities. MESA's request for only a \$20,000 contribution seems very fair in this instance. MWDOC may want to consider funding a portion of the future costs, as well.

BOARD OPTIONS

Option #1

- Authorize a \$20,000 contribution to Mesa Water toward the BUC efforts.

Fiscal Impact: \$20,000 can be accommodated from our engineering budget.

Business Analysis: Provides a leadership role for MWDOC in representing our agencies. The amount requested seems very reasonable.

Option #2

- Authorize a different contribution to Mesa Water toward the BUC efforts

Fiscal Impact: MWDOC could make a higher contribution to help spread the entire \$68,500 among all water agencies in Orange County. This would be a policy discussion among our Board. It could range anywhere from \$20,000 to \$68,500.

Business Analysis: Provides a greater leadership role for MWDOC in representing our agencies. Providing a greater amount of funding through MWDOC would more proportionally spread the costs among the water industry.

Option #3

- Do not authorize any contribution to Mesa Water toward the BUC efforts

Fiscal Impact: \$0

Business Analysis: MWDOC would be avoiding fulfillment of its leadership role in representing our agencies.

STAFF RECOMMENDATION

Option #1



*Dedicated to
Satisfying our Community's
Water Needs*

BOARD OF DIRECTORS

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Loya, Ruud & Romo**
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June 19, 2019

Mr. Robert J. Hunter
General Manager
Municipal Water District of Orange County (MWDOC)
18700 Ward Street
Fountain Valley, CA 92708

Dear Rob,

As you are aware, Mesa Water District (Mesa Water®) has taken the lead in organizing the Buried Utilities Coalition (BUC) for advocacy pertaining to the South Coast Air Quality Management District's (SCAQMD) Proposed Amended Rule (PAR) 1403 regarding asbestos handling...this includes how Orange County water/wastewater utilities handle AC Pipe repairs.

Mesa Water has been engaged on this issue since January 2019, and some progress has been made in that the BUC was able to delay SCAQMD's adoption of PAR 1403. Also, with the City of Anaheim, we facilitated a meeting in March between the BUC and SCAQMD staff, as well as a follow-up BUC meeting that your agency hosted on April 30th.

As we continue the BUC's advocacy with SCAQMD Governing Board members and their consultants/assistants, we are also anticipating that SCAQMD staff will invite the BUC to a Working Group meeting to take place in the near future. In addition to our staff time dedicated on this effort, Mesa Water retained the following services:

- Yorke Engineering (for technical expertise); and,
- Whittingham Public Affairs Advisors (for advocacy services).

To date, Mesa Water has spent \$16,000 with Yorke and \$23,000 with Whittingham, and we have committed to an added \$12,000 with Yorke and \$17,500 with Whittingham for services through June 30, 2019 when our grand total investment will be \$68,500.

I am contacting you to request your organization's contribution of funds to this effort. An amount of up to \$20,000 -- for which we've provided MWDOC an invoice -- would greatly assist Orange County water/wastewater utilities' work on this issue.

Mesa Water thanks you in advance on behalf of the BUC, and we are grateful for your organization's consideration of this request. Kindly get back to me at your earliest opportunity with your response, and please feel ~~free to contact me~~ with any questions regarding this matter. Thanks,

Paul E. Shoenberger, P.E.
Mesa Water General Manager



DISCUSSION ITEM

July 10, 2019

TO: Administration & Finance Committee
(Directors Thomas, Finnegan, McVicker)

FROM: Robert Hunter, General Manager

SUBJECT: POLICY DISCUSSION REGARDING CONDUCTING INVOCATIONS AT BOARD MEETINGS

STAFF RECOMMENDATION

Staff recommends the Administration & Finance Committee: Discuss and decide whether to conduct Invocations at Board meetings, and whether to refer this item to the Board for action.

COMMITTEE RECOMMENDATION

Committee recommended the full Board discuss this item.

DETAILED REPORT

The Executive Committee discussed the recent invocation prayer conducted at the June 19, 2019 Board meeting, noting that invocations had not been part of any MWDOC meetings in the past, and the District lacked any formal policy on the issue.

The General Manager was directed to confer with legal counsel and provide legal guidelines relative holding regular invocations (for review by the Administration & Finance Committee).

Legal Counsel Byrne submitted the attached Draft Guidelines for the Board to follow if they elect to include invocations on the Board agenda. President Barbre asked that the 2013 U.S. Supreme Court decision be included for the Committee's information.

Attachments: (1) Legal Counsel's Draft Guidelines
(2) 2013 U.S. Supreme Court Decision

Budgeted (Y/N): N	Budgeted amount: N/A	Core ____	Choice ____
Action item amount: N/A		Line item:	
Fiscal Impact (explain if unbudgeted):			

GUIDELINES FOR INVOCATIONS

The Board of Directors of the Municipal Water District of Orange County ("District") may hold an invocation during meetings of the Board consistent with these Guidelines.

- The purpose of an invocation is to solemnize the Board's legislative proceedings. The invocation may be delivered after the pledge of allegiance and before the Board conducts any official District business.
- No members of the Board, District employees, or members of the public will be required to participate in the invocation.
- The invocation may not be used to proselytize, advance any one faith or belief, or to disparage any other faith, belief, or non-belief.
- Invocations shall be limited to a reasonable and set amount of time that shall apply equally to all.
- Any Board member who delivers an invocation shall do so from the podium and not the dais.
- The opportunity to deliver an invocation will be offered on a rotating, voluntary basis to members of the Board. District employees or members of the public may not provide the invocation. The District Secretary will maintain a list stating the rotation of Board members who will have the opportunity to deliver the invocation. If a Board member declines, the next Board member on the list may offer the invocation.
- Except for the individual Board member delivering an invocation, no District officials, officers or employees will engage in any prior inquiry, review of, or involvement in, the content of any invocation to be offered.

OR

- The opportunity to offer an invocation will be offered on a rotating, voluntary basis to leaders of diverse, established churches, congregations, or other religious assemblies in the jurisdiction of the District, and to chaplains of fire departments, law enforcement agencies, and military facilities located in the District. Board members may also participate. The District Secretary will maintain a list of rotating invocation speakers. Invocation speakers may join the list on a first come, first served basis. However, no invocation speaker will be scheduled to deliver the invocation at more than three (3) Board meetings in any calendar year if others are waiting on the list and have not had an opportunity to deliver an invocation.
- No District officials, officers or employees will engage in any prior inquiry, review of, or involvement in, the content of any invocation to be offered.

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

TOWN OF GREECE, NEW YORK *v.* GALLOWAY ET AL.CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR
THE SECOND CIRCUIT

No. 12–696. Argued November 6, 2013—Decided May 5, 2014

Since 1999, the monthly town board meetings in Greece, New York, have opened with a roll call, a recitation of the Pledge of Allegiance, and a prayer given by clergy selected from the congregations listed in a local directory. While the prayer program is open to all creeds, nearly all of the local congregations are Christian; thus, nearly all of the participating prayer givers have been too. Respondents, citizens who attend meetings to speak on local issues, filed suit, alleging that the town violated the First Amendment’s Establishment Clause by preferring Christians over other prayer givers and by sponsoring sectarian prayers. They sought to limit the town to “inclusive and ecumenical” prayers that referred only to a “generic God.” The District Court upheld the prayer practice on summary judgment, finding no impermissible preference for Christianity; concluding that the Christian identity of most of the prayer givers reflected the predominantly Christian character of the town’s congregations, not an official policy or practice of discriminating against minority faiths; finding that the First Amendment did not require Greece to invite clergy from congregations beyond its borders to achieve religious diversity; and rejecting the theory that legislative prayer must be nonsectarian. The Second Circuit reversed, holding that some aspects of the prayer program, viewed in their totality by a reasonable observer, conveyed the message that Greece was endorsing Christianity.

Held: The judgment is reversed.

681 F. 3d 20, reversed.

JUSTICE KENNEDY delivered the opinion of the Court, except as to Part II–B, concluding that the town’s prayer practice does not violate the Establishment Clause. Pp. 6–18.

Syllabus

(a) Legislative prayer, while religious in nature, has long been understood as compatible with the Establishment Clause. *Marsh v. Chambers*, 463 U. S. 783, 792. In *Marsh*, the Court concluded that it was not necessary to define the Establishment Clause’s precise boundary in order to uphold Nebraska’s practice of employing a legislative chaplain because history supported the conclusion that the specific practice was permitted. The First Congress voted to appoint and pay official chaplains shortly after approving language for the First Amendment, and both Houses have maintained the office virtually uninterrupted since then. See *id.*, at 787–789, and n. 10. A majority of the States have also had a consistent practice of legislative prayer. *Id.*, at 788–790, and n. 11. There is historical precedent for the practice of opening local legislative meetings with prayer as well. *Marsh* teaches that the Establishment Clause must be interpreted “by reference to historical practices and understandings.” *County of Allegheny v. American Civil Liberties Union, Greater Pittsburgh Chapter*, 492 U. S. 573, 670 (opinion of KENNEDY, J.). Thus, any test must acknowledge a practice that was accepted by the Framers and has withstood the critical scrutiny of time and political change. The Court’s inquiry, then, must be to determine whether the prayer practice in the town of Greece fits within the tradition long followed in Congress and the state legislatures. Pp. 6–9.

(b) Respondents’ insistence on nonsectarian prayer is not consistent with this tradition. The prayers in *Marsh* were consistent with the First Amendment not because they espoused only a generic theism but because the Nation’s history and tradition have shown that prayer in this limited context could “coexis[t] with the principles of disestablishment and religious freedom.” 463 U. S., at 786. Dictum in *County of Allegheny* suggesting that *Marsh* permitted only prayer with no overtly Christian references is irreconcilable with the facts, holding, and reasoning of *Marsh*, which instructed that the “content of the prayer is not of concern to judges,” provided “there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief.” 463 U. S., at 794–795. To hold that invocations must be nonsectarian would force the legislatures sponsoring prayers and the courts deciding these cases to act as supervisors and censors of religious speech, thus involving government in religious matters to a far greater degree than is the case under the town’s current practice of neither editing nor approving prayers in advance nor criticizing their content after the fact. Respondents’ contrary arguments are unpersuasive. It is doubtful that consensus could be reached as to what qualifies as a generic or nonsectarian prayer. It would also be unwise to conclude that only those religious words acceptable to the majority are permis-

Syllabus

sible, for the First Amendment is not a majority rule and government may not seek to define permissible categories of religious speech. In rejecting the suggestion that legislative prayer must be nonsectarian, the Court does not imply that no constraints remain on its content. The relevant constraint derives from the prayer's place at the opening of legislative sessions, where it is meant to lend gravity to the occasion and reflect values long part of the Nation's heritage. From the Nation's earliest days, invocations have been addressed to assemblies comprising many different creeds, striving for the idea that people of many faiths may be united in a community of tolerance and devotion, even if they disagree as to religious doctrine. The prayers delivered in Greece do not fall outside this tradition. They may have invoked, *e.g.*, the name of Jesus, but they also invoked universal themes, *e.g.*, by calling for a "spirit of cooperation." Absent a pattern of prayers that over time denigrate, proselytize, or betray an impermissible government purpose, a challenge based solely on the content of a particular prayer will not likely establish a constitutional violation. See 463 U. S., at 794–795. Finally, so long as the town maintains a policy of nondiscrimination, the Constitution does not require it to search beyond its borders for non-Christian prayer givers in an effort to achieve religious balancing. Pp. 9–18.

JUSTICE KENNEDY, joined by THE CHIEF JUSTICE and JUSTICE ALITO, concluded in Part II–B that a fact-sensitive inquiry that considers both the setting in which the prayer arises and the audience to whom it is directed shows that the town is not coercing its citizens to engage in a religious observance. The prayer opportunity is evaluated against the backdrop of a historical practice showing that prayer has become part of the Nation's heritage and tradition. It is presumed that the reasonable observer is acquainted with this tradition and understands that its purposes are to lend gravity to public proceedings and to acknowledge the place religion holds in the lives of many private citizens. Furthermore, the principal audience for these invocations is not the public, but the lawmakers themselves. And those lawmakers did not direct the public to participate, single out dissidents for opprobrium, or indicate that their decisions might be influenced by a person's acquiescence in the prayer opportunity. Respondents claim that the prayers gave them offense and made them feel excluded and disrespected, but offense does not equate to coercion. In contrast to *Lee v. Weisman*, 505 U. S. 577, where the Court found coercive a religious invocation at a high school graduation, *id.*, at 592–594, the record here does not suggest that citizens are dissuaded from leaving the meeting room during the prayer, arriving late, or making a later protest. That the prayer in Greece is delivered during the opening ceremonial portion of the town's meeting, not

Syllabus

the policymaking portion, also suggests that its purpose and effect are to acknowledge religious leaders and their institutions, not to exclude or coerce nonbelievers. Pp. 18–23.

JUSTICE THOMAS, joined by JUSTICE SCALIA as to Part II, agreed that the town’s prayer practice does not violate the Establishment Clause, but concluded that, even if the Establishment Clause were properly incorporated against the States through the Fourteenth Amendment, the Clause is not violated by the kind of subtle pressures respondents allegedly suffered, which do not amount to actual legal coercion. The municipal prayers in this case bear no resemblance to the coercive state establishments that existed at the founding, which exercised government power in order to exact financial support of the church, compel religious observance, or control religious doctrine. Pp. 1–8.

KENNEDY, J., delivered the opinion of the Court, except as to Part II–B. ROBERTS, C. J., and ALITO, J., joined the opinion in full, and SCALIA and THOMAS, JJ., joined except as to Part II–B. ALITO, J., filed a concurring opinion, in which SCALIA, J., joined. THOMAS, J., filed an opinion concurring in part and concurring in the judgment, in which SCALIA, J., joined as to Part II. BREYER, J., filed a dissenting opinion. KAGAN, J., filed a dissenting opinion, in which GINSBURG, BREYER, and SOTOMAYOR, JJ., joined.

Opinion of the Court

NOTICE: This opinion is subject to formal revision before publication in the preliminary print of the United States Reports. Readers are requested to notify the Reporter of Decisions, Supreme Court of the United States, Washington, D. C. 20543, of any typographical or other formal errors, in order that corrections may be made before the preliminary print goes to press.

SUPREME COURT OF THE UNITED STATES

No. 12–696

TOWN OF GREECE, NEW YORK, PETITIONER *v.*
SUSAN GALLOWAY ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SECOND CIRCUIT

[May 5, 2014]

JUSTICE KENNEDY delivered the opinion of the Court,
except as to Part II–B.*

The Court must decide whether the town of Greece, New York, imposes an impermissible establishment of religion by opening its monthly board meetings with a prayer. It must be concluded, consistent with the Court’s opinion in *Marsh v. Chambers*, 463 U. S. 783 (1983), that no violation of the Constitution has been shown.

I

Greece, a town with a population of 94,000, is in upstate New York. For some years, it began its monthly town board meetings with a moment of silence. In 1999, the newly elected town supervisor, John Auberger, decided to replicate the prayer practice he had found meaningful while serving in the county legislature. Following the roll call and recitation of the Pledge of Allegiance, Auberger would invite a local clergyman to the front of the room to deliver an invocation. After the prayer, Auberger would

*THE CHIEF JUSTICE and JUSTICE ALITO join this opinion in full. JUSTICE SCALIA and JUSTICE THOMAS join this opinion except as to Part II–B.

Opinion of the Court

thank the minister for serving as the board's "chaplain for the month" and present him with a commemorative plaque. The prayer was intended to place town board members in a solemn and deliberative frame of mind, invoke divine guidance in town affairs, and follow a tradition practiced by Congress and dozens of state legislatures. App. 22a–25a.

The town followed an informal method for selecting prayer givers, all of whom were unpaid volunteers. A town employee would call the congregations listed in a local directory until she found a minister available for that month's meeting. The town eventually compiled a list of willing "board chaplains" who had accepted invitations and agreed to return in the future. The town at no point excluded or denied an opportunity to a would-be prayer giver. Its leaders maintained that a minister or layperson of any persuasion, including an atheist, could give the invocation. But nearly all of the congregations in town were Christian; and from 1999 to 2007, all of the participating ministers were too.

Greece neither reviewed the prayers in advance of the meetings nor provided guidance as to their tone or content, in the belief that exercising any degree of control over the prayers would infringe both the free exercise and speech rights of the ministers. *Id.*, at 22a. The town instead left the guest clergy free to compose their own devotions. The resulting prayers often sounded both civic and religious themes. Typical were invocations that asked the divinity to abide at the meeting and bestow blessings on the community:

"Lord we ask you to send your spirit of servanthood upon all of us gathered here this evening to do your work for the benefit of all in our community. We ask you to bless our elected and appointed officials so they may deliberate with wisdom and act with courage. Bless the members of our community who come here

Opinion of the Court

to speak before the board so they may state their cause with honesty and humility. . . . Lord we ask you to bless us all, that everything we do here tonight will move you to welcome us one day into your kingdom as good and faithful servants. We ask this in the name of our brother Jesus. Amen.” *Id.*, at 45a.

Some of the ministers spoke in a distinctly Christian idiom; and a minority invoked religious holidays, scripture, or doctrine, as in the following prayer:

“Lord, God of all creation, we give you thanks and praise for your presence and action in the world. We look with anticipation to the celebration of Holy Week and Easter. It is in the solemn events of next week that we find the very heart and center of our Christian faith. We acknowledge the saving sacrifice of Jesus Christ on the cross. We draw strength, vitality, and confidence from his resurrection at Easter. . . . We pray for peace in the world, an end to terrorism, violence, conflict, and war. We pray for stability, democracy, and good government in those countries in which our armed forces are now serving, especially in Iraq and Afghanistan. . . . Praise and glory be yours, O Lord, now and forever more. Amen.” *Id.*, at 88a–89a.

Respondents Susan Galloway and Linda Stephens attended town board meetings to speak about issues of local concern, and they objected that the prayers violated their religious or philosophical views. At one meeting, Galloway admonished board members that she found the prayers “offensive,” “intolerable,” and an affront to a “diverse community.” Complaint in No. 08–cv–6088 (WDNY), ¶66. After respondents complained that Christian themes pervaded the prayers, to the exclusion of citizens who did not share those beliefs, the town invited a Jewish layman and the chairman of the local Baha’i temple to deliver prayers. A Wiccan priestess who had read

Opinion of the Court

press reports about the prayer controversy requested, and was granted, an opportunity to give the invocation.

Galloway and Stephens brought suit in the United States District Court for the Western District of New York. They alleged that the town violated the First Amendment's Establishment Clause by preferring Christians over other prayer givers and by sponsoring sectarian prayers, such as those given "in Jesus' name." 732 F. Supp. 2d 195, 203 (2010). They did not seek an end to the prayer practice, but rather requested an injunction that would limit the town to "inclusive and ecumenical" prayers that referred only to a "generic God" and would not associate the government with any one faith or belief. *Id.*, at 210, 241.

The District Court on summary judgment upheld the prayer practice as consistent with the First Amendment. It found no impermissible preference for Christianity, noting that the town had opened the prayer program to all creeds and excluded none. Although most of the prayer givers were Christian, this fact reflected only the predominantly Christian identity of the town's congregations, rather than an official policy or practice of discriminating against minority faiths. The District Court found no authority for the proposition that the First Amendment required Greece to invite clergy from congregations beyond its borders in order to achieve a minimum level of religious diversity.

The District Court also rejected the theory that legislative prayer must be nonsectarian. The court began its inquiry with the opinion in *Marsh v. Chambers*, 463 U. S. 783, which permitted prayer in state legislatures by a chaplain paid from the public purse, so long as the prayer opportunity was not "exploited to proselytize or advance any one, or to disparage any other, faith or belief," *id.*, at 794–795. With respect to the prayer in Greece, the District Court concluded that references to Jesus, and the occasional request that the audience stand for the prayer,

Opinion of the Court

did not amount to impermissible proselytizing. It located in *Marsh* no additional requirement that the prayers be purged of sectarian content. In this regard the court quoted recent invocations offered in the U. S. House of Representatives “in the name of our Lord Jesus Christ,” *e.g.*, 156 Cong Rec. H5205 (June 30, 2010), and situated prayer in this context as part a long tradition. Finally, the trial court noted this Court’s statement in *County of Allegheny v. American Civil Liberties Union, Greater Pittsburgh Chapter*, 492 U. S. 573, 603 (1989), that the prayers in *Marsh* did not offend the Establishment Clause “because the particular chaplain had ‘removed all references to Christ.’” But the District Court did not read that statement to mandate that legislative prayer be nonsectarian, at least in circumstances where the town permitted clergy from a variety of faiths to give invocations. By welcoming many viewpoints, the District Court concluded, the town would be unlikely to give the impression that it was affiliating itself with any one religion.

The Court of Appeals for the Second Circuit reversed. 681 F. 3d 20, 34 (2012). It held that some aspects of the prayer program, viewed in their totality by a reasonable observer, conveyed the message that Greece was endorsing Christianity. The town’s failure to promote the prayer opportunity to the public, or to invite ministers from congregations outside the town limits, all but “ensured a Christian viewpoint.” *Id.*, at 30–31. Although the court found no inherent problem in the sectarian content of the prayers, it concluded that the “steady drumbeat” of Christian prayer, unbroken by invocations from other faith traditions, tended to affiliate the town with Christianity. *Id.*, at 32. Finally, the court found it relevant that guest clergy sometimes spoke on behalf of all present at the meeting, as by saying “let us pray,” or by asking audience members to stand and bow their heads: “The invitation . . . to participate in the prayer . . . placed audience members

Opinion of the Court

who are nonreligious or adherents of non-Christian religion in the awkward position of either participating in prayers invoking beliefs they did not share or appearing to show disrespect for the invocation.” *Ibid.* That board members bowed their heads or made the sign of the cross further conveyed the message that the town endorsed Christianity. The Court of Appeals emphasized that it was the “interaction of the facts present in this case,” rather than any single element, that rendered the prayer unconstitutional. *Id.*, at 33.

Having granted certiorari to decide whether the town’s prayer practice violates the Establishment Clause, 569 U. S. ____ (2013), the Court now reverses the judgment of the Court of Appeals.

II

In *Marsh v. Chambers*, 463 U. S. 783, the Court found no First Amendment violation in the Nebraska Legislature’s practice of opening its sessions with a prayer delivered by a chaplain paid from state funds. The decision concluded that legislative prayer, while religious in nature, has long been understood as compatible with the Establishment Clause. As practiced by Congress since the framing of the Constitution, legislative prayer lends gravity to public business, reminds lawmakers to transcend petty differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful society. See *Lynch v. Donnelly*, 465 U. S. 668, 693 (1984) (O’Connor, J., concurring); cf. A. Adams & C. Emmerich, *A Nation Dedicated to Religious Liberty* 83 (1990). The Court has considered this symbolic expression to be a “tolerable acknowledgement of beliefs widely held,” *Marsh*, 463 U. S., at 792, rather than a first, treacherous step towards establishment of a state church.

Marsh is sometimes described as “carving out an exception” to the Court’s Establishment Clause jurisprudence,

Opinion of the Court

because it sustained legislative prayer without subjecting the practice to “any of the formal ‘tests’ that have traditionally structured” this inquiry. *Id.*, at 796, 813 (Brennan, J., dissenting). The Court in *Marsh* found those tests unnecessary because history supported the conclusion that legislative invocations are compatible with the Establishment Clause. The First Congress made it an early item of business to appoint and pay official chaplains, and both the House and Senate have maintained the office virtually uninterrupted since that time. See *id.*, at 787–789, and n. 10; N. Feldman, *Divided by God* 109 (2005). But see *Marsh, supra*, at 791–792, and n. 12 (noting dissenting views among the Framers); Madison, “Detached Memoranda”, 3 *Wm. & Mary Quarterly* 534, 558–559 (1946) (hereinafter *Madison’s Detached Memoranda*). When *Marsh* was decided, in 1983, legislative prayer had persisted in the Nebraska Legislature for more than a century, and the majority of the other States also had the same, consistent practice. 463 U. S., at 788–790, and n. 11. Although no information has been cited by the parties to indicate how many local legislative bodies open their meetings with prayer, this practice too has historical precedent. See *Reports of Proceedings of the City Council of Boston for the Year Commencing Jan. 1, 1909, and Ending Feb. 5, 1910*, pp. 1–2 (1910) (Rev. Arthur Little) (“And now we desire to invoke Thy presence, Thy blessing, and Thy guidance upon those who are gathered here this morning . . .”). “In light of the unambiguous and unbroken history of more than 200 years, there can be no doubt that the practice of opening legislative sessions with a prayer has become part of the fabric of our society.” *Marsh, supra*, at 792.

Yet *Marsh* must not be understood as permitting a practice that would amount to a constitutional violation if not for its historical foundation. The case teaches instead that the Establishment Clause must be interpreted “by

Opinion of the Court

reference to historical practices and understandings.” *County of Allegheny*, 492 U. S., at 670 (KENNEDY, J., concurring in judgment in part and dissenting in part). That the First Congress provided for the appointment of chaplains only days after approving language for the First Amendment demonstrates that the Framers considered legislative prayer a benign acknowledgment of religion’s role in society. D. Currie, *The Constitution in Congress: The Federalist Period 1789–1801*, pp. 12–13 (1997). In the 1850’s, the judiciary committees in both the House and Senate reevaluated the practice of official chaplaincies after receiving petitions to abolish the office. The committees concluded that the office posed no threat of an establishment because lawmakers were not compelled to attend the daily prayer, S. Rep. No. 376, 32d Cong., 2d Sess., 2 (1853); no faith was excluded by law, nor any favored, *id.*, at 3; and the cost of the chaplain’s salary imposed a vanishingly small burden on taxpayers, H. Rep. No. 124, 33d Cong., 1st Sess., 6 (1854). *Marsh* stands for the proposition that it is not necessary to define the precise boundary of the Establishment Clause where history shows that the specific practice is permitted. Any test the Court adopts must acknowledge a practice that was accepted by the Framers and has withstood the critical scrutiny of time and political change. *County of Allegheny*, *supra*, at 670 (opinion of KENNEDY, J.); see also *School Dist. of Abington Township v. Schempp*, 374 U. S. 203, 294 (1963) (Brennan, J., concurring) (“[T]he line we must draw between the permissible and the impermissible is one which accords with history and faithfully reflects the understanding of the Founding Fathers”). A test that would sweep away what has so long been settled would create new controversy and begin anew the very divisions along religious lines that the Establishment Clause seeks to prevent. See *Van Orden v. Perry*, 545 U. S. 677, 702–704 (2005) (BREYER, J., concurring in judgment).

Opinion of the Court

The Court's inquiry, then, must be to determine whether the prayer practice in the town of Greece fits within the tradition long followed in Congress and the state legislatures. Respondents assert that the town's prayer exercise falls outside that tradition and transgresses the Establishment Clause for two independent but mutually reinforcing reasons. First, they argue that *Marsh* did not approve prayers containing sectarian language or themes, such as the prayers offered in Greece that referred to the "death, resurrection, and ascension of the Savior Jesus Christ," App. 129a, and the "saving sacrifice of Jesus Christ on the cross," *id.*, at 88a. Second, they argue that the setting and conduct of the town board meetings create social pressures that force nonadherents to remain in the room or even feign participation in order to avoid offending the representatives who sponsor the prayer and will vote on matters citizens bring before the board. The sectarian content of the prayers compounds the subtle coercive pressures, they argue, because the nonbeliever who might tolerate ecumenical prayer is forced to do the same for prayer that might be inimical to his or her beliefs.

A

Respondents maintain that prayer must be nonsectarian, or not identifiable with any one religion; and they fault the town for permitting guest chaplains to deliver prayers that "use overtly Christian terms" or "invoke specifics of Christian theology." Brief for Respondents 20. A prayer is fitting for the public sphere, in their view, only if it contains the "most general, nonsectarian reference to God," *id.*, at 33 (quoting M. Meyerson, *Endowed by Our Creator: The Birth of Religious Freedom in America* 11–12 (2012)), and eschews mention of doctrines associated with any one faith, Brief for Respondents 32–33. They argue that prayer which contemplates "the workings of the Holy Spirit, the events of Pentecost, and the belief that God 'has raised

Opinion of the Court

up the Lord Jesus’ and ‘will raise us, in our turn, and put us by His side’” would be impermissible, as would any prayer that reflects dogma particular to a single faith tradition. *Id.*, at 34 (quoting App. 89a and citing *id.*, at 56a, 123a, 134a).

An insistence on nonsectarian or ecumenical prayer as a single, fixed standard is not consistent with the tradition of legislative prayer outlined in the Court’s cases. The Court found the prayers in *Marsh* consistent with the First Amendment not because they espoused only a generic theism but because our history and tradition have shown that prayer in this limited context could “coexis[t] with the principles of disestablishment and religious freedom.” 463 U. S., at 786. The Congress that drafted the First Amendment would have been accustomed to invocations containing explicitly religious themes of the sort respondents find objectionable. One of the Senate’s first chaplains, the Rev. William White, gave prayers in a series that included the Lord’s Prayer, the Collect for Ash Wednesday, prayers for peace and grace, a general thanksgiving, St. Chrysostom’s Prayer, and a prayer seeking “the grace of our Lord Jesus Christ, &c.” Letter from W. White to H. Jones (Dec. 29, 1830), in B. Wilson, *Memoir of the Life of the Right Reverend William White, D. D., Bishop of the Protestant Episcopal Church in the State of Pennsylvania* 322 (1839); see also *New Hampshire Patriot & State Gazette*, Dec. 15, 1823, p. 1 (describing a Senate prayer addressing the “Throne of Grace”); *Cong. Globe*, 37th Cong., 1st Sess., 2 (1861) (reciting the Lord’s Prayer). The decidedly Christian nature of these prayers must not be dismissed as the relic of a time when our Nation was less pluralistic than it is today. Congress continues to permit its appointed and visiting chaplains to express themselves in a religious idiom. It acknowledges our growing diversity not by proscribing sectarian content but by welcoming ministers of many creeds. See, e.g., 160

Opinion of the Court

Cong. Rec. S1329 (Mar. 6, 2014) (Dalai Lama) (“I am a Buddhist monk—a simple Buddhist monk—so we pray to Buddha and all other Gods”); 159 Cong. Rec. H7006 (Nov. 13, 2013) (Rabbi Joshua Gruenberg) (“Our God and God of our ancestors, Everlasting Spirit of the Universe . . .”); 159 Cong. Rec. H3024 (June 4, 2013) (Satguru Bodhinatha Veylanswami) (“Hindu scripture declares, without equivocation, that the highest of high ideals is to never knowingly harm anyone”); 158 Cong. Rec. H5633 (Aug. 2, 2012) (Imam Nayyar Imam) (“The final prophet of God, Muhammad, peace be upon him, stated: ‘The leaders of a people are a representation of their deeds’”).

The contention that legislative prayer must be generic or nonsectarian derives from dictum in *County of Allegheny*, 492 U. S. 573, that was disputed when written and has been repudiated by later cases. There the Court held that a crèche placed on the steps of a county courthouse to celebrate the Christmas season violated the Establishment Clause because it had “the effect of endorsing a patently Christian message.” *Id.*, at 601. Four dissenting Justices disputed that endorsement could be the proper test, as it likely would condemn a host of traditional practices that recognize the role religion plays in our society, among them legislative prayer and the “forthrightly religious” Thanksgiving proclamations issued by nearly every President since Washington. *Id.*, at 670–671. The Court sought to counter this criticism by recasting *Marsh* to permit only prayer that contained no overtly Christian references:

“However history may affect the constitutionality of nonsectarian references to religion by the government, history cannot legitimate practices that demonstrate the government’s allegiance to a particular sect or creed The legislative prayers involved in *Marsh* did not violate this principle because the particular

Opinion of the Court

chaplain had ‘removed all references to Christ.’” *Id.*, at 603 (quoting *Marsh*, *supra*, at 793, n. 14; footnote omitted).

This proposition is irreconcilable with the facts of *Marsh* and with its holding and reasoning. *Marsh* nowhere suggested that the constitutionality of legislative prayer turns on the neutrality of its content. The opinion noted that Nebraska’s chaplain, the Rev. Robert E. Palmer, modulated the “explicitly Christian” nature of his prayer and “removed all references to Christ” after a Jewish lawmaker complained. 463 U. S., at 793, n. 14. With this footnote, the Court did no more than observe the practical demands placed on a minister who holds a permanent, appointed position in a legislature and chooses to write his or her prayers to appeal to more members, or at least to give less offense to those who object. See Mallory, “An Officer of the House Which Chooses Him, and Nothing More”: How Should *Marsh v. Chambers* Apply to Rotating Chaplains?, 73 U. Chi. L. Rev. 1421, 1445 (2006). *Marsh* did not suggest that Nebraska’s prayer practice would have failed had the chaplain not acceded to the legislator’s request. Nor did the Court imply the rule that prayer violates the Establishment Clause any time it is given in the name of a figure deified by only one faith or creed. See *Van Orden*, 545 U. S., at 688, n. 8 (recognizing that the prayers in *Marsh* were “often explicitly Christian” and rejecting the view that this gave rise to an establishment violation). To the contrary, the Court instructed that the “content of the prayer is not of concern to judges,” provided “there is no indication that the prayer opportunity has been exploited to proselytize or advance any one, or to disparage any other, faith or belief.” 463 U. S., at 794–795.

To hold that invocations must be nonsectarian would force the legislatures that sponsor prayers and the courts

Opinion of the Court

that are asked to decide these cases to act as supervisors and censors of religious speech, a rule that would involve government in religious matters to a far greater degree than is the case under the town's current practice of neither editing or approving prayers in advance nor criticizing their content after the fact. Cf. *Hosanna-Tabor Evangelical Lutheran Church and School v. EEOC*, 565 U. S. ___, ___ (2012) (slip op., at 13–14). Our Government is prohibited from prescribing prayers to be recited in our public institutions in order to promote a preferred system of belief or code of moral behavior. *Engel v. Vitale*, 370 U. S. 421, 430 (1962). It would be but a few steps removed from that prohibition for legislatures to require chaplains to redact the religious content from their message in order to make it acceptable for the public sphere. Government may not mandate a civic religion that stifles any but the most generic reference to the sacred any more than it may prescribe a religious orthodoxy. See *Lee v. Weisman*, 505 U. S. 577, 590 (1992) (“The suggestion that government may establish an official or civic religion as a means of avoiding the establishment of a religion with more specific creeds strikes us as a contradiction that cannot be accepted”); *Schempp*, 374 U. S., at 306 (Goldberg, J., concurring) (arguing that “untutored devotion to the concept of neutrality” must not lead to “a brooding and pervasive devotion to the secular”).

Respondents argue, in effect, that legislative prayer may be addressed only to a generic God. The law and the Court could not draw this line for each specific prayer or seek to require ministers to set aside their nuanced and deeply personal beliefs for vague and artificial ones. There is doubt, in any event, that consensus might be reached as to what qualifies as generic or nonsectarian. Honorifics like “Lord of Lords” or “King of Kings” might strike a Christian audience as ecumenical, yet these titles may have no place in the vocabulary of other faith tradi-

Opinion of the Court

tions. The difficulty, indeed the futility, of sifting sectarian from nonsectarian speech is illustrated by a letter that a lawyer for the respondents sent the town in the early stages of this litigation. The letter opined that references to “Father, God, Lord God, and the Almighty” would be acceptable in public prayer, but that references to “Jesus Christ, the Holy Spirit, and the Holy Trinity” would not. App. 21a. Perhaps the writer believed the former grouping would be acceptable to monotheists. Yet even seemingly general references to God or the Father might alienate nonbelievers or polytheists. *McCreary County v. American Civil Liberties Union of Ky.*, 545 U. S. 844, 893 (2005) (SCALIA, J., dissenting). Because it is unlikely that prayer will be inclusive beyond dispute, it would be unwise to adopt what respondents think is the next-best option: permitting those religious words, and only those words, that are acceptable to the majority, even if they will exclude some. *Torcaso v. Watkins*, 367 U. S. 488, 495 (1961). The First Amendment is not a majority rule, and government may not seek to define permissible categories of religious speech. Once it invites prayer into the public sphere, government must permit a prayer giver to address his or her own God or gods as conscience dictates, unfettered by what an administrator or judge considers to be nonsectarian.

In rejecting the suggestion that legislative prayer must be nonsectarian, the Court does not imply that no constraints remain on its content. The relevant constraint derives from its place at the opening of legislative sessions, where it is meant to lend gravity to the occasion and reflect values long part of the Nation’s heritage. Prayer that is solemn and respectful in tone, that invites lawmakers to reflect upon shared ideals and common ends before they embark on the fractious business of governing, serves that legitimate function. If the course and practice over time shows that the invocations denigrate nonbeliev-

Opinion of the Court

ers or religious minorities, threaten damnation, or preach conversion, many present may consider the prayer to fall short of the desire to elevate the purpose of the occasion and to unite lawmakers in their common effort. That circumstance would present a different case than the one presently before the Court.

The tradition reflected in *Marsh* permits chaplains to ask their own God for blessings of peace, justice, and freedom that find appreciation among people of all faiths. That a prayer is given in the name of Jesus, Allah, or Jehovah, or that it makes passing reference to religious doctrines, does not remove it from that tradition. These religious themes provide particular means to universal ends. Prayer that reflects beliefs specific to only some creeds can still serve to solemnize the occasion, so long as the practice over time is not “exploited to proselytize or advance any one, or to disparage any other, faith or belief.” *Marsh*, 463 U. S., at 794–795.

It is thus possible to discern in the prayers offered to Congress a commonality of theme and tone. While these prayers vary in their degree of religiosity, they often seek peace for the Nation, wisdom for its lawmakers, and justice for its people, values that count as universal and that are embodied not only in religious traditions, but in our founding documents and laws. The first prayer delivered to the Continental Congress by the Rev. Jacob Duché on Sept. 7, 1774, provides an example:

“Be Thou present O God of Wisdom and direct the counsel of this Honorable Assembly; enable them to settle all things on the best and surest foundations; that the scene of blood may be speedily closed; that Order, Harmony, and Peace be effectually restored, and the Truth and Justice, Religion and Piety, prevail and flourish among the people.

“Preserve the health of their bodies, and the vigor of

Opinion of the Court

their minds, shower down on them, and the millions they here represent, such temporal Blessings as Thou seest expedient for them in this world, and crown them with everlasting Glory in the world to come. All this we ask in the name and through the merits of Jesus Christ, Thy Son and our Saviour, Amen.” W. Federer, *America’s God and Country* 137 (2000).

From the earliest days of the Nation, these invocations have been addressed to assemblies comprising many different creeds. These ceremonial prayers strive for the idea that people of many faiths may be united in a community of tolerance and devotion. Even those who disagree as to religious doctrine may find common ground in the desire to show respect for the divine in all aspects of their lives and being. Our tradition assumes that adult citizens, firm in their own beliefs, can tolerate and perhaps appreciate a ceremonial prayer delivered by a person of a different faith. See Letter from John Adams to Abigail Adams (Sept. 16, 1774), in C. Adams, *Familiar Letters of John Adams and His Wife Abigail Adams, During the Revolution* 37–38 (1876).

The prayers delivered in the town of Greece do not fall outside the tradition this Court has recognized. A number of the prayers did invoke the name of Jesus, the Heavenly Father, or the Holy Spirit, but they also invoked universal themes, as by celebrating the changing of the seasons or calling for a “spirit of cooperation” among town leaders. App. 31a, 38a. Among numerous examples of such prayer in the record is the invocation given by the Rev. Richard Barbour at the September 2006 board meeting:

“Gracious God, you have richly blessed our nation and this community. Help us to remember your generosity and give thanks for your goodness. Bless the elected leaders of the Greece Town Board as they conduct the business of our town this evening. Give them

Opinion of the Court

wisdom, courage, discernment and a single-minded desire to serve the common good. We ask your blessing on all public servants, and especially on our police force, firefighters, and emergency medical personnel. . . . Respectful of every religious tradition, I offer this prayer in the name of God’s only son Jesus Christ, the Lord, Amen.” *Id.*, at 98a–99a.

Respondents point to other invocations that disparaged those who did not accept the town’s prayer practice. One guest minister characterized objectors as a “minority” who are “ignorant of the history of our country,” *id.*, at 108a, while another lamented that other towns did not have “God-fearing” leaders, *id.*, at 79a. Although these two remarks strayed from the rationale set out in *Marsh*, they do not despoil a practice that on the whole reflects and embraces our tradition. Absent a pattern of prayers that over time denigrate, proselytize, or betray an impermissible government purpose, a challenge based solely on the content of a prayer will not likely establish a constitutional violation. *Marsh*, indeed, requires an inquiry into the prayer opportunity as a whole, rather than into the contents of a single prayer. 463 U. S., at 794–795.

Finally, the Court disagrees with the view taken by the Court of Appeals that the town of Greece contravened the Establishment Clause by inviting a predominantly Christian set of ministers to lead the prayer. The town made reasonable efforts to identify all of the congregations located within its borders and represented that it would welcome a prayer by any minister or layman who wished to give one. That nearly all of the congregations in town turned out to be Christian does not reflect an aversion or bias on the part of town leaders against minority faiths. So long as the town maintains a policy of nondiscrimination, the Constitution does not require it to search beyond its borders for non-Christian prayer givers in an effort to

Opinion of KENNEDY, J.

achieve religious balancing. The quest to promote “a ‘diversity’ of religious views” would require the town “to make wholly inappropriate judgments about the number of religions [it] should sponsor and the relative frequency with which it should sponsor each,” *Lee*, 505 U. S., at 617 (Souter, J., concurring), a form of government entanglement with religion that is far more troublesome than the current approach.

B

Respondents further seek to distinguish the town’s prayer practice from the tradition upheld in *Marsh* on the ground that it coerces participation by nonadherents. They and some *amici* contend that prayer conducted in the intimate setting of a town board meeting differs in fundamental ways from the invocations delivered in Congress and state legislatures, where the public remains segregated from legislative activity and may not address the body except by occasional invitation. Citizens attend town meetings, on the other hand, to accept awards; speak on matters of local importance; and petition the board for action that may affect their economic interests, such as the granting of permits, business licenses, and zoning variances. Respondents argue that the public may feel subtle pressure to participate in prayers that violate their beliefs in order to please the board members from whom they are about to seek a favorable ruling. In their view the fact that board members in small towns know many of their constituents by name only increases the pressure to conform.

It is an elemental First Amendment principle that government may not coerce its citizens “to support or participate in any religion or its exercise.” *County of Allegheny*, 492 U. S., at 659 (KENNEDY, J., concurring in judgment in part and dissenting in part); see also *Van Orden*, 545 U. S., at 683 (plurality opinion) (recognizing

Opinion of KENNEDY, J.

that our “institutions must not press religious observances upon their citizens”). On the record in this case the Court is not persuaded that the town of Greece, through the act of offering a brief, solemn, and respectful prayer to open its monthly meetings, compelled its citizens to engage in a religious observance. The inquiry remains a fact-sensitive one that considers both the setting in which the prayer arises and the audience to whom it is directed.

The prayer opportunity in this case must be evaluated against the backdrop of historical practice. As a practice that has long endured, legislative prayer has become part of our heritage and tradition, part of our expressive idiom, similar to the Pledge of Allegiance, inaugural prayer, or the recitation of “God save the United States and this honorable Court” at the opening of this Court’s sessions. See *Lynch*, 465 U. S., at 693 (O’Connor, J., concurring). It is presumed that the reasonable observer is acquainted with this tradition and understands that its purposes are to lend gravity to public proceedings and to acknowledge the place religion holds in the lives of many private citizens, not to afford government an opportunity to proselytize or force truant constituents into the pews. See *Salazar v. Buono*, 559 U. S. 700, 720–721 (2010) (plurality opinion); *Santa Fe Independent School Dist. v. Doe*, 530 U. S. 290, 308 (2000). That many appreciate these acknowledgments of the divine in our public institutions does not suggest that those who disagree are compelled to join the expression or approve its content. *West Virginia Bd. of Ed. v. Barnette*, 319 U. S. 624, 642 (1943).

The principal audience for these invocations is not, indeed, the public but lawmakers themselves, who may find that a moment of prayer or quiet reflection sets the mind to a higher purpose and thereby eases the task of governing. The District Court in *Marsh* described the prayer exercise as “an internal act” directed at the Nebraska Legislature’s “own members,” *Chambers v. Marsh*,

Opinion of KENNEDY, J.

504 F. Supp. 585, 588 (Neb. 1980), rather than an effort to promote religious observance among the public. See also *Lee*, 505 U. S., at 630, n. 8 (Souter, J., concurring) (describing *Marsh* as a case “in which government officials invoke[d] spiritual inspiration entirely for their own benefit”); *Atheists of Fla., Inc. v. Lakeland*, 713 F. 3d 577, 583 (CA11 2013) (quoting a city resolution providing for prayer “for the benefit and blessing of” elected leaders); Madison’s Detached Memoranda 558 (characterizing prayer in Congress as “religious worship for national representatives”); Brief for U. S. Senator Marco Rubio et al. as *Amici Curiae* 30–33; Brief for 12 Members of Congress as *Amici Curiae* 6. To be sure, many members of the public find these prayers meaningful and wish to join them. But their purpose is largely to accommodate the spiritual needs of lawmakers and connect them to a tradition dating to the time of the Framers. For members of town boards and commissions, who often serve part-time and as volunteers, ceremonial prayer may also reflect the values they hold as private citizens. The prayer is an opportunity for them to show who and what they are without denying the right to dissent by those who disagree.

The analysis would be different if town board members directed the public to participate in the prayers, singled out dissidents for opprobrium, or indicated that their decisions might be influenced by a person’s acquiescence in the prayer opportunity. No such thing occurred in the town of Greece. Although board members themselves stood, bowed their heads, or made the sign of the cross during the prayer, they at no point solicited similar gestures by the public. Respondents point to several occasions where audience members were asked to rise for the prayer. These requests, however, came not from town leaders but from the guest ministers, who presumably are accustomed to directing their congregations in this way and might have done so thinking the action was inclusive,

Opinion of KENNEDY, J.

not coercive. See App. 69a (“Would you bow your heads with me as we invite the Lord’s presence here tonight?”); *id.*, at 93a (“Let us join our hearts and minds together in prayer”); *id.*, at 102a (“Would you join me in a moment of prayer?”); *id.*, at 110a (“Those who are willing may join me now in prayer”). Respondents suggest that constituents might feel pressure to join the prayers to avoid irritating the officials who would be ruling on their petitions, but this argument has no evidentiary support. Nothing in the record indicates that town leaders allocated benefits and burdens based on participation in the prayer, or that citizens were received differently depending on whether they joined the invocation or quietly declined. In no instance did town leaders signal disfavor toward nonparticipants or suggest that their stature in the community was in any way diminished. A practice that classified citizens based on their religious views would violate the Constitution, but that is not the case before this Court.

In their declarations in the trial court, respondents stated that the prayers gave them offense and made them feel excluded and disrespected. Offense, however, does not equate to coercion. Adults often encounter speech they find disagreeable; and an Establishment Clause violation is not made out any time a person experiences a sense of affront from the expression of contrary religious views in a legislative forum, especially where, as here, any member of the public is welcome in turn to offer an invocation reflecting his or her own convictions. See *Elk Grove Unified School Dist. v. Newdow*, 542 U. S. 1, 44 (2004) (O’Connor, J., concurring) (“The compulsion of which Justice Jackson was concerned . . . was of the direct sort—the Constitution does not guarantee citizens a right entirely to avoid ideas with which they disagree”). If circumstances arise in which the pattern and practice of ceremonial, legislative prayer is alleged to be a means to coerce or intimidate others, the objection can be addressed in the

Opinion of KENNEDY, J.

regular course. But the showing has not been made here, where the prayers neither chastised dissenters nor attempted lengthy disquisition on religious dogma. Courts remain free to review the pattern of prayers over time to determine whether they comport with the tradition of solemn, respectful prayer approved in *Marsh*, or whether coercion is a real and substantial likelihood. But in the general course legislative bodies do not engage in impermissible coercion merely by exposing constituents to prayer they would rather not hear and in which they need not participate. See *County of Allegheny*, 492 U. S., at 670 (KENNEDY, J., concurring in judgment in part and dissenting in part).

This case can be distinguished from the conclusions and holding of *Lee v. Weisman*, 505 U. S. 577. There the Court found that, in the context of a graduation where school authorities maintained close supervision over the conduct of the students and the substance of the ceremony, a religious invocation was coercive as to an objecting student. *Id.*, at 592–594; see also *Santa Fe Independent School Dist.*, 530 U. S., at 312. Four Justices dissented in *Lee*, but the circumstances the Court confronted there are not present in this case and do not control its outcome. Nothing in the record suggests that members of the public are dissuaded from leaving the meeting room during the prayer, arriving late, or even, as happened here, making a later protest. In this case, as in *Marsh*, board members and constituents are “free to enter and leave with little comment and for any number of reasons.” *Lee, supra*, at 597. Should nonbelievers choose to exit the room during a prayer they find distasteful, their absence will not stand out as disrespectful or even noteworthy. And should they remain, their quiet acquiescence will not, in light of our traditions, be interpreted as an agreement with the words or ideas expressed. Neither choice represents an unconstitutional imposition as to mature adults, who “presumably”

Opinion of KENNEDY, J.

are “not readily susceptible to religious indoctrination or peer pressure.” *Marsh*, 463 U. S., at 792 (internal quotation marks and citations omitted).

In the town of Greece, the prayer is delivered during the ceremonial portion of the town’s meeting. Board members are not engaged in policymaking at this time, but in more general functions, such as swearing in new police officers, inducting high school athletes into the town hall of fame, and presenting proclamations to volunteers, civic groups, and senior citizens. It is a moment for town leaders to recognize the achievements of their constituents and the aspects of community life that are worth celebrating. By inviting ministers to serve as chaplain for the month, and welcoming them to the front of the room alongside civic leaders, the town is acknowledging the central place that religion, and religious institutions, hold in the lives of those present. Indeed, some congregations are not simply spiritual homes for town residents but also the provider of social services for citizens regardless of their beliefs. See App. 31a (thanking a pastor for his “community involvement”); *id.*, at 44a (thanking a deacon “for the job that you have done on behalf of our community”). The inclusion of a brief, ceremonial prayer as part of a larger exercise in civic recognition suggests that its purpose and effect are to acknowledge religious leaders and the institutions they represent rather than to exclude or coerce nonbelievers.

Ceremonial prayer is but a recognition that, since this Nation was founded and until the present day, many Americans deem that their own existence must be understood by precepts far beyond the authority of government to alter or define and that willing participation in civic affairs can be consistent with a brief acknowledgment of their belief in a higher power, always with due respect for those who adhere to other beliefs. The prayer in this case has a permissible ceremonial purpose. It is not an unconstitutional establishment of religion.

Opinion of the Court

* * *

The town of Greece does not violate the First Amendment by opening its meetings with prayer that comports with our tradition and does not coerce participation by nonadherents. The judgment of the U. S. Court of Appeals for the Second Circuit is reversed.

It is so ordered.

ALITO, J., concurring

SUPREME COURT OF THE UNITED STATES

No. 12–696

TOWN OF GREECE, NEW YORK, PETITIONER *v.*
SUSAN GALLOWAY ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SECOND CIRCUIT

[May 5, 2014]

JUSTICE ALITO, with whom JUSTICE SCALIA joins,
concurring.

I write separately to respond to the principal dissent, which really consists of two very different but intertwined opinions. One is quite narrow; the other is sweeping. I will address both.

I

First, however, since the principal dissent accuses the Court of being blind to the facts of this case, *post*, at 20 (opinion of KAGAN, J.), I recount facts that I find particularly salient.

The town of Greece is a municipality in upstate New York that borders the city of Rochester. The town decided to emulate a practice long established in Congress and state legislatures by having a brief prayer before sessions of the town board. The task of lining up clergy members willing to provide such a prayer was given to the town’s office of constituent services. 732 F. Supp. 2d 195, 197–198 (WDNY 2010). For the first four years of the practice, a clerical employee in the office would randomly call religious organizations listed in the Greece “Community Guide,” a local directory published by the Greece Chamber of Commerce, until she was able to find somebody willing to give the invocation. *Id.*, at 198. This employee eventu-

ALITO, J., concurring

ally began keeping a list of individuals who had agreed to give the invocation, and when a second clerical employee took over the task of finding prayer-givers, the first employee gave that list to the second. *Id.*, at 198, 199. The second employee then randomly called organizations on that list—and possibly others in the Community Guide—until she found someone who agreed to provide the prayer. *Id.*, at 199.

Apparently, all the houses of worship listed in the local Community Guide were Christian churches. *Id.*, at 198–200, 203. That is unsurprising given the small number of non-Christians in the area. Although statistics for the town of Greece alone do not seem to be available, statistics have been compiled for Monroe County, which includes both the town of Greece and the city of Rochester. According to these statistics, of the county residents who have a religious affiliation, about 3% are Jewish, and for other non-Christian faiths, the percentages are smaller.¹ There are no synagogues within the borders of the town of Greece, *id.*, at 203, but there are several not far away across the Rochester border. Presumably, Jewish residents of the town worship at one or more of those synagogues, but because these synagogues fall outside the town's borders, they were not listed in the town's local directory, and the responsible town employee did not include them on her list. *Ibid.* Nor did she include any other non-Christian house of worship. *Id.*, at 198–200.²

¹See Assn. of Statisticians of Am. Religious Bodies, C. Grammich et al., 2010 U. S. Religion Census: Religious Congregations & Membership Study 400–401 (2012).

²It appears that there is one non-Christian house of worship, a Buddhist temple, within the town's borders, but it was not listed in the town directory. 732 F. Supp. 2d, at 203. Although located within the town's borders, the temple has a Rochester mailing address. And while the respondents "each lived in the Town more than thirty years, neither was personally familiar with any mosques, synagogues, temples, or other non-Christian places of worship within the Town." *Id.*, at 197.

ALITO, J., concurring

As a result of this procedure, for some time all the prayers at the beginning of town board meetings were offered by Christian clergy, and many of these prayers were distinctively Christian. But respondents do not claim that the list was attributable to religious bias or favoritism, and the Court of Appeals acknowledged that the town had “no religious animus.” 681 F. 3d 20, 32 (CA2 2012).

For some time, the town’s practice does not appear to have elicited any criticism, but when complaints were received, the town made it clear that it would permit any interested residents, including nonbelievers, to provide an invocation, and the town has never refused a request to offer an invocation. *Id.*, at 23, 25; 732 F. Supp. 2d, at 197. The most recent list in the record of persons available to provide an invocation includes representatives of many non-Christian faiths. App. in No. 10–3635 (CA2), pp. A1053–A1055 (hereinafter CA2 App.).

Meetings of the Greece Town Board appear to have been similar to most other town council meetings across the country. The prayer took place at the beginning of the meetings. The board then conducted what might be termed the “legislative” portion of its agenda, during which residents were permitted to address the board. After this portion of the meeting, a separate stage of the meetings was devoted to such matters as formal requests for variances. See Brief for Respondents 5–6; CA2 App. A929–A930; *e.g.*, CA2 App. A1058, A1060.

No prayer occurred before this second part of the proceedings, and therefore I do not understand this case to involve the constitutionality of a prayer prior to what may be characterized as an adjudicatory proceeding. The prayer preceded only the portion of the town board meeting that I view as essentially legislative. While it is true that the matters considered by the board during this initial part of the meeting might involve very specific questions, such as the installation of a traffic light or stop

ALITO, J., concurring

sign at a particular intersection, that does not transform the nature of this part of the meeting.

II

I turn now to the narrow aspect of the principal dissent, and what we find here is that the principal dissent's objection, in the end, is really quite niggling. According to the principal dissent, the town could have avoided any constitutional problem in either of two ways.

A

First, the principal dissent writes, “[i]f the Town Board had let its chaplains know that they should speak in non-sectarian terms, common to diverse religious groups, then no one would have valid grounds for complaint.” *Post*, at 18–19. “Priests and ministers, rabbis and imams,” the principal dissent continues, “give such invocations all the time” without any great difficulty. *Post*, at 19.

Both Houses of Congress now advise guest chaplains that they should keep in mind that they are addressing members from a variety of faith traditions, and as a matter of policy, this advice has much to recommend it. But any argument that nonsectarian prayer is constitutionally required runs headlong into a long history of contrary congressional practice. From the beginning, as the Court notes, many Christian prayers were offered in the House and Senate, see *ante*, at 7, and when rabbis and other non-Christian clergy have served as guest chaplains, their prayers have often been couched in terms particular to their faith traditions.³

³For example, when a rabbi first delivered a prayer at a session of the House of Representatives in 1860, he appeared “in full rabbinic dress, ‘piously bedecked in a white tallit and a large velvet skullcap,’” and his prayer “invoked several uniquely Jewish themes and repeated the Biblical priestly blessing in Hebrew.” See Brief for Nathan Lewin as *Amicus Curiae* 9. Many other rabbis have given distinctively Jewish prayers, *id.*, at 10, and n. 3, and distinctively Islamic, Buddhist, and

ALITO, J., concurring

Not only is there no historical support for the proposition that only generic prayer is allowed, but as our country has become more diverse, composing a prayer that is acceptable to all members of the community who hold religious beliefs has become harder and harder. It was one thing to compose a prayer that is acceptable to both Christians and Jews; it is much harder to compose a prayer that is also acceptable to followers of Eastern religions that are now well represented in this country. Many local clergy may find the project daunting, if not impossible, and some may feel that they cannot in good faith deliver such a vague prayer.

In addition, if a town attempts to go beyond simply *recommending* that a guest chaplain deliver a prayer that is broadly acceptable to all members of a particular community (and the groups represented in different communities will vary), the town will inevitably encounter sensitive problems. Must a town screen and, if necessary, edit prayers before they are given? If prescreening is not required, must the town review prayers after they are delivered in order to determine if they were sufficiently generic? And if a guest chaplain crosses the line, what must the town do? Must the chaplain be corrected on the spot? Must the town strike this chaplain (and perhaps his or her house of worship) from the approved list?

B

If a town wants to avoid the problems associated with this first option, the principal dissent argues, it has another choice: It may “invit[e] clergy of many faiths.” *Post*, at 19. “When one month a clergy member refers to Jesus, and the next to Allah or Jehovah,” the principal dissent explains, “the government does not identify itself with one religion or align itself with that faith’s citizens, and the

Hindu prayers have also been delivered, see *ante*, at 10–11.

ALITO, J., concurring

effect of even sectarian prayer is transformed.” *Ibid.*

If, as the principal dissent appears to concede, such a rotating system would obviate any constitutional problems, then despite all its high rhetoric, the principal dissent’s quarrel with the town of Greece really boils down to this: The town’s clerical employees did a bad job in compiling the list of potential guest chaplains. For that is really the only difference between what the town did and what the principal dissent is willing to accept. The Greece clerical employee drew up her list using the town directory instead of a directory covering the entire greater Rochester area. If the task of putting together the list had been handled in a more sophisticated way, the employee in charge would have realized that the town’s Jewish residents attended synagogues on the Rochester side of the border and would have added one or more synagogues to the list. But the mistake was at worst careless, and it was not done with a discriminatory intent. (I would view this case very differently if the omission of these synagogues were intentional.)

The informal, imprecise way in which the town lined up guest chaplains is typical of the way in which many things are done in small and medium-sized units of local government. In such places, the members of the governing body almost always have day jobs that occupy much of their time. The town almost never has a legal office and instead relies for legal advice on a local attorney whose practice is likely to center on such things as land-use regulation, contracts, and torts. When a municipality like the town of Greece seeks in good faith to emulate the congressional practice on which our holding in *Marsh v. Chambers*, 463 U. S. 783 (1983), was largely based, that municipality should not be held to have violated the Constitution simply because its method of recruiting guest chaplains lacks the demographic exactitude that might be regarded as optimal.

ALITO, J., concurring

The effect of requiring such exactitude would be to pressure towns to forswear altogether the practice of having a prayer before meetings of the town council. Many local officials, puzzled by our often puzzling Establishment Clause jurisprudence and terrified of the legal fees that may result from a lawsuit claiming a constitutional violation, already think that the safest course is to ensure that local government is a religion-free zone. Indeed, the Court of Appeals' opinion in this case advised towns that constitutional difficulties "may well prompt municipalities to pause and think carefully before adopting legislative prayer." 681 F. 3d, at 34. But if, as precedent and historic practice make clear (and the principal dissent concedes), prayer before a legislative session is not inherently inconsistent with the First Amendment, then a unit of local government should not be held to have violated the First Amendment simply because its procedure for lining up guest chaplains does not comply in all respects with what might be termed a "best practices" standard.

III

While the principal dissent, in the end, would demand no more than a small modification in the procedure that the town of Greece initially followed, much of the rhetoric in that opinion sweeps more broadly. Indeed, the logical thrust of many of its arguments is that prayer is *never* permissible prior to meetings of local government legislative bodies. At Greece Town Board meetings, the principal dissent pointedly notes, ordinary citizens (and even children!) are often present. *Post*, at 10–11. The guest chaplains stand in front of the room facing the public. "[T]he setting is intimate," and ordinary citizens are permitted to speak and to ask the board to address problems that have a direct effect on their lives. *Post*, at 11. The meetings are "occasions for ordinary citizens to engage with and petition their government, often on highly individualized

ALITO, J., concurring

matters.” *Post*, at 9. Before a session of this sort, the principal dissent argues, any prayer that is not acceptable to all in attendance is out of bounds.

The features of Greece meetings that the principal dissent highlights are by no means unusual.⁴ It is common for residents to attend such meetings, either to speak on matters on the agenda or to request that the town address other issues that are important to them. Nor is there anything unusual about the occasional attendance of students, and when a prayer is given at the beginning of such a meeting, I expect that the chaplain generally stands at the front of the room and faces the public. To do otherwise would probably be seen by many as rude. Finally, although the principal dissent, *post*, at 13, attaches importance to the fact that guest chaplains in the town of Greece often began with the words “Let us pray,” that is also commonplace and for many clergy, I suspect, almost reflexive.⁵ In short, I see nothing out of the ordinary about any of the features that the principal dissent notes. Therefore, if prayer is not allowed at meetings with those characteristics, local government legislative bodies, unlike their national and state counterparts, cannot begin their meetings with a prayer. I see no sound basis for drawing such a distinction.

⁴See, e.g., prayer practice of Saginaw City Council in Michigan, described in Letter from Freedom from Religion Foundation to City Manager, Saginaw City Council (Jan. 31, 2014), online at http://media.mlive.com/saginawnews_impact/other/Saginaw%20prayer%20at%20meetings%20letter.pdf (all Internet materials as visited May 2, 2014, and available in Clerk of Court’s case file); prayer practice of Cobb County commissions in Georgia, described in *Pelphrey v. Cobb County*, 410 F. Supp. 2d 1324 (ND Ga. 2006).

⁵For example, at the most recent Presidential inauguration, a minister faced the assembly of onlookers on the National Mall and began with those very words. 159 Cong. Rec. S183, S186 (Jan. 22, 2013).

ALITO, J., concurring

IV

The principal dissent claims to accept the Court's decision in *Marsh v. Chambers*, which upheld the constitutionality of the Nebraska Legislature's practice of prayer at the beginning of legislative sessions, but the principal dissent's acceptance of *Marsh* appears to be predicated on the view that the prayer at issue in that case was little more than a formality to which the legislators paid scant attention. The principal dissent describes this scene: A session of the state legislature begins with or without most members present; a strictly nonsectarian prayer is recited while some legislators remain seated; and few members of the public are exposed to the experience. *Post*, at 8–9. This sort of perfunctory and hidden-away prayer, the principal dissent implies, is all that *Marsh* and the First Amendment can tolerate.

It is questionable whether the principal dissent accurately describes the Nebraska practice at issue in *Marsh*,⁶ but what is important is not so much what happened in Nebraska in the years prior to *Marsh*, but what happened before congressional sessions during the period leading up to the adoption of the First Amendment. By that time, prayer before legislative sessions already had an impressive pedigree, and it is important to recall that history and the events that led to the adoption of the practice.

The principal dissent paints a picture of “morning in

⁶See generally Brief for Robert E. Palmer as *Amicus Curiae* (Nebraska Legislature chaplain at issue in *Marsh*); *e.g.*, *id.*, at 11 (describing his prayers as routinely referring “to Christ, the Bible, [and] holy days”). See also *Chambers v. Marsh*, 504 F. Supp. 585, 590, n. 12 (Neb. 1980) (“A rule of the Nebraska Legislature requires that ‘every member shall be present within the Legislative Chamber during the meetings of the Legislature . . . unless excused . . .’ Unless the excuse for nonattendance is deemed sufficient by the legislature, the ‘presence of any member may be compelled, if necessary, by sending the Sergeant at Arms’ ” (alterations in original)).

ALITO, J., concurring

Nebraska” circa 1983, see *post*, at 9, but it is more instructive to consider “morning in Philadelphia,” September 1774. The First Continental Congress convened in Philadelphia, and the need for the 13 colonies to unite was imperative. But “[m]any things set colony apart from colony,” and prominent among these sources of division was religion.⁷ “Purely as a practical matter,” however, the project of bringing the colonies together required that these divisions be overcome.⁸

Samuel Adams sought to bridge these differences by prodding a fellow Massachusetts delegate to move to open the session with a prayer.⁹ As John Adams later recounted, this motion was opposed on the ground that the delegates were “so divided in religious sentiments, some Episcopalians, some Quakers, some Anabaptists, some Presbyterians, and some Congregationalists, that [they] could not join in the same act of worship.”¹⁰ In response, Samuel Adams proclaimed that “he was no bigot, and could hear a prayer from a gentleman of piety and virtue, who was at the same time a friend to his country.”¹¹ Putting aside his personal prejudices,¹² he moved to invite a local Anglican minister, Jacob Duché, to lead the first prayer.¹³

The following morning, Duché appeared in full “pontifi-

⁷G. Wills, *Inventing America: Jefferson’s Declaration of Independence* 46 (1978).

⁸N. Cousins, *In God We Trust: The Religious Beliefs and Ideas of the American Founding Fathers* 4–5, 13 (1958).

⁹M. Puls, *Samuel Adams: Father of the American Revolution* 160 (2006).

¹⁰Letter to Abigail Adams (Sept. 16, 1774), in C. Adams, *Familiar Letters of John Adams and His Wife Abigail Adams, During the Revolution* 37 (1876).

¹¹*Ibid.*

¹²See G. Wills, *supra*, at 46; J. Miller, *Sam Adams* 85, 87 (1936); I. Stoll, *Samuel Adams: A Life* 7, 134–135 (2008).

¹³C. Adams, *supra*, at 37.

ALITO, J., concurring

cals” and delivered both the Anglican prayers for the day and an extemporaneous prayer.¹⁴ For many of the delegates—members of religious groups that had come to America to escape persecution in Britain—listening to a distinctively Anglican prayer by a minister of the Church of England represented an act of notable ecumenism. But Duché’s prayer met with wide approval—John Adams wrote that it “filled the bosom of every man” in attendance¹⁵—and the practice was continued. This first congressional prayer was emphatically Christian, and it was neither an empty formality nor strictly nondenominational.¹⁶ But one of its purposes, and presumably one of its effects, was not to divide, but to unite.

It is no wonder, then, that the practice of beginning congressional sessions with a prayer was continued after the Revolution ended and the new Constitution was adopted. One of the first actions taken by the new Congress when it convened in 1789 was to appoint chaplains for both Houses. The first Senate chaplain, an Episcopalian, was appointed on April 25, 1789, and the first House chaplain, a Presbyterian, was appointed on May 1.¹⁷ Three days later, Madison announced that he planned to introduce proposed constitutional amendments to protect individual rights; on June 8, 1789, those amendments were introduced; and on September 26, 1789, the amendments were approved to be sent to the States for ratification.¹⁸ In the years since the adoption of the First

¹⁴ *Ibid.*

¹⁵ *Ibid.*; see W. Wells, 2 *The Life and Public Services of Samuel Adams* 222–223 (1865); J. Miller, *supra*, at 320; E. Burnett, *The Continental Congress* 40 (1941); M. Puls, *supra*, at 161.

¹⁶ First Prayer of the Continental Congress, 1774, online at <http://chaplain.house.gov/archive/continental.html>.

¹⁷ 1 *Annals of Cong.* 24–25 (1789); R. Cord, *Separation of Church and State: Historical Fact and Current Fiction* 23 (1982).

¹⁸ 1 *Annals of Cong.* 247, 424; R. Labunski, *James Madison and the Struggle for the Bill of Rights* 240–241 (2006).

ALITO, J., concurring

Amendment, the practice of prayer before sessions of the House and Senate has continued, and opening prayers from a great variety of faith traditions have been offered.

This Court has often noted that actions taken by the First Congress are presumptively consistent with the Bill of Rights, see, e.g., *Harmelin v. Michigan*, 501 U. S. 957, 980 (1991), *Carroll v. United States*, 267 U. S. 132, 150–152 (1925), and this principle has special force when it comes to the interpretation of the Establishment Clause. This Court has always purported to base its Establishment Clause decisions on the original meaning of that provision. Thus, in *Marsh*, when the Court was called upon to decide whether prayer prior to sessions of a state legislature was consistent with the Establishment Clause, we relied heavily on the history of prayer before sessions of Congress and held that a state legislature may follow a similar practice. See 463 U. S., at 786–792.

There can be little doubt that the decision in *Marsh* reflected the original understanding of the First Amendment. It is virtually inconceivable that the First Congress, having appointed chaplains whose responsibilities prominently included the delivery of prayers at the beginning of each daily session, thought that this practice was inconsistent with the Establishment Clause. And since this practice was well established and undoubtedly well known, it seems equally clear that the state legislatures that ratified the First Amendment had the same understanding. In the case before us, the Court of Appeals appeared to base its decision on one of the Establishment Clause “tests” set out in the opinions of this Court, see 681 F. 3d, at 26, 30, but if there is any inconsistency between any of those tests and the historic practice of legislative prayer, the inconsistency calls into question the validity of the test, not the historic practice.

ALITO, J., concurring

V

This brings me to my final point. I am troubled by the message that some readers may take from the principal dissent's rhetoric and its highly imaginative hypotheticals. For example, the principal dissent conjures up the image of a litigant awaiting trial who is asked by the presiding judge to rise for a Christian prayer, of an official at a polling place who conveys the expectation that citizens wishing to vote make the sign of the cross before casting their ballots, and of an immigrant seeking naturalization who is asked to bow her head and recite a Christian prayer. Although I do not suggest that the implication is intentional, I am concerned that at least some readers will take these hypotheticals as a warning that this is where today's decision leads—to a country in which religious minorities are denied the equal benefits of citizenship.

Nothing could be further from the truth. All that the Court does today is to allow a town to follow a practice that we have previously held is permissible for Congress and state legislatures. In seeming to suggest otherwise, the principal dissent goes far astray.

Opinion of THOMAS, J.

SUPREME COURT OF THE UNITED STATES

No. 12–696

TOWN OF GREECE, NEW YORK, PETITIONER *v.*
SUSAN GALLOWAY ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SECOND CIRCUIT

[May 5, 2014]

JUSTICE THOMAS, with whom JUSTICE SCALIA joins as to Part II, concurring in part and concurring in the judgment.

Except for Part II–B, I join the opinion of the Court, which faithfully applies *Marsh v. Chambers*, 463 U. S. 783 (1983). I write separately to reiterate my view that the Establishment Clause is “best understood as a federalism provision,” *Elk Grove Unified School Dist. v. Newdow*, 542 U. S. 1, 50 (2004) (THOMAS, J., concurring in judgment), and to state my understanding of the proper “coercion” analysis.

I

The Establishment Clause provides that “Congress shall make no law respecting an establishment of religion.” U. S. Const., Amdt. 1. As I have explained before, the text and history of the Clause “resis[t] incorporation” against the States. *Newdow, supra*, at 45–46; see also *Van Orden v. Perry*, 545 U. S. 677, 692–693 (2005) (THOMAS, J., concurring); *Zelman v. Simmons-Harris*, 536 U. S. 639, 677–680 (2002) (same). If the Establishment Clause is not incorporated, then it has no application here, where only municipal action is at issue.

As an initial matter, the Clause probably prohibits Congress from establishing a national religion. Cf. D.

Opinion of THOMAS, J.

Drakeman, Church, State, and Original Intent 260–262 (2010). The text of the Clause also suggests that Congress “could not interfere with state establishments, notwithstanding any argument that could be made based on Congress’ power under the Necessary and Proper Clause.” *Newdow, supra*, at 50 (opinion of THOMAS, J.). The language of the First Amendment (“Congress shall make no law”) “precisely tracked and inverted the exact wording” of the Necessary and Proper Clause (“Congress shall have power . . . to make all laws which shall be necessary and proper . . .”), which was the subject of fierce criticism by Anti-Federalists at the time of ratification. A. Amar, *The Bill of Rights* 39 (1998) (hereinafter Amar); see also Natelson, *The Framing and Adoption of the Necessary and Proper Clause*, in *The Origins of the Necessary and Proper Clause* 84, 94–96 (G. Lawson, G. Miller, R. Natelson, & G. Seidman eds. 2010) (summarizing Anti-Federalist claims that the Necessary and Proper Clause would aggrandize the powers of the Federal Government). That choice of language—“Congress shall make no law”—effectively denied Congress any power to regulate state establishments.

Construing the Establishment Clause as a federalism provision accords with the variety of church-state arrangements that existed at the Founding. At least six States had established churches in 1789. Amar 32–33. New England States like Massachusetts, Connecticut, and New Hampshire maintained local-rule establishments whereby the majority in each town could select the minister and religious denomination (usually Congregationalism, or “Puritanism”). McConnell, *Establishment and Disestablishment at the Founding, Part I: Establishment of Religion*, 44 Wm. & Mary L. Rev. 2105, 2110 (2003); see also L. Levy, *The Establishment Clause: Religion and the First Amendment* 29–51 (1994) (hereinafter Levy). In the South, Maryland, South Carolina, and Georgia eliminated

Opinion of THOMAS, J.

their exclusive Anglican establishments following the American Revolution and adopted general establishments, which permitted taxation in support of all Christian churches (or, as in South Carolina, all Protestant churches). See Levy 52–58; Amar 32–33. Virginia, by contrast, had recently abolished its official state establishment and ended direct government funding of clergy after a legislative battle led by James Madison. See T. Buckley, *Church and State in Revolutionary Virginia, 1776–1787*, pp. 155–164 (1977). Other States—principally Rhode Island, Pennsylvania, and Delaware, which were founded by religious dissenters—had no history of formal establishments at all, although they still maintained religious tests for office. See McConnell, *The Origins and Historical Understanding of Free Exercise of Religion*, 103 Harv. L. Rev. 1409, 1425–1426, 1430 (1990).

The import of this history is that the relationship between church and state in the fledgling Republic was far from settled at the time of ratification. See Muñoz, *The Original Meaning of the Establishment Clause and the Impossibility of Its Incorporation*, 8 U. Pa. J. Constitutional L. 585, 605 (2006). Although the remaining state establishments were ultimately dismantled—Massachusetts, the last State to disestablish, would do so in 1833, see Levy 42—that outcome was far from assured when the Bill of Rights was ratified in 1791. That lack of consensus suggests that the First Amendment was simply agnostic on the subject of state establishments; the decision to establish or disestablish religion was reserved to the States. Amar 41.

The Federalist logic of the original Establishment Clause poses a special barrier to its mechanical incorporation against the States through the Fourteenth Amendment. See *id.*, at 33. Unlike the Free Exercise Clause, which “plainly protects individuals against congressional interference with the right to exercise their religion,” the

Opinion of THOMAS, J.

Establishment Clause “does not purport to protect individual rights.” *Newdow*, 542 U. S., at 50 (opinion of THOMAS, J.). Instead, the States are the particular beneficiaries of the Clause. Incorporation therefore gives rise to a paradoxical result: Applying the Clause against the States eliminates their right to establish a religion free from federal interference, thereby “prohibit[ing] exactly what the Establishment Clause protected.” *Id.*, at 51; see Amar 33–34.

Put differently, the structural reasons that counsel against incorporating the Tenth Amendment also apply to the Establishment Clause. *Id.*, at 34. To my knowledge, no court has ever suggested that the Tenth Amendment, which “reserve[s] to the States” powers not delegated to the Federal Government, could or should be applied against the States. To incorporate that limitation would be to divest the States of all powers not specifically delegated to them, thereby inverting the original import of the Amendment. Incorporating the Establishment Clause has precisely the same effect.

The most cogent argument in favor of incorporation may be that, by the time of Reconstruction, the framers of the Fourteenth Amendment had come to reinterpret the Establishment Clause (notwithstanding its Federalist origins) as expressing an individual right. On this question, historical evidence from the 1860’s is mixed. Congressmen who catalogued the personal rights protected by the First Amendment commonly referred to speech, press, petition, and assembly, but not to a personal right of nonestablishment; instead, they spoke only of “‘free exercise’” or “‘freedom of conscience.’” Amar 253, and 385, n. 91 (collecting sources). There may be reason to think these lists were abbreviated, and silence on the issue is not dispositive. See Lash, *The Second Adoption of the Establishment Clause: The Rise of the Nonestablishment Principle*, 27 *Ariz. St. L. J.* 1085, 1141–1145 (1995); but cf. S. Smith,

Opinion of THOMAS, J.

Foreordained Failure: The Quest for a Constitutional Principle of Religious Freedom 50–52 (1995). Given the textual and logical difficulties posed by incorporation, however, there is no warrant for transforming the meaning of the Establishment Clause without a firm historical foundation. See *Newdow*, *supra*, at 51 (opinion of THOMAS, J.). The burden of persuasion therefore rests with those who claim that the Clause assumed a different meaning upon adoption of the Fourteenth Amendment.¹

II

Even if the Establishment Clause were properly incorporated against the States, the municipal prayers at issue in this case bear no resemblance to the coercive state establishments that existed at the founding. “The coercion that was a hallmark of historical establishments of religion was coercion of religious orthodoxy and of financial support *by force of law and threat of penalty*.” *Lee v. Weisman*, 505 U. S. 577, 640 (1992) (SCALIA, J., dissent-

¹This Court has never squarely addressed these barriers to the incorporation of the Establishment Clause. When the issue was first presented in *Everson v. Board of Ed. of Ewing*, 330 U. S. 1 (1947), the Court casually asserted that “the Fourteenth Amendment [has been] interpreted to make the prohibitions of the First applicable to state action abridging religious freedom. There is every reason to give the same application and broad interpretation to the ‘establishment of religion’ clause.” *Id.*, at 15 (footnote omitted). The cases the Court cited in support of that proposition involved the Free Exercise Clause—which had been incorporated seven years earlier, in *Cantwell v. Connecticut*, 310 U. S. 296, 303 (1940)—not the Establishment Clause. 330 U. S., at 15, n. 22 (collecting cases). Thus, in the space of a single paragraph and a nonresponsive string citation, the *Everson* Court glibly effected a sea change in constitutional law. The Court’s inattention to these doctrinal questions might be explained, although not excused, by the rise of popular conceptions about “separation of church and state” as an “American” constitutional right. See generally P. Hamburger, *Separation of Church and State* 454–463 (2002); see also *id.*, at 391–454 (discussing the role of nativist sentiment in the campaign for “separation” as an American ideal).

Opinion of THOMAS, J.

ing); see also *Perry*, 545 U. S., at 693–694 (THOMAS, J., concurring); *Cutter v. Wilkinson*, 544 U. S. 709, 729 (2005) (THOMAS, J., concurring); *Newdow*, *supra*, at 52 (opinion of THOMAS, J.). In a typical case, attendance at the established church was mandatory, and taxes were levied to generate church revenue. McConnell, Establishment and Disestablishment, at 2144–2146, 2152–2159. Dissenting ministers were barred from preaching, and political participation was limited to members of the established church. *Id.*, at 2161–2168, 2176–2180.

This is not to say that the state establishments in existence when the Bill of Rights was ratified were uniform. As previously noted, establishments in the South were typically governed through the state legislature or State Constitution, while establishments in New England were administered at the municipal level. See *supra*, at 2–3. Notwithstanding these variations, both state and local forms of establishment involved “actual legal coercion,” *Newdow*, *supra*, at 52 (opinion of THOMAS, J.): They exercised government power in order to exact financial support of the church, compel religious observance, or control religious doctrine.

None of these founding-era state establishments remained at the time of Reconstruction. But even assuming that the framers of the Fourteenth Amendment reconceived the nature of the Establishment Clause as a constraint on the States, nothing in the history of the intervening period suggests a fundamental transformation in their understanding of *what constituted an establishment*. At a minimum, there is no support for the proposition that the framers of the Fourteenth Amendment embraced wholly modern notions that the Establishment Clause is violated whenever the “reasonable observer” feels “subtle pressure,” *ante*, at 18, 19, or perceives governmental “endorsement[.],” *ante*, at 5–6. For example, of the 37 States in existence when the Fourteenth Amendment was rati-

Opinion of THOMAS, J.

fied, 27 State Constitutions “contained an explicit reference to God in their preambles.” Calabresi & Agudo, *Individual Rights Under State Constitutions When the Fourteenth Amendment Was Ratified in 1868: What Rights Are Deeply Rooted in American History and Tradition?*, 87 Tex. L. Rev. 7, 12, 37 (2008). In addition to the preamble references, 30 State Constitutions contained other references to the divine, using such phrases as “Almighty God,” “[O]ur Creator,” and “Sovereign Ruler of the Universe.” *Id.*, at 37, 38, 39, n. 104. Moreover, the state constitutional provisions that prohibited religious “comp[ulsion]” made clear that the relevant sort of compulsion was legal in nature, of the same type that had characterized founding-era establishments.² These provisions strongly suggest that, whatever nonestablishment principles existed in 1868, they included no concern for the finer sensibilities of the “reasonable observer.”

Thus, to the extent coercion is relevant to the Establishment Clause analysis, it is actual legal coercion that counts—not the “subtle coercive pressures” allegedly felt by respondents in this case, *ante*, at 9. The majority properly concludes that “[o]ffense . . . does not equate to

²See, e.g., Del. Const., Art. I, §1 (1831) (“[N]o man shall, or ought to be compelled to attend any religious worship, to contribute to the erection or support of any place of worship, or to the maintenance of any ministry, against his own free will and consent”); Me. Const., Art. I, §3 (1820) (“[N]o one shall be hurt, molested or restrained in his person, liberty or estate, for worshiping God in the manner and season most agreeable to the dictates of his own conscience”); Mo. Const., Art. I, §10 (1865) (“[N]o person can be compelled to erect, support, or attend any place of worship, or maintain any minister of the Gospel or teacher of religion”); R. I. Const., Art. I, §3 (1842) (“[N]o man shall be compelled to frequent or to support any religious worship, place, or ministry whatever, except in fulfillment of his own voluntary contract”); Vt. Const., Ch. I, §3 (1777) (“[N]o man ought, or of right can be compelled to attend any religious worship, or erect, or support any place of worship, or maintain any minister, contrary to the dictates of his conscience”).

Opinion of THOMAS, J.

coercion,” since “[a]dults often encounter speech they find disagreeable[,] and an Establishment Clause violation is not made out any time a person experiences a sense of affront from the expression of contrary religious views in a legislative forum.” *Ante*, at 21. I would simply add, in light of the foregoing history of the Establishment Clause, that “[p]eer pressure, unpleasant as it may be, is not coercion” either. *Newdow*, 542 U. S., at 49 (opinion of THOMAS, J.).

BREYER, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 12–696

TOWN OF GREECE, NEW YORK, PETITIONER *v.*
SUSAN GALLOWAY ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
APPEALS FOR THE SECOND CIRCUIT

[May 5, 2014]

JUSTICE BREYER, dissenting.

As we all recognize, this is a “fact-sensitive” case. *Ante*, at 19 (opinion of KENNEDY, J.); see also *post*, at 20 (KAGAN, J., dissenting); 681 F. 3d 20, 34 (CA2 2012) (explaining that the Court of Appeals’ holding follows from the “totality of the circumstances”). The Court of Appeals did not believe that the Constitution forbids legislative prayers that incorporate content associated with a particular denomination. *Id.*, at 28. Rather, the court’s holding took that content into account simply because it indicated that the town had not followed a sufficiently inclusive “prayer-giver selection process.” *Id.*, at 30. It also took into account related “actions (and inactions) of prayer-givers and town officials.” *Ibid.* Those actions and inactions included (1) a selection process that led to the selection of “clergy almost exclusively from places of worship located within the town’s borders,” despite the likelihood that significant numbers of town residents were members of congregations that gather just outside those borders; (2) a failure to “infor[m] members of the general public that volunteers” would be acceptable prayer givers; and (3) a failure to “infor[m] prayer-givers that invocations were not to be exploited as an effort to convert others to the particular faith of the invitational speaker, nor to disparage any faith or belief different than that of the invoca-

BREYER, J., dissenting

tional speaker.” *Id.*, at 31–32 (internal quotation marks omitted).

The Court of Appeals further emphasized what it was not holding. It did not hold that “the town may not open its public meetings with a prayer,” or that “any prayers offered in this context must be blandly ‘nonsectarian.’” *Id.*, at 33. In essence, the Court of Appeals merely held that the town must do more than it had previously done to try to make its prayer practices inclusive of other faiths. And it did not prescribe a single constitutionally required method for doing so.

In my view, the Court of Appeals’ conclusion and its reasoning are convincing. JUSTICE KAGAN’s dissent is consistent with that view, and I join it. I also here emphasize several factors that I believe underlie the conclusion that, on the particular facts of this case, the town’s prayer practice violated the Establishment Clause.

First, Greece is a predominantly Christian town, but it is not exclusively so. A map of the town’s houses of worship introduced in the District Court shows many Christian churches within the town’s limits. It also shows a Buddhist temple within the town and several Jewish synagogues just outside its borders, in the adjacent city of Rochester, New York. *Id.*, at 24. Yet during the more than 120 monthly meetings at which prayers were delivered during the record period (from 1999 to 2010), only four prayers were delivered by non-Christians. And all of these occurred in 2008, shortly after the plaintiffs began complaining about the town’s Christian prayer practice and nearly a decade after that practice had commenced. See *post*, at 14, 21.

To be precise: During 2008, two prayers were delivered by a Jewish layman, one by the chairman of a Baha’i congregation, and one by a Wiccan priestess. The Jewish and Wiccan prayer givers were invited only after they reached out to the town to inquire about giving an invoca-

BREYER, J., dissenting

tion. The town apparently invited the Baha'i chairman on its own initiative. The inclusivity of the 2008 meetings, which contrasts starkly with the exclusively single-denomination prayers every year before and after, is commendable. But the Court of Appeals reasonably decided not to give controlling weight to that inclusivity, for it arose only in response to the complaints that presaged this litigation, and it did not continue into the following years.

Second, the town made no significant effort to inform the area's non-Christian houses of worship about the possibility of delivering an opening prayer. See *post*, at 21. Beginning in 1999, when it instituted its practice of opening its monthly board meetings with prayer, Greece selected prayer givers as follows: Initially, the town's employees invited clergy from each religious organization listed in a "Community Guide" published by the Greece Chamber of Commerce. After that, the town kept a list of clergy who had accepted invitations and reinvited those clergy to give prayers at future meetings. From time to time, the town supplemented this list in response to requests from citizens and to new additions to the Community Guide and a town newspaper called the Greece Post.

The plaintiffs do not argue that the town intentionally discriminated against non-Christians when choosing whom to invite, 681 F. 3d, at 26, and the town claims, plausibly, that it would have allowed anyone who asked to give an invocation to do so. Rather, the evident reasons why the town consistently chose Christian prayer givers are that the Buddhist and Jewish temples mentioned above were not listed in the Community Guide or the Greece Post and that the town limited its list of clergy almost exclusively to representatives of houses of worship situated within Greece's town limits (again, the Buddhist temple on the map was within those limits, but the synagogues were just outside them). *Id.*, at 24, 31.

Third, in this context, the fact that nearly all of the

BREYER, J., dissenting

prayers given reflected a single denomination takes on significance. That significance would have been the same had all the prayers been Jewish, or Hindu, or Buddhist, or of any other denomination. The significance is that, in a context where religious minorities exist and where more could easily have been done to include their participation, the town chose to do nothing. It could, for example, have posted its policy of permitting anyone to give an invocation on its website, greece.ny.gov, which provides dates and times of upcoming town board meetings along with minutes of prior meetings. It could have announced inclusive policies at the beginning of its board meetings, just before introducing the month's prayer giver. It could have provided information to those houses of worship of all faiths that lie just outside its borders and include citizens of Greece among their members. Given that the town could easily have made these or similar efforts but chose not to, the fact that all of the prayers (aside from the 2008 outliers) were given by adherents of a single religion reflects a lack of effort to include others. And that is what I take to be a major point of JUSTICE KAGAN's related discussion. See *post*, at 2–4, 9, 14–15, 21–23.

Fourth, the fact that the board meeting audience included citizens with business to conduct also contributes to the importance of making more of an effort to include members of other denominations. It does not, however, automatically change the nature of the meeting from one where an opening prayer is permissible under the Establishment Clause to one where it is not. Cf. *post*, at 8–14, 16–17, 20.

Fifth, it is not normally government's place to rewrite, to parse, or to critique the language of particular prayers. And it is always possible that members of one religious group will find that prayers of other groups (or perhaps even a moment of silence) are not compatible with their faith. Despite this risk, the Constitution does not forbid

BREYER, J., dissenting

opening prayers. But neither does the Constitution forbid efforts to explain to those who give the prayers the nature of the occasion and the audience.

The U. S. House of Representatives, for example, provides its guest chaplains with the following guidelines, which are designed to encourage the sorts of prayer that are consistent with the purpose of an invocation for a government body in a religiously pluralistic Nation:

“The guest chaplain should keep in mind that the House of Representatives is comprised of Members of many different faith traditions.

“The length of the prayer should not exceed 150 words.

“The prayer must be free from personal political views or partisan politics, from sectarian controversies, and from any intimations pertaining to foreign or domestic policy.” App. to Brief for Respondents 2a.

The town made no effort to promote a similarly inclusive prayer practice here. See *post*, at 21–22.

As both the Court and JUSTICE KAGAN point out, we are a Nation of many religions. *Ante*, at 10–11; *post*, at 1–2, 18. And the Constitution’s Religion Clauses seek to “protect[t] the Nation’s social fabric from religious conflict.” *Zelman v. Simmons-Harris*, 536 U. S. 639, 717 (2002) (BREYER, J., dissenting). The question in this case is whether the prayer practice of the town of Greece, by doing too little to reflect the religious diversity of its citizens, did too much, even if unintentionally, to promote the “political division along religious lines” that “was one of the principal evils against which the First Amendment was intended to protect.” *Lemon v. Kurtzman*, 403 U. S. 602, 622 (1971).

In seeking an answer to that fact-sensitive question, “I see no test-related substitute for the exercise of legal judgment.” *Van Orden v. Perry*, 545 U. S. 677, 700 (2005)

BREYER, J., dissenting

(BREYER, J., concurring in judgment). Having applied my legal judgment to the relevant facts, I conclude, like JUSTICE KAGAN, that the town of Greece failed to make reasonable efforts to include prayer givers of minority faiths, with the result that, although it is a community of several faiths, its prayer givers were almost exclusively persons of a single faith. Under these circumstances, I would affirm the judgment of the Court of Appeals that Greece's prayer practice violated the Establishment Clause.

I dissent from the Court's decision to the contrary.

KAGAN, J., dissenting

SUPREME COURT OF THE UNITED STATES

No. 12–696

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SUSAN GALLOWAY ET AL.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF
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[May 5, 2014]

JUSTICE KAGAN, with whom JUSTICE GINSBURG, JUSTICE BREYER, and JUSTICE SOTOMAYOR join, dissenting.

For centuries now, people have come to this country from every corner of the world to share in the blessing of religious freedom. Our Constitution promises that they may worship in their own way, without fear of penalty or danger, and that in itself is a momentous offering. Yet our Constitution makes a commitment still more remarkable—that however those individuals worship, they will count as full and equal American citizens. A Christian, a Jew, a Muslim (and so forth)—each stands in the same relationship with her country, with her state and local communities, and with every level and body of government. So that when each person performs the duties or seeks the benefits of citizenship, she does so not as an adherent to one or another religion, but simply as an American.

I respectfully dissent from the Court’s opinion because I think the Town of Greece’s prayer practices violate that norm of religious equality—the breathtakingly generous constitutional idea that our public institutions belong no less to the Buddhist or Hindu than to the Methodist or Episcopalian. I do not contend that principle translates here into a bright separationist line. To the contrary, I

KAGAN, J., dissenting

agree with the Court's decision in *Marsh v. Chambers*, 463 U. S. 783 (1983), upholding the Nebraska Legislature's tradition of beginning each session with a chaplain's prayer. And I believe that pluralism and inclusion in a town hall can satisfy the constitutional requirement of neutrality; such a forum need not become a religion-free zone. But still, the Town of Greece should lose this case. The practice at issue here differs from the one sustained in *Marsh* because Greece's town meetings involve participation by ordinary citizens, and the invocations given—directly to those citizens—were predominantly sectarian in content. Still more, Greece's Board did nothing to recognize religious diversity: In arranging for clergy members to open each meeting, the Town never sought (except briefly when this suit was filed) to involve, accommodate, or in any way reach out to adherents of non-Christian religions. So month in and month out for over a decade, prayers steeped in only one faith, addressed toward members of the public, commenced meetings to discuss local affairs and distribute government benefits. In my view, that practice does not square with the First Amendment's promise that every citizen, irrespective of her religion, owns an equal share in her government.

I

To begin to see what has gone wrong in the Town of Greece, consider several hypothetical scenarios in which sectarian prayer—taken straight from this case's record—infuses governmental activities. None involves, as this case does, a proceeding that could be characterized as a legislative session, but they are useful to elaborate some general principles. In each instance, assume (as was true in Greece) that the invocation is given pursuant to government policy and is representative of the prayers generally offered in the designated setting:

KAGAN, J., dissenting

- You are a party in a case going to trial; let's say you have filed suit against the government for violating one of your legal rights. The judge bangs his gavel to call the court to order, asks a minister to come to the front of the room, and instructs the 10 or so individuals present to rise for an opening prayer. The clergyman faces those in attendance and says: "Lord, God of all creation, We acknowledge the saving sacrifice of Jesus Christ on the cross. We draw strength . . . from his resurrection at Easter. Jesus Christ, who took away the sins of the world, destroyed our death, through his dying and in his rising, he has restored our life. Blessed are you, who has raised up the Lord Jesus, you who will raise us, in our turn, and put us by His side. . . . Amen." App. 88a–89a. The judge then asks your lawyer to begin the trial.
- It's election day, and you head over to your local polling place to vote. As you and others wait to give your names and receive your ballots, an election official asks everyone there to join him in prayer. He says: "We pray this [day] for the guidance of the Holy Spirit as [we vote] Let's just say the Our Father together. 'Our Father, who art in Heaven, hallowed be thy name; thy Kingdom come, thy will be done, on earth as it is in Heaven. . . .'" *Id.*, at 56a. And after he concludes, he makes the sign of the cross, and appears to wait expectantly for you and the other prospective voters to do so too.
- You are an immigrant attending a naturalization ceremony to finally become a citizen. The presiding official tells you and your fellow applicants that before administering the oath of allegiance, he would

KAGAN, J., dissenting

like a minister to pray for you and with you. The pastor steps to the front of the room, asks everyone to bow their heads, and recites: “[F]ather, son, and Holy Spirit—it is with a due sense of reverence and awe that we come before you [today] seeking your blessing You are . . . a wise God, oh Lord, . . . as evidenced even in the plan of redemption that is fulfilled in Jesus Christ. We ask that you would give freely and abundantly wisdom to one and to all. . . in the name of the Lord and Savior Jesus Christ, who lives with you and the Holy Spirit, one God for ever and ever. Amen.” *Id.*, at 99a–100a.

I would hold that the government officials responsible for the above practices—that is, for prayer repeatedly invoking a single religion’s beliefs in these settings—crossed a constitutional line. I have every confidence the Court would agree. See *ante*, at 13 (ALITO, J., concurring). And even Greece’s attorney conceded that something like the first hypothetical (he was not asked about the others) would violate the First Amendment. See Tr. of Oral Arg. 3–4. Why?

The reason, of course, has nothing to do with Christianity as such. This opinion is full of Christian prayers, because those were the only invocations offered in the Town of Greece. But if my hypotheticals involved the prayer of some other religion, the outcome would be exactly the same. Suppose, for example, that government officials in a predominantly Jewish community asked a rabbi to begin all public functions with a chanting of the Sh’ma and V’ahavta. (“Hear O Israel! The Lord our God, the Lord is One. . . . Bind [these words] as a sign upon your hand; let them be a symbol before your eyes; inscribe them on the doorposts of your house, and on your gates.”) Or assume officials in a mostly Muslim town requested a muezzin to commence such functions, over and over again, with a

KAGAN, J., dissenting

recitation of the Adhan. (“God is greatest, God is greatest. I bear witness that there is no deity but God. I bear witness that Muhammed is the Messenger of God.”) In any instance, the question would be why such government-sponsored prayer of a single religion goes beyond the constitutional pale.

One glaring problem is that the government in all these hypotheticals has aligned itself with, and placed its imprimatur on, a particular religious creed. “The clearest command of the Establishment Clause,” this Court has held, “is that one religious denomination cannot be officially preferred over another.” *Larson v. Valente*, 456 U. S. 228, 244 (1982). Justices have often differed about a further issue: whether and how the Clause applies to governmental policies favoring religion (of all kinds) over non-religion. Compare, *e.g.*, *McCreary County v. American Civil Liberties Union of Ky.*, 545 U. S. 844, 860 (2005) (“[T]he First Amendment mandates governmental neutrality between . . . religion and nonreligion”), with, *e.g.*, *id.*, at 885 (SCALIA, J., dissenting) (“[T]he Court’s oft repeated assertion that the government cannot favor religious practice [generally] is false”). But no one has disagreed with this much:

“[O]ur constitutional tradition, from the Declaration of Independence and the first inaugural address of Washington . . . down to the present day, has . . . ruled out of order government-sponsored endorsement of religion . . . where the endorsement is sectarian, in the sense of specifying details upon which men and women who believe in a benevolent, omnipotent Creator and Ruler of the world are known to differ (for example, the divinity of Christ).” *Lee v. Weisman*, 505 U. S. 577, 641 (1992) (SCALIA, J., dissenting).

See also *County of Allegheny v. American Civil Liberties Union, Greater Pittsburgh Chapter*, 492 U. S. 573, 605

KAGAN, J., dissenting

(1989) (“Whatever else the Establishment Clause may mean[,] . . . [it] means at the very least that government may not demonstrate a preference for one particular sect or creed (including a preference for Christianity over other religions)”)¹ By authorizing and overseeing prayers associated with a single religion—to the exclusion of all others—the government officials in my hypothetical cases (whether federal, state, or local does not matter) have violated that foundational principle. They have embarked on a course of religious favoritism anathema to the First Amendment.

And making matters still worse: They have done so in a place where individuals come to interact with, and partici-

¹That principle meant as much to the founders as it does today. The demand for neutrality among religions is not a product of 21st century “political correctness,” but of the 18th century view—rendered no less wise by time—that, in George Washington’s words, “[r]eligious controversies are always productive of more acrimony and irreconcilable hatreds than those which spring from any other cause.” Letter to Edward Newenham (June 22, 1792), in 10 Papers of George Washington: Presidential Series 493 (R. Haggard & M. Mastromarino eds. 2002) (hereinafter PGW). In an age when almost no one in this country was not a Christian of one kind or another, Washington consistently declined to use language or imagery associated only with that religion. See Brief for Paul Finkelman et al. as *Amici Curiae* 15–19 (noting, for example, that in revising his first inaugural address, Washington deleted the phrase “the blessed Religion revealed in the word of God” because it was understood to denote only Christianity). Thomas Jefferson, who followed the same practice throughout his life, explained that he omitted any reference to Jesus Christ in Virginia’s Bill for Establishing Religious Freedom (a precursor to the Establishment Clause) in order “to comprehend, within the mantle of [the law’s] protection, the Jew and the Gentile, the Christian and Mahometan, the Hindoo, and infidel of every denomination.” 1 Writings of Thomas Jefferson 62 (P. Ford ed. 1892). And James Madison, who again used only nonsectarian language in his writings and addresses, warned that religious proclamations might, “if not strictly guarded,” express only “the creed of the majority and a single sect.” Madison’s “Detached Memoranda,” 3 Wm. & Mary Quarterly 534, 561 (1946).

KAGAN, J., dissenting

pate in, the institutions and processes of their government. A person goes to court, to the polls, to a naturalization ceremony—and a government official or his hand-picked minister asks her, as the first order of official business, to stand and pray with others in a way conflicting with her own religious beliefs. Perhaps she feels sufficient pressure to go along—to rise, bow her head, and join in whatever others are saying: After all, she wants, very badly, what the judge or poll worker or immigration official has to offer. Or perhaps she is made of stronger mettle, and she opts not to participate in what she does not believe—indeed, what would, for her, be something like blasphemy. She then must make known her dissent from the common religious view, and place herself apart from other citizens, as well as from the officials responsible for the invocations. And so a civic function of some kind brings religious differences to the fore: That public proceeding becomes (whether intentionally or not) an instrument for dividing her from adherents to the community's majority religion, and for altering the very nature of her relationship with her government.

That is not the country we are, because that is not what our Constitution permits. Here, when a citizen stands before her government, whether to perform a service or request a benefit, her religious beliefs do not enter into the picture. See Thomas Jefferson, Virginia Act for Establishing Religious Freedom (Oct. 31, 1785), in 5 *The Founders' Constitution* 85 (P. Kurland & R. Lerner eds. 1987) (“[O]pinion[s] in matters of religion . . . shall in no wise diminish, enlarge, or affect [our] civil capacities”). The government she faces favors no particular religion, either by word or by deed. And that government, in its various processes and proceedings, imposes no religious tests on its citizens, sorts none of them by faith, and permits no exclusion based on belief. When a person goes to court, a polling place, or an immigration proceeding—I could go on:

KAGAN, J., dissenting

to a zoning agency, a parole board hearing, or the DMV—government officials do not engage in sectarian worship, nor do they ask her to do likewise. They all participate in the business of government not as Christians, Jews, Muslims (and more), but only as Americans—none of them different from any other for that civic purpose. Why not, then, at a town meeting?

II

In both Greece’s and the majority’s view, everything I have discussed is irrelevant here because this case involves “the tradition of legislative prayer outlined” in *Marsh v. Chambers*, 463 U. S. 783. *Ante*, at 10. And before I dispute the Town and Court, I want to give them their due: They are right that, under *Marsh*, legislative prayer has a distinctive constitutional warrant by virtue of tradition. As the Court today describes, a long history, stretching back to the first session of Congress (when chaplains began to give prayers in both Chambers), “ha[s] shown that prayer in this limited context could ‘coexis[t] with the principles of disestablishment and religious freedom.’” *Ante*, at 10 (quoting *Marsh*, 463 U. S., at 786). Relying on that “unbroken” national tradition, *Marsh* upheld (I think correctly) the Nebraska Legislature’s practice of opening each day with a chaplain’s prayer as “a tolerable acknowledgment of beliefs widely held among the people of this country.” *Id.*, at 792. And so I agree with the majority that the issue here is “whether the prayer practice in the Town of Greece fits within the tradition long followed in Congress and the state legislatures.” *Ante*, at 9.

Where I depart from the majority is in my reply to that question. The town hall here is a kind of hybrid. Greece’s Board indeed has legislative functions, as Congress and state assemblies do—and that means some opening prayers are allowed there. But much as in my hypotheticals,

KAGAN, J., dissenting

the Board's meetings are also occasions for ordinary citizens to engage with and petition their government, often on highly individualized matters. That feature calls for Board members to exercise special care to ensure that the prayers offered are inclusive—that they respect each and every member of the community as an equal citizen.² But the Board, and the clergy members it selected, made no such effort. Instead, the prayers given in Greece, addressed directly to the Town's citizenry, were *more* sectarian, and *less* inclusive, than anything this Court sustained in *Marsh*. For those reasons, the prayer in Greece departs from the legislative tradition that the majority takes as its benchmark.

A

Start by comparing two pictures, drawn precisely from reality. The first is of Nebraska's (unicameral) Legislature, as this Court and the state senators themselves described it. The second is of town council meetings in Greece, as revealed in this case's record.

It is morning in Nebraska, and senators are beginning to gather in the State's legislative chamber: It is the beginning of the official workday, although senators may not yet need to be on the floor. See *Chambers v. Marsh*, 504 F. Supp. 585, 590, and n. 12 (D. Neb. 1980); *Lee*, 505 U. S., at 597. The chaplain rises to give the daily invocation. That prayer, as the senators emphasized when their case came to this Court, is “directed only at the legislative

²Because JUSTICE ALITO questions this point, it bears repeating. I do not remotely contend that “prayer is not allowed” at participatory meetings of “local government legislative bodies”; nor is that the “logical thrust” of any argument I make. *Ante*, at 7–8. Rather, what I say throughout this opinion is that in this citizen-centered venue, government officials must take steps to ensure—as none of Greece's Board members ever did—that opening prayers are inclusive of different faiths, rather than always identified with a single religion.

KAGAN, J., dissenting

membership, not at the public at large.” Brief for Petitioners in *Marsh* 30. Any members of the public who happen to be in attendance—not very many at this early hour—watch only from the upstairs visitors’ gallery. See App. 72 in *Marsh* (senator’s testimony that “as a practical matter the public usually is not there” during the prayer).

The longtime chaplain says something like the following (the excerpt is from his own *amicus* brief supporting Greece in this case): “*O God*, who has given all persons talents and varying capacities, Thou dost only require of us that we utilize Thy gifts to a maximum. In this Legislature to which Thou has entrusted special abilities and opportunities, may each recognize his stewardship for the people of the State.” Brief for Robert E. Palmer 9. The chaplain is a Presbyterian minister, and “some of his earlier prayers” explicitly invoked Christian beliefs, but he “removed all references to Christ” after a single legislator complained. *Marsh*, 463 U.S., at 793, n.14; Brief for Petitioners in *Marsh* 12. The chaplain also previously invited other clergy members to give the invocation, including local rabbis. See *ibid*.

Now change the channel: It is evening in Greece, New York, and the Supervisor of the Town Board calls its monthly public meeting to order. Those meetings (so says the Board itself) are “the most important part of Town government.” See Town of Greece, Town Board, online at <http://greece.ny.gov/planning/townboard> (as visited May 2, 2014 and available in Clerk of Court’s case file). They serve assorted functions, almost all actively involving members of the public. The Board may swear in new Town employees and hand out awards for civic accomplishments; it always provides an opportunity (called a Public Forum) for citizens to address local issues and ask for improved services or new policies (for example, better accommodations for the disabled or actions to ameliorate traffic congestion, see Pl. Exhs. 718, 755, in No. 6:08–cv–

KAGAN, J., dissenting

6088 (WDNY)); and it usually hears debate on individual applications from residents and local businesses to obtain special land-use permits, zoning variances, or other licenses.

The Town Supervisor, Town Clerk, Chief of Police, and four Board members sit at the front of the meeting room on a raised dais. But the setting is intimate: There are likely to be only 10 or so citizens in attendance. A few may be children or teenagers, present to receive an award or fulfill a high school civics requirement.

As the first order of business, the Town Supervisor introduces a local Christian clergy member—denominated the chaplain of the month—to lead the assembled persons in prayer. The pastor steps up to a lectern (emblazoned with the Town’s seal) at the front of the dais, and with his back to the Town officials, he faces the citizens present. He asks them all to stand and to “pray as we begin this evening’s town meeting.” App. 134a. (He does not suggest that anyone should feel free not to participate.) And he says:

“The beauties of spring . . . are an expressive symbol of the new life of the risen Christ. The Holy Spirit was sent to the apostles at Pentecost so that they would be courageous witnesses of the Good News to different regions of the Mediterranean world and beyond. The Holy Spirit continues to be the inspiration and the source of strength and virtue, which we all need in the world of today. And so . . . [w]e pray this evening for the guidance of the Holy Spirit as the Greece Town Board meets.” *Ibid.*

After the pastor concludes, Town officials behind him make the sign of the cross, as do some members of the audience, and everyone says “Amen.” See 681 F. 3d 20, 24 (CA2 2012). The Supervisor then announces the start of the Public Forum, and a citizen stands up to complain

KAGAN, J., dissenting

about the Town's contract with a cable company. See App. in No. 10–3635 (CA2), p. A574.

B

Let's count the ways in which these pictures diverge. First, the governmental proceedings at which the prayers occur differ significantly in nature and purpose. The Nebraska Legislature's floor sessions—like those of the U. S. Congress and other state assemblies—are of, by, and for elected lawmakers. Members of the public take no part in those proceedings; any few who attend are spectators only, watching from a high-up visitors' gallery. (In that respect, note that neither the Nebraska Legislature nor the Congress calls for prayer when citizens themselves participate in a hearing—say, by giving testimony relevant to a bill or nomination.) Greece's town meetings, by contrast, revolve around ordinary members of the community. Each and every aspect of those sessions provides opportunities for Town residents to interact with public officials. And the most important parts enable those citizens to petition their government. In the Public Forum, they urge (or oppose) changes in the Board's policies and priorities; and then, in what are essentially adjudicatory hearings, they request the Board to grant (or deny) applications for various permits, licenses, and zoning variances. So the meetings, both by design and in operation, allow citizens to actively participate in the Town's governance—sharing concerns, airing grievances, and both shaping the community's policies and seeking their benefits.

Second (and following from what I just said), the prayers in these two settings have different audiences. In the Nebraska Legislature, the chaplain spoke to, and only to, the elected representatives. Nebraska's senators were adamant on that point in briefing *Marsh*, and the facts fully supported them: As the senators stated, “[t]he activ-

KAGAN, J., dissenting

ity is a matter of internal daily procedure directed only at the legislative membership, not at [members of] the public.” Brief for Petitioners in *Marsh* 30; see Reply Brief for Petitioners in *Marsh* 8 (“The [prayer] practice involves no function or power of government vis-à-vis the Nebraska citizenry, but merely concerns an internal decision of the Nebraska Legislature as to the daily procedure by which it conducts its own affairs”). The same is true in the U. S. Congress and, I suspect, in every other state legislature. See Brief for Members of Congress as *Amici Curiae* 6 (“Consistent with the fact that attending citizens are mere passive observers, prayers in the House are delivered for the Representatives themselves, not those citizens”). As several Justices later noted (and the majority today agrees, see *ante*, at 19–20),³ *Marsh* involved “government officials invok[ing] spiritual inspiration entirely for their own benefit without directing any religious message at the citizens they lead.” *Lee*, 505 U. S., at 630, n. 8 (Souter, J., concurring).

The very opposite is true in Greece: Contrary to the majority’s characterization, see *ante*, at 19–20, the prayers there are directed squarely at the citizens. Remember that the chaplain of the month stands with his back to the Town Board; his real audience is the group he is facing—the 10 or so members of the public, perhaps including children. See *supra*, at 10. And he typically addresses those people, as even the majority observes, as though he is “directing [his] congregation.” *Ante*, at 21. He almost always begins with some version of “Let us all pray together.” See, e.g., App. 75a, 93a, 106a, 109a. Often, he calls on everyone to stand and bow their heads, and he

³For ease of reference and to avoid confusion, I refer to JUSTICE KENNEDY’s opinion as “the majority.” But the language I cite that appears in Part II–B of that opinion is, in fact, only attributable to a plurality of the Court.

KAGAN, J., dissenting

may ask them to recite a common prayer with him. See, *e.g.*, *id.*, at 28a, 42a, 43a, 56a, 77a. He refers, constantly, to a collective “we”—to “our” savior, for example, to the presence of the Holy Spirit in “our” lives, or to “our brother the Lord Jesus Christ.” See, *e.g.*, *id.*, at 32a, 45a, 47a, 69a, 71a. In essence, the chaplain leads, as the first part of a town meeting, a highly intimate (albeit relatively brief) prayer service, with the public serving as his congregation.

And third, the prayers themselves differ in their content and character. *Marsh* characterized the prayers in the Nebraska Legislature as “in the Judeo-Christian tradition,” and stated, as a relevant (even if not dispositive) part of its analysis, that the chaplain had removed all explicitly Christian references at a senator’s request. 463 U. S., at 793, n. 14. And as the majority acknowledges, see *ante*, at 12, *Marsh* hinged on the view that “that the prayer opportunity ha[d] [not] been exploited to proselytize or advance any one . . . faith or belief”; had it been otherwise, the Court would have reached a different decision. 463 U. S., at 794–795.

But no one can fairly read the prayers from Greece’s Town meetings as anything other than explicitly Christian—constantly and exclusively so. From the time Greece established its prayer practice in 1999 until litigation loomed nine years later, all of its monthly chaplains were Christian clergy. And after a brief spell surrounding the filing of this suit (when a Jewish layman, a Wiccan priestess, and a Baha’i minister appeared at meetings), the Town resumed its practice of inviting only clergy from neighboring Protestant and Catholic churches. See App. 129a–143a. About two-thirds of the prayers given over this decade or so invoked “Jesus,” “Christ,” “Your Son,” or “the Holy Spirit”; in the 18 months before the record closed, 85% included those references. See generally *id.*, at 27a–143a. Many prayers contained elaborations of Christian doctrine or recitations of scripture. See, *e.g.*, *id.*,

KAGAN, J., dissenting

at 129a (“And in the life and death, resurrection and ascension of the Savior Jesus Christ, the full extent of your kindness shown to the unworthy is forever demonstrated”); *id.*, at 94a (“For unto us a child is born; unto us a son is given. And the government shall be upon his shoulder . . .”). And the prayers usually close with phrases like “in the name of Jesus Christ” or “in the name of Your son.” See, *e.g.*, *id.*, at 55a, 65a, 73a, 85a.

Still more, the prayers betray no understanding that the American community is today, as it long has been, a rich mosaic of religious faiths. See *Braunfeld v. Brown*, 366 U. S. 599, 606 (1961) (plurality opinion) (recognizing even half a century ago that “we are a cosmopolitan nation made up of people of almost every conceivable religious preference”). The monthly chaplains appear almost always to assume that everyone in the room is Christian (and of a kind who has no objection to government-sponsored worship⁴). The Town itself has never urged its chaplains to reach out to members of other faiths, or even to recall that they might be present. And accordingly, few chaplains have made any effort to be inclusive; none has thought even to assure attending members of the public that they need not participate in the prayer session. Indeed, as the majority forthrightly recognizes, see *ante*, at 17, when the plaintiffs here began to voice concern over prayers that excluded some Town residents, one pastor pointedly thanked the Board “[o]n behalf of all God-fearing people” for holding fast, and another declared the objectors “in the minority and . . . ignorant of the history of our country.” App. 137a, 108a.

⁴Leaders of several Baptist and other Christian congregations have explained to the Court that “many Christians believe . . . that their freedom of conscience is violated when they are pressured to participate in government prayer, because such acts of worship should only be performed voluntarily.” Brief for Baptist Joint Committee for Religious Liberty et al. as *Amici Curiae* 18.

KAGAN, J., dissenting

C

Those three differences, taken together, remove this case from the protective ambit of *Marsh* and the history on which it relied. To recap: *Marsh* upheld prayer addressed to legislators alone, in a proceeding in which citizens had no role—and even then, only when it did not “proselytize or advance” any single religion. 463 U. S., at 794. It was that legislative prayer practice (not every prayer in a body exercising any legislative function) that the Court found constitutional given its “unambiguous and unbroken history.” *Id.*, at 792. But that approved practice, as I have shown, is not Greece’s. None of the history *Marsh* cited—and none the majority details today—supports calling on citizens to pray, in a manner consonant with only a single religion’s beliefs, at a participatory public proceeding, having both legislative and adjudicative components. Or to use the majority’s phrase, no “history shows that th[is] specific practice is permitted.” *Ante*, at 8. And so, contra the majority, Greece’s prayers cannot simply ride on the constitutional coattails of the legislative tradition *Marsh* described. The Board’s practice must, in its own particulars, meet constitutional requirements.

And the guideposts for addressing that inquiry include the principles of religious neutrality I discussed earlier. See *supra*, at 4–8. The government (whether federal, state, or local) may not favor, or align itself with, any particular creed. And that is nowhere more true than when officials and citizens come face to face in their shared institutions of governance. In performing civic functions and seeking civic benefits, each person of this nation must experience a government that belongs to one and all, irrespective of belief. And for its part, each government must ensure that its participatory processes will not classify those citizens by faith, or make relevant their religious differences.

To decide how Greece fares on that score, think again

KAGAN, J., dissenting

about how its prayer practice works, meeting after meeting. The case, I think, has a fair bit in common with my earlier hypotheticals. See *supra*, at 2–4, 7. Let’s say that a Muslim citizen of Greece goes before the Board to share her views on policy or request some permit. Maybe she wants the Board to put up a traffic light at a dangerous intersection; or maybe she needs a zoning variance to build an addition on her home. But just before she gets to say her piece, a minister deputized by the Town asks her to pray “in the name of God’s only son Jesus Christ.” App. 99a. She must think—it is hardly paranoia, but only the truth—that Christian worship has become entwined with local governance. And now she faces a choice—to pray alongside the majority as one of that group or somehow to register her deeply felt difference. She is a strong person, but that is no easy call—especially given that the room is small and her every action (or inaction) will be noticed. She does not wish to be rude to her neighbors, nor does she wish to aggravate the Board members whom she will soon be trying to persuade. And yet she does not want to acknowledge Christ’s divinity, any more than many of her neighbors would want to deny that tenet. So assume she declines to participate with the others in the first act of the meeting—or even, as the majority proposes, that she stands up and leaves the room altogether, see *ante*, at 21. At the least, she becomes a different kind of citizen, one who will not join in the religious practice that the Town Board has chosen as reflecting its own and the community’s most cherished beliefs. And she thus stands at a remove, based solely on religion, from her fellow citizens and her elected representatives.

Everything about that situation, I think, infringes the First Amendment. (And of course, as I noted earlier, it would do so no less if the Town’s clergy always used the liturgy of some other religion. See *supra*, at 4–5.) That the Town Board selects, month after month and year after

KAGAN, J., dissenting

year, prayergivers who will reliably speak in the voice of Christianity, and so places itself behind a single creed. That in offering those sectarian prayers, the Board's chosen clergy members repeatedly call on individuals, prior to participating in local governance, to join in a form of worship that may be at odds with their own beliefs. That the clergy thus put some residents to the unenviable choice of either pretending to pray like the majority or declining to join its communal activity, at the very moment of petitioning their elected leaders. That the practice thus divides the citizenry, creating one class that shares the Board's own evident religious beliefs and another (far smaller) class that does not. And that the practice also alters a dissenting citizen's relationship with her government, making her religious difference salient when she seeks only to engage her elected representatives as would any other citizen.

None of this means that Greece's town hall must be religion- or prayer-free. "[W]e are a religious people," *Marsh* observed, 463 U. S., at 792, and prayer draws some warrant from tradition in a town hall, as well as in Congress or a state legislature, see *supra*, at 8–9. What the circumstances here demand is the recognition that we are a pluralistic people too. When citizens of all faiths come to speak to each other and their elected representatives in a legislative session, the government must take especial care to ensure that the prayers they hear will seek to include, rather than serve to divide. No more is required—but that much is crucial—to treat every citizen, of whatever religion, as an equal participant in her government.

And contrary to the majority's (and JUSTICE ALITO's) view, see *ante*, at 13–14; *ante*, at 4–7, that is not difficult to do. If the Town Board had let its chaplains know that they should speak in nonsectarian terms, common to diverse religious groups, then no one would have valid

KAGAN, J., dissenting

grounds for complaint. See *Joyner v. Forsyth County*, 653 F. 3d 341, 347 (CA4 2011) (Wilkinson, J.) (Such prayers show that “those of different creeds are in the end kindred spirits, united by a respect paid higher providence and by a belief in the importance of religious faith”). Priests and ministers, rabbis and imams give such invocations all the time; there is no great mystery to the project. (And providing that guidance would hardly have caused the Board to run afoul of the idea that “[t]he First Amendment is not a majority rule,” as the Court (headspinningly) suggests, *ante*, at 14; what does that is the Board’s *refusal* to reach out to members of minority religious groups.) Or if the Board preferred, it might have invited clergy of many faiths to serve as chaplains, as the majority notes that Congress does. See *ante*, at 10–11. When one month a clergy member refers to Jesus, and the next to Allah or Jehovah—as the majority hopefully though counterfactually suggests happened here, see *ante*, at 10–11, 15—the government does not identify itself with one religion or align itself with that faith’s citizens, and the effect of even sectarian prayer is transformed. So Greece had multiple ways of incorporating prayer into its town meetings—reflecting all the ways that prayer (as most of us know from daily life) can forge common bonds, rather than divide. See also *ante*, at 4 (BREYER, J., dissenting).

But Greece could not do what it did: infuse a participatory government body with one (and only one) faith, so that month in and month out, the citizens appearing before it become partly defined by their creed—as those who share, and those who do not, the community’s majority religious belief. In this country, when citizens go before the government, they go not as Christians or Muslims or Jews (or what have you), but just as Americans (or here, as Grecians). That is what it means to be an equal citizen, irrespective of religion. And that is what the Town of Greece precluded by so identifying itself with a single

KAGAN, J., dissenting

faith.

III

How, then, does the majority go so far astray, allowing the Town of Greece to turn its assemblies for citizens into a forum for Christian prayer? The answer does not lie in first principles: I have no doubt that every member of this Court believes as firmly as I that our institutions of government belong equally to all, regardless of faith. Rather, the error reflects two kinds of blindness. First, the majority misapprehends the facts of this case, as distinct from those characterizing traditional legislative prayer. And second, the majority misjudges the essential meaning of the religious worship in Greece's town hall, along with its capacity to exclude and divide.

The facts here matter to the constitutional issue; indeed, the majority itself acknowledges that the requisite inquiry—a “fact-sensitive” one—turns on “the setting in which the prayer arises and the audience to whom it is directed.” *Ante*, at 19. But then the majority glides right over those considerations—at least as they relate to the Town of Greece. When the majority analyzes the “setting” and “audience” for prayer, it focuses almost exclusively on Congress and the Nebraska Legislature, see *ante*, at 6–8, 10–11, 15–16, 19–20; it does not stop to analyze how far those factors differ in Greece's meetings. The majority thus gives short shrift to the gap—more like, the chasm—between a legislative floor session involving only elected officials and a town hall revolving around ordinary citizens. And similarly the majority neglects to consider how the prayers in Greece are mostly addressed to members of the public, rather than (as in the forums it discusses) to the lawmakers. “The District Court in *Marsh*,” the majority expounds, “described the prayer exercise as ‘an internal act’ directed at the Nebraska Legislature’s ‘own members.’” *Ante*, at 19 (quoting *Chambers v. Marsh*, 504

KAGAN, J., dissenting

F. Supp., at 588); see *ante*, at 20 (similarly noting that Nebraska senators “invoke[d] spiritual inspiration entirely for their own benefit” and that prayer in Congress is “religious worship for national representatives” only). Well, yes, so it is in Lincoln, and on Capitol Hill. But not in Greece, where as I have described, the chaplain faces the Town’s residents—with the Board watching from on high—and calls on them to pray together. See *supra*, at 10, 12.

And of course—as the majority sidesteps as well—to pray in the name of Jesus Christ. In addressing the sectarian content of these prayers, the majority again changes the subject, preferring to explain what happens in *other* government bodies. The majority notes, for example, that Congress “welcom[es] ministers of many creeds,” who commonly speak of “values that count as universal,” *ante*, at 11, 15; and in that context, the majority opines, the fact “[t]hat a prayer is given in the name of Jesus, Allah, or Jehovah . . . does not remove it from” *Marsh*’s protection, see *ante*, at 15. But that case is not this one, as I have shown, because in Greece only Christian clergy members speak, and then mostly in the voice of their own religion; no Allah or Jehovah ever is mentioned. See *supra*, at 13–14. So all the majority can point to in the Town’s practice is that the Board “maintains a policy of nondiscrimination,” and “represent[s] that it would welcome a prayer by any minister or layman who wishe[s] to give one.” *Ante*, at 17–18. But that representation has never been publicized; nor has the Board (except for a few months surrounding this suit’s filing) offered the chaplain’s role to any non-Christian clergy or layman, in either Greece or its environs; nor has the Board ever provided its chaplains with guidance about reaching out to members of other faiths, as most state legislatures and Congress do. See 732 F. Supp. 2d 195, 197–203 (WDNY 2010); National Conference of State Legislatures, *Inside the Legislative Process: Prayer*

KAGAN, J., dissenting

Practices 5–145, 5–146 (2002); *ante*, at 5 (BREYER, J., dissenting). The majority thus errs in assimilating the Board’s prayer practice to that of Congress or the Nebraska Legislature. Unlike those models, the Board is determinedly—and relentlessly—noninclusive.⁵

And the month in, month out sectarianism the Board chose for its meetings belies the majority’s refrain that the prayers in Greece were “ceremonial” in nature. *Ante*, at 16, 19, 21, 23. Ceremonial references to the divine surely abound: The majority is right that “the Pledge of Allegiance, inaugural prayer, or the recitation of ‘God save the United States and this honorable Court’” each fits the bill. *Ante*, at 19. But prayers evoking “the saving sacrifice of Jesus Christ on the cross,” “the plan of redemption that is fulfilled in Jesus Christ,” “the life and death, resurrection and ascension of the Savior Jesus Christ,” the workings of the Holy Spirit, the events of Pentecost, and the belief that God “has raised up the Lord Jesus” and “will raise us, in our turn, and put us by His side”? See App. 56a, 88a–89a, 99a, 123a, 129a, 134a. No. These are statements of profound belief and deep meaning, subscribed to by many, denied by some. They “speak of the depths of [one’s] life, of the source of [one’s] being, of [one’s] ultimate concern, of what [one] take[s] seriously without any reservation.” P.

⁵JUSTICE ALITO similarly falters in attempting to excuse the Town Board’s constant sectarianism. His concurring opinion takes great pains to show that the problem arose from a sort of bureaucratic glitch: The Town’s clerks, he writes, merely “did a bad job in compiling the list” of chaplains. *Ante*, at 6; see *ante*, at 1–3. Now I suppose one question that account raises is why in over a decade, no member of the Board noticed that the clerk’s list was producing prayers of only one kind. But put that aside. Honest oversight or not, the problem remains: Every month for more than a decade, the Board aligned itself, through its prayer practices, with a single religion. That the concurring opinion thinks my objection to that is “really quite niggling,” *ante*, at 4, says all there is to say about the difference between our respective views.

KAGAN, J., dissenting

Tillich, *The Shaking of the Foundations* 57 (1948). If they (and the central tenets of other religions) ever become mere ceremony, this country will be a fundamentally different—and, I think, poorer—place to live.

But just for that reason, the not-so-implicit message of the majority's opinion—"What's the big deal, anyway?"—is mistaken. The content of Greece's prayers *is* a big deal, to Christians and non-Christians alike. A person's response to the doctrine, language, and imagery contained in those invocations reveals a core aspect of identity—who that person is and how she faces the world. And the responses of different individuals, in Greece and across this country, of course vary. Contrary to the majority's apparent view, such sectarian prayers are not "part of our expressive idiom" or "part of our heritage and tradition," assuming the word "our" refers to all Americans. *Ante*, at 19. They express beliefs that are fundamental to some, foreign to others—and because that is so they carry the ever-present potential to both exclude and divide. The majority, I think, assesses too lightly the significance of these religious differences, and so fears too little the "religiously based divisiveness that the Establishment Clause seeks to avoid." *Van Orden v. Perry*, 545 U. S. 677, 704 (2005) (BREYER, J., concurring in judgment). I would treat more seriously the multiplicity of Americans' religious commitments, along with the challenge they can pose to the project—the distinctively American project—of creating one from the many, and governing all as united.

IV

In 1790, George Washington traveled to Newport, Rhode Island, a longtime bastion of religious liberty and the home of one of the first communities of American Jews. Among the citizens he met there was Moses Seixas, one of that congregation's lay officials. The ensuing exchange between the two conveys, as well as anything I know, the

KAGAN, J., dissenting

promise this country makes to members of every religion.

Seixas wrote first, welcoming Washington to Newport. He spoke of “a deep sense of gratitude” for the new American Government—“a Government, which to bigotry gives no sanction, to persecution no assistance—but generously affording to All liberty of conscience, and immunities of Citizenship: deeming every one, of whatever Nation, tongue, or language, equal parts of the great governmental Machine.” Address from Newport Hebrew Congregation (Aug. 17, 1790), in 6 PGW 286, n. 1 (M. Mastromarino ed. 1996). The first phrase there is the more poetic: a government that to “bigotry gives no sanction, to persecution no assistance.” But the second is actually the more startling and transformative: a government that, beyond not aiding persecution, grants “immunities of citizenship” to the Christian and the Jew alike, and makes them “equal parts” of the whole country.

Washington responded the very next day. Like any successful politician, he appreciated a great line when he saw one—and knew to borrow it too. And so he repeated, word for word, Seixas’s phrase about neither sanctioning bigotry nor assisting persecution. But he no less embraced the point Seixas had made about equality of citizenship. “It is now no more,” Washington said, “that toleration is spoken of, as if it was by the indulgence of one class of people” to another, lesser one. For “[a]ll possess alike . . . immunities of citizenship.” Letter to Newport Hebrew Congregation (Aug. 18, 1790), in 6 PGW 285. That is America’s promise in the First Amendment: full and equal membership in the polity for members of every religious group, assuming only that they, like anyone “who live[s] under [the Government’s] protection[,] should demean themselves as good citizens.” *Ibid.*

For me, that remarkable guarantee means at least this much: When the citizens of this country approach their government, they do so only as Americans, not as mem-

KAGAN, J., dissenting

bers of one faith or another. And that means that even in a partly legislative body, they should not confront government-sponsored worship that divides them along religious lines. I believe, for all the reasons I have given, that the Town of Greece betrayed that promise. I therefore respectfully dissent from the Court's decision.



ACTION ITEM

July 17, 2019

TO: Board of Directors

FROM: **Public Affairs & Legislation Committee**
(Directors Dick, Thomas, McVicker)

Robert Hunter
General Manager

Staff Contact: Karl Seckel

SUBJECT: Legislation Being Drafted by Congressman Mike Levin on Funding Support for Brackish and Ocean Desalination Projects

STAFF RECOMMENDATION

Staff recommends the Board adopt a “support in concept” position for Congressman Levin’s legislative language for funding support for brackish and ocean desalination projects while waiting to see the final wording outcome of any legislation that moves forward, particularly on the use of renewable energy.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

DETAILED REPORT

Congressman Mike Levin’s office has been working on a draft desalination-funding bill to support both brackish and ocean desalination projects. The bill essentially provides an increase in the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act funding authorization for desalination project grants and attempts to provide sufficient funding for a 25% maximum contribution towards all existing desalination projects listed in the 2016 WIIN Act, including the Doheny Project. The Congressman has also taken the lead for developing language for the Energy and Water Appropriations Bill to provide \$8.3M towards the Doheny Project from a BUREC grant process.

Budgeted (Y/N): Y	Budgeted amount: \$0	Core ✓	Choice __
Action item amount: \$0	Line item:		
Fiscal Impact (explain if unbudgeted):			

The legislative strategy being undertaken is to provide sufficient funding for all of the WIIN projects to be able to receive funding and assuming this bill passes the House, Congressman Levin wants to amend his bill into the Senate Feinstein/McSally/Gardner WIIN Act Reauthorization Bill.

Potentially, eight projects noted in the WIIN Act, as well as other projects, could benefit from the proposed bill. Support of the bill is consistent with our Federal Policy Principles. The bill would:

- Reauthorize the WIIN Act desalination program at \$260 million. This would provide sufficient funding for a 25% federal cost share for the eight currently authorized WIIN Act projects (including Doheny) as well as additional \$100 million for new desalination projects through FY 2027 given the anticipated interest in new projects in future years (i.e., roughly half of the cost of the original set of authorized projects).
- The bill contains “soft” environmental prescriptions generally modeled on California’s existing desalination requirements, but they are only covered in a general manner and leaves environmental compliance up to the State where the project is located and to Federal provisions.
- Initially, the language included a prioritization process that was based on “maximum” use of renewable energy to power desalination projects. Under current law, Interior is asked to give some preference to desalination projects that align with the four factors below. Added in the attached bill is a fifth factor on renewable energy. Input into the Congressman’s office has resulted in modification of the renewable energy prioritization to also include greenhouse gas mitigation. The attached language provides that projects shall be prioritized:
 1. for the benefit of drought-stricken States and communities;
 2. for the benefit of States that have authorized funding for research and development of desalination technologies and projects;
 3. that can reduce reliance on imported water supplies that have an impact on species listed under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);
 4. that demonstrably leverage the experience of international partners with considerable expertise in desalination, such as the State of Israel; and
 5. that use renewable energy to power and/or other greenhouse gas mitigation measures to reduce the project's overall carbon footprint for desalination facilities (*assumes meaning ocean desalination*).

Congressman Levin’s Office has reached out to ask if we would support the suggested language. South Coast staff has indicated support for the language. Because the existing language may be changed by the time it turns into legislation, MWDOC staff is suggesting a “support in concept” at this time. Attached is the draft language.

BOARD OPTIONS

Option #1

- The Board adopts a “support in concept” position for Congressman Levin’s legislative language that provides funding support for brackish and ocean desalination projects.

Fiscal Impact: None to MWDOC, but potentially helps fund projects within Orange County or MET to help reduce the cost of projects to the local entities and improve reliability within the MET system.

Business Analysis: The Congressman’s approach fits with MWDOC’s policy principles in providing funding support for local projects.

Option #2

- Do not take a position at this time; allow the bill to be conferenced with the Senate version before taking a position.

Fiscal Impact: None.

Business Analysis: We may miss an opportunity to act positively towards developing a new source of funding for brackish or ocean desalination projects.

STAFF RECOMMENDATION

Option # 1

[DISCUSSION DRAFT]

116TH CONGRESS
1ST SESSION

H. R. _____

To promote desalination project development and drought resilience, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. LEVIN of California introduced the following bill; which was referred to the Committee on _____

A BILL

To promote desalination project development and drought resilience, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,

3 SECTION 1. DESALINATION PROJECTS AUTHORIZATION.

4 Section 4(a) of the Water Desalination Act of 1996
5 (42 U.S.C. 10301 note; Public Law 104–298) is amended
6 by striking the second paragraph (1) (relating to projects)
7 and inserting the following:

8 “(2) PROJECTS.—

9 “(A) DEFINITION OF ELIGIBLE DESALINA-
10 TION PROJECT.—In this paragraph, the term

1 ‘eligible desalination project’ means any project
2 located in a Reclamation State that—

3 “(i) involves an ocean or brackish
4 water desalination facility—

5 “(I) constructed, operated, and
6 maintained by a State, Indian Tribe,
7 irrigation district, water district, or
8 other organization with water or
9 power delivery authority; or

10 “(II) sponsored or funded by any
11 State, department of a State, subdivi-
12 sion of a State, or public agency orga-
13 nized pursuant to State law, includ-
14 ing—

15 “(aa) direct sponsorship or
16 funding; or

17 “(bb) indirect sponsorship or
18 funding, such as by paying for
19 the water provided by the facility;

20 “(ii) provides a Federal benefit in ac-
21 cordance with the reclamation laws; and

22 “(iii) meets the following requirements
23 if it is an ocean desalination facility—

24 “(I) is consistent with state and
25 federal resource protection laws in-

cluding the protection of marine protected areas;

“(II) utilizes a subsurface intake or an intake that uses the best available site, design, technology, and mitigation measures to minimize the mortality of all forms of marine life;

“(III) is designed to ensure that the disposal of wastewaters including brine from the desalination process are not discharged to designated areas of special biological significance;

“(IV) is designed and operated in a manner that maintains indigenous marine life and a healthy and diverse marine community;

“(V) does not cause significant unmitigated harm to aquatic life; and

“(VI) includes a construction and operation plan designed to minimize aesthetic, noise, and air quality impacts.

“(B) FEDERAL SHARE.—Subject to the requirements of this paragraph, the Secretary may participate in an eligible desalination

1 project in an amount equal to not more than 25
2 percent of the total cost of the eligible desalina-
3 tion project.

4 “(C) STATE ROLE. —Participation by the
5 Secretary in an eligible desalination project
6 under this paragraph shall not occur unless—

7 “(i)(I) the eligible desalination project
8 is included in a State-approved plan; or

9 “(II) the participation has been re-
10 quested by the Governor of the State in
11 which the eligible desalination project is lo-
12 cated;

13 “(ii) the State or local sponsor of the
14 eligible desalination project determines,
15 and the Secretary concurs, that—

16 “(I) the eligible desalination
17 project—

18 “(aa) is technically and fi-
19 nancially feasible;

20 “(bb) provides a Federal
21 benefit in accordance with the
22 reclamation laws; and

23 “(cc) is consistent with ap-
24 plicable state laws, state regula-

1 tions, and State coastal zone
2 management plans;

3 “(II) sufficient non-Federal fund-
4 ing is available to complete the eligible
5 desalination project; and

6 “(III) the eligible desalination
7 project sponsors are financially sol-
8 vent; and

9 “(iii) the Secretary submits to Con-
10 gress a written notification of the deter-
11 minations under clause (ii) by not later
12 than 30 days after the date of the deter-
13 minations.

14 “(D) ENVIRONMENTAL LAWS. —In partici-
15 pating in an eligible desalination project u n d e r
16 this paragraph, the Secretary shall comply with
17 all applicable environmental laws, including the
18 National Environmental Policy Act of 1969 (42
19 U.S.C. 4321 et seq.).

20 “(E) INFORMATION. —In participating in
21 an eligible desalination project under this sub-
22 section, the Secretary—

23 “(i) may rely on reports prepared by
24 the sponsor of the eligible desalination
25 project, including feasibility or equivalent

1 studies, environmental analyses, and other
2 pertinent reports and analyses; but

3 “(ii) shall retain responsibility for
4 making the independent determinations de-
5 scribed in subparagraph (C).

6 “(F) FUNDING. —

7 “(i) AUTHORIZATION OF APPROPRIA-
8 TIONS. —There is authorized to be appro-
9 priated to carry out this paragraph
10 \$260,000,000 for the period of fiscal
11 years 2020 through 2027.

12 “(ii) CONGRESSIONAL APPROVAL INI-
13 TIALY REQUIRED. —

14 “(I) IN GENERAL. —Each initial
15 award under this paragraph for
16 preconstruction or construction of an
17 eligible desalination project shall be
18 approved by an Act of Congress.

19 “(II) RECLAMATION REC-
20 OMMENDATIONS. —The Commissioner
21 of Reclamation shall submit rec-
22 ommendations regarding the initial
23 award of preconstruction and con-
24 struction funding for consideration
25 under subclause (I) to—

1 “(aa) the Committee on Ap-
2 propriations of the Senate;

3 “(bb) the Committee on En-
4 ergy and Natural Resources of
5 the Senate;

6 “(cc) the Committee on Ap-
7 propriations of the House of Rep-
8 resentatives; and

9 “(dd) the Committee on
10 Natural Resources of the House
11 of Representatives.

12 “(iii) SUBSEQUENT FUNDING
13 AWARDS. —After approval by Congress of
14 an initial award of preconstruction or con-
15 struction funding for an eligible desalina-
16 tion project under clause (ii), the Commis-
17 sioner of Reclamation may award addi-
18 tional preconstruction or construction
19 funding, respectively, for the eligible desali-
20 nation project without further congres-
21 sional approval.”.

1 SEC. 2. PRIORITIZATION FOR PROJECTS UTILIZING RE-
2 NEWABLE ENERGY.

3 Section 4 of the Water Desalination Act of 1996 (42
4 U.S.C. 10301 note; Public Law 104–298) is amended by
5 striking subsection (c) and inserting the following:

6 “(c) PRIORITIZATION. —In carrying out demonstra-
7 tion and development activities under this section, the Sec-
8 retary and the Commissioner of Reclamation shall each
9 prioritize projects—

10 “(1) for the benefit of drought-stricken States
11 and communities;

12 “(2) for the benefit of States that have author-
13 ized funding for research and development of desali-
14 nation technologies and projects;

15 “(3) that can reduce reliance on imported water
16 supplies that have an impact on species listed under
17 the Endangered Species Act of 1973 (16 U.S.C.
18 1531 et seq.);

19 “(4) that demonstrably leverage the experience
20 of international partners with considerable expertise
21 in desalination, such as the State of Israel; and

22 “(5) that use renewable energy to power and/or other
greenhouse gas mitigation measures to reduce the
project’s overall carbon footprint for desalination
facilities.”.

GENERAL MANAGER'S REPORT OF STAFF ACTIVITIES JULY 2019

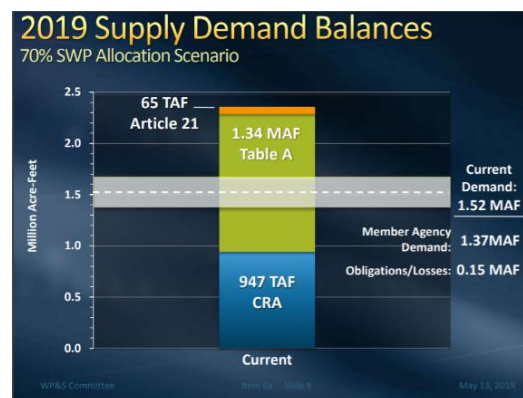
MWDOC Agencies Managers Meeting	<p>MWDOC held its Member Agency Managers' meeting at its office in Fountain Valley on June 20, 2019.</p> <p>In attendance were: Ron Krause – Brea, Lisa Ohlund & Jeff Smyth – EOCWD, Mark Sprague – Fountain Valley, Cel Pasillas – Garden Grove, Ken Vecchiarelli – Golden State WC, Brian Ragland – Huntington Beach, Paul Weghorst – IRWD, Mike Markus & John Kennedy – OCWD, Rick Hurtado – Orange, Rick Shintaku – South Coast WD, Marc Marcantonio – Yorba Linda WD, Lawrence Brotman – San Clemente, Matt Brown - Moulton Niguel WD, Don Bunts – Santa Margarita WD, Cody Nicolae – Garden Grove</p> <p>Staff in attendance were: R. Hunter, K. Seckel, H. De La Torre, M. Baum-Haley, K. Hubbard, K. Hostert, J. Berg, D. Micalizzi, C. Busslinger, H. Baez, H. Chumpitazi, C. Lingad</p> <p>Discussion Items:</p> <ul style="list-style-type: none"> ➤ IT Fraud ➤ AWIA Update and Contract <p>Information Items:</p> <ul style="list-style-type: none"> ➤ California Water Fix Update ➤ WEROC Updates <p>Next meeting will tentatively be held July 18, 2019.</p>
Meetings	<ul style="list-style-type: none"> ➤ Karl Seckel and Charles Busslinger met with Lisa Ohlund and Jeff Smyth from EOCWD to discuss the OC-70 billing accuracy. The discussions are in the process of being moved to an Ad Hoc meeting between MWDOC, MET and EOCWD to try to expedite resolution of this and other long-standing issues at the facility. ➤ MET and MWDOC staff met to discuss future OC demands that might be supplied by MET from their Jensen Water Treatment Plant on the far West side of the MET system. MET is considering the cost savings from down rating the plant, but want to make sure they retain the operating flexibility in their system to meet future demands. Further information will be shared. ➤ Karl Seckel and Charles Busslinger met with South Coast WD staff to advise them of information contained in the Water Quality Integration White Papers. South Coast WD and their consultants were aware of the issues in the White Papers, but it was a good crosscheck to verify. ➤ Charles Busslinger met with MET Capital Improvement Engineers and Mesa WD to help coordinate projects by both MET and Mesa WD in the same vicinity. It appears all of the coordination issues will be resolved. The schedules by both entities are compromised by the upcoming nesting season restrictions by the Coastal Commission.

MET ITEMS CRITICAL TO ORANGE COUNTY

MET's Water Supply Conditions

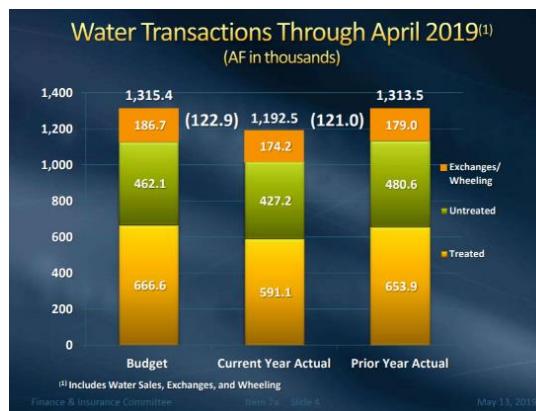
In comparison to last month, with the same Table A (1.34 MAF) and CRA (947 MAF) amounts, Article 21 water increased from 60 to 65 TAF resulting in a total supply of just under 2.4 MAF. The obligations and losses increased from 0.13 to 0.15 TAF, and the Member Agency Demand decreased from 1.44 to 1.37 TAF, resulting in a overall current demand of 1.52 MAF, which is slightly less than last month's projection of 1.57 MAF.

Metropolitan continues to take actions to maximize storage of available supplies and anticipates a net storage gain in 2019, with a possible record storage balance going into 2020.



MET's Finance and Rate Issues

Water transactions through April were 122.9 TAF (9.3%) lower than budget and 3.1 TAF higher than the 5-year average. Since January, water transactions have been trending below budget as a result of the wet winter. This is \$124.2 million less than the budget and \$85.9 million less than water revenues through April of last year. The annual water transactions were adjusted at the end of the third quarter to 1.46 MAF, it is anticipated that transactions will remain on target.



Colorado River Issues	<p><u>Federal Legislation Authorizing Drought Contingency Plan Implementation Passes Congress</u></p> <p>The seven Colorado River Basin States sent a letter to Congress on March 19, 2019, asking for adoption of federal legislation that would direct the Secretary of the Department of Interior to sign and implement without delay four agreements related to the Upper and Lower Basin Drought Contingency Plans (DCP). On March 27, 2019, the Water and Power Subcommittee of the Senate Natural Resources Committee held an oversight hearing on the DCP. This hearing was followed the next day by the Water, Oceans and Wildlife Subcommittee of the House Natural Resources Committee's oversight hearing on the DCP. On April 10, 2019, the House and Senate passed identical bills authorizing the DCP. The House version was approved by the Senate on April 11 and signed by the President on April 16. The Secretary of the Interior signed the DCP in May and it became effective at that time.</p> <p><u>Imperial Irrigation District Files CEQA Petition Against Metropolitan</u></p> <p>On April 16, the same day that the President signed the federal DCP legislation into law, the Imperial Irrigation District (IID) filed a petition for writ of mandate under the California Environmental Quality Act (CEQA) in California Superior Court in Los Angeles County against Metropolitan seeking to block implementation of the Lower Basin DCP. Specifically, IID asks the Court to vacate Metropolitan's December 2018 and March 2019 approvals of the Lower Basin DCP, suspend any actions related to furtherance of the Lower Basin DCP until Metropolitan has "complied with all requirements of CEQA and all other applicable laws," and seeks an injunction restraining Metropolitan from taking any action in furtherance of the Lower Basin DCP "pending full compliance with CEQA." The petition was served on Metropolitan on April 22, 2019, after which Metropolitan has sixty days to respond to the petition and provide information related to the administrative record.</p> <p><u>U.S. Bureau of Reclamation Issues April 24-Month Study</u></p> <p>Based on predictions of the most probable inflow into Lake Powell, the Bureau of Reclamation's releases from Lake Powell to Lake Mead will shift to balancing releases during the remainder of water year 2019. This operation is consistent with the Upper Elevation Balancing Tier. Total releases from Lake Powell will increase from the previously planned 8.23 MAF, and will most likely reach the maximum 9 MAF total release, depending on actual reservoir elevations during the remainder of the year. As a result, there is essentially no risk of shortages in the Colorado River Basin for 2020. The Bureau of Reclamation's April 24-Month Study Most Probable Inflow Scenario predicts similar releases will be made in 2020.</p>
Bay Delta/State Water Project Issues	<p><u>California EcoRestore</u></p> <p>California EcoRestore was launched in 2015 by the California Natural Resources Agency to accelerate the restoration of 30,000 acres of habitat across the Delta by 2020. The initiative's primary focus is coordinating state-led habitat restoration projects to accelerate on-the-ground results. In 2018, five restoration projects broke ground, which will create new tidal wetlands, establish new riparian upland habitats and address fish passage barriers. Many more restoration projects are in the planning phase.</p>

Bay Delta/State Water Project Issues - continued	<p>In an effort to communicate EcoRestore accomplishments, the Natural Resources Agency released a video on April 17 highlighting the benefits of the EcoRestore projects. The video includes speakers from state agencies and stakeholders. Alison Collins, Senior Resource Specialist in Bay-Delta Initiatives is one of the speakers in the video. The video can be found at the following link:</p> <p>http://resources.ca.gov/ecorestore/2019/04/ecorestore-restoring-californias-great-estuary-videoreleased/</p>
South Orange County Projects	<p><u>SMWD Trampas Canyon Recycled Water Reservoir</u></p> <p>Trampas Canyon Reservoir and Dam (Trampas Reservoir) is a seasonal recycled water storage reservoir, with a total capacity of 5,000 AF, of which 2,500 AF is available to meet Santa Margarita Water District's projected base recycled water demands, and 2,500 AF to meet future water supply needs. When completed, the Trampas Reservoir will allow SMWD to store recycled water in the winter and draw on that water during the peak summer months.</p> <div data-bbox="602 787 1219 1199" data-label="Image"> </div> <p><i>Main Dam: Scrapers Hauling in Embankment Fill</i></p> <p>The construction of the Trampas Canyon Recycled Water Seasonal Storage Reservoir consists of three main components:</p> <ol style="list-style-type: none"> 1) Trampas Canyon Dam (Dam) 2) Conveyance facilities to transport recycled water into and out of the Reservoir (Pipelines) 3) Trampas Canyon Pump Station (Pump Station) <p>The construction of the facilities is being completed in three phases:</p> <ol style="list-style-type: none"> 1) Preconstruction/Site Preparation for the Dam and Pump Station Construction 2) Dam and Pipelines 3) Pump Station <p><u>PROJECT STATUS</u></p> <p><u>Preconstruction/Site Preparation</u></p> <p>Complete</p>

South Orange County Projects - continued	<p><u>Dam and Pipelines</u></p> <p>The Construction Contract was awarded in December 2017 and is approximately 42% complete.</p> <p><u>Pump Station</u></p> <p>The 90% design of this facility was submitted by AECOM on May 20th for District review and approval. The project will likely be available to start the construction bidding process in August 2019. Completion of the construction is expected to be in June 2020, about 2 months ahead of the Reservoir and Dam completion.</p> <p><u>San Juan Watershed Project</u></p> <p>The Draft Environmental Impact Report (DEIR) public review period was closed for comments on February 23, 2018. Ultimately twenty-one comment letters were received with the major topics of concern being characterized as relating to:</p> <ul style="list-style-type: none"> • Steelhead trout migration including the provisions of fish passages • Impacts on San Juan Creek Lagoon • Aesthetics and impacts of the various structures that may be required as part of the project on the surrounding neighborhoods <p><u>Sediment transport</u></p> <p>The Draft Environmental Impact Report for the Project has been completed and public comments received. Some of these comments required additional technical analysis to be performed. This work has been completed and the final document is being reviewed by legal counsel for conformance to CEQA requirements. An informational update on the project was scheduled for the June 2019 SMWD Board meeting.</p> <p><u>Other Information on South County Projects:</u></p> <p>If any agencies would like to have updates included herein on any projects within your service area, please email the updates to Karl Seckel at kseckel@mwdoc.com.</p>
<h2>ENGINEERING & PLANNING</h2>	
South Orange County Emergency Service Program	<p>MWDOC, IRWD, and Dudek have completed the initial draft study to determine if the existing IRWD South Orange County Interconnection capacity for providing emergency water to South Orange County can be expanded and/or extended beyond its current time horizon of 2030.</p> <p>Based on the SOC meeting held on April 11, 2019, a spin-off meeting was held with MWDOC, Dudek and operations staff from MNWD and South Coast WD. The purpose was to involve the operators to determine the flexibility of the SOC agencies to deal with variable flows coming from IRWD as outlined in the study. The flows from IRWD to SOC are dependent on the internal demands within IRWD and will vary from hour to hour and day to day. The discussions indicated that the SOC agencies have considerable flexibility to deal with this situation. The operations group further discussed the sharing of SCADA data among the agencies to have actual flow signals as to what is going on. The operations group also discussed how the system would be operated if the SCADA systems were out. Finally, the</p>

South Orange County Emergency Service Program - continued	<p>operations group had several alternatives they thought should be researched by Dudek and MWDOC. Follow-up on these options will be pursued.</p> <p>A future meeting with all SOC agencies will be scheduled over the next month or so to continue the discussions on cost-sharing facilities and operations that will ultimately involve negotiations directly between SOC Agencies and IRWD. These discussions could also involve discussions and negotiations between SOC and other groundwater producers as well. Information being developed by OCWD and MNWD will be important to the process as well.</p>				
Strand Ranch Project	<p>Staff from MWDOC and IRWD met to discuss how to capture the benefits that can be provided by the development of “extraordinary supplies” from the Strand Ranch Project. The meeting was beneficial in understanding each other’s positions relative to emergency use and drought protection. Additional work is required based on the exchange of information and another meeting will be set.</p>				
Poseidon Resources	<p>Rob Hunter, Karl Seckel and Directors Brett Barbre and Larry Dick attended the Santa Ana Regional Water Quality Control Board (SARWQCB) meeting on renewal of the NPDES Permit for the HB Desalination Project. At the June 14, 2019 SARWQCB meeting, the Regional Board staff provided an information item update on the “Identified Need” for the Poseidon project. In evaluating whether the proposed location is the “best site feasible”, the Ocean Plan directs the Regional Board to evaluate, in part, if the identified need for desalinated water is consistent with applicable water planning documents. In the case of the proposed Poseidon project, the applicable water planning documents are Municipal Water District of Orange County’s (MWDOC) 2015 Urban Water Management Plan (UWMP), the OC Water Reliability Study, OCWD’s Long Term Facilities Plan and other OCWD planning documents. There was a considerable range of views expressed at the meeting. One of the reactions from the SARWQCB was that they did not believe they could permit a project if it was not highly probable that the project would move forward. The alternative position was noted that it is hard to agree ahead of time to move forward with the project if the full extent of terms and conditions are unknown. It is not clear what actions and follow-up will result from this meeting.</p> <p>The Regional Board schedule for the permit is:</p> <table data-bbox="383 1367 1203 1461"> <tr> <td>Draft Permit</td><td>Will be discussed in a Fall Workshop</td></tr> <tr> <td>Final Permit</td><td>Anticipated issuance by the end of the year</td></tr> </table> <p>Assuming success, Poseidon would then seek its final permits from the California Coastal Commission. The next meeting of the Santa Ana Regional Water Quality Control Board will be held on August 2.</p>	Draft Permit	Will be discussed in a Fall Workshop	Final Permit	Anticipated issuance by the end of the year
Draft Permit	Will be discussed in a Fall Workshop				
Final Permit	Anticipated issuance by the end of the year				
SMWD Rubber Dams Project (San Juan Watershed Project)	<p>Santa Margarita Water District continues to focus on diversifying its water supply portfolio for South Orange County residents, businesses, schools, and visitors. At their recent Board meeting on June 21, 2019, they approved a significant Environmental Impact Report (EIR) and two Memorandums of Understanding for ocean desalinization projects.</p> <p>The San Juan Watershed Project is being planned in three-phases and has the potential to develop an additional 4,010 to 8,240 acre-feet per year in addition to making better use of other natural supplies from the San Juan Groundwater Basin.</p>				

SMWD Rubber Dams Project (San Juan Watershed Project) - continued	<p>At this time, funding is only being developed for the Phase 1 project. With the release of its EIR, the project may break ground in late 2020.</p> <p style="text-align: center;">SUMMARY OF THE POTENTIAL ANNUAL AVERAGE PROJECT YIELD</p> <table border="1" style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Project Phase</th><th style="text-align: center;">Phase Yield (AFY)</th></tr> </thead> <tbody> <tr> <td style="text-align: center;">Phase I</td><td style="text-align: center;">30 – 2,000 (Average = 700)</td></tr> <tr> <td style="text-align: center;">Subsequent phases</td><td style="text-align: center;">3,980 – 6,240</td></tr> <tr> <td style="text-align: center;">TOTAL</td><td style="text-align: center;">4,010 – 8,240</td></tr> </tbody> </table> <p style="text-align: center;">SOURCE: WEI 2017</p> <p>At the same meeting, SMWD also approved two non-binding Memorandums of Understanding (MOU) for ocean water desalination. One is with Orange County Water District, related to Poseidon Water in Huntington Beach; the other is with Oceanus Power and Water at Camp Pendleton. The District is also following the progress of the Doheny Desalination project led by South Coast Water District. At this time, SMWD is seeking about 1,000 AF per year from ocean desalination sources.</p> <p>Finally, construction of Orange County's largest recycled water reservoir is on track to be completed in the summer of 2020. SMWD is also making great progress towards completion of the 5,000 AF Trampas Canyon Dam and Reservoir to help them and other agencies increase the amount of recycled water available in the summer periods.</p>	Project Phase	Phase Yield (AFY)	Phase I	30 – 2,000 (Average = 700)	Subsequent phases	3,980 – 6,240	TOTAL	4,010 – 8,240
Project Phase	Phase Yield (AFY)								
Phase I	30 – 2,000 (Average = 700)								
Subsequent phases	3,980 – 6,240								
TOTAL	4,010 – 8,240								
Doheny Ocean Desalination Project	<p>South Coast WD released the Doheny Ocean Desalination Project Draft Environmental Impact Report (EIR) on May 17, 2018 and the EIR public comment period closed on August 6, 2018. Consultant GHD has finished the additional technical studies needed to address the comments received. South Coast WD held a hearing on June 27, 2019 to consider comments and subsequent approval of the final EIR.</p> <p>South Coast WD is still tracking its Grant award from the Bureau of Reclamation 'Water SMART: Desalination Construction Projects under the WIIN Act'. They are in line to receive \$8.3 M in funding, however, the funding needs to be included in the E&W Appropriations list of projects for which the Secretary of Interior intends to award grants. Congressman Levin is acting as the lead office on this request in the House.</p>								
Water Quality and Other Integration Issues for Water Supply Projects in OC	<p>MWDOC is continuing its work on water quality issues that could arise with integration of water supply projects into existing water systems. The pH, alkalinity, TOC, bromide, chloramine residual, and other water quality characteristics may vary among these water sources on a daily, monthly and seasonal basis. Planning needs to account for the water quality and operational considerations or risk unintended consequences. Our goal is to understand the issues prior to these projects going on-line. The White Papers prepared by our consultants will be released in the next couple of weeks and a workshop will be held with our member agencies.</p>								

Phase 1 – Investigation Phase for a Hydraulic Model	<p>MWDOC has initiated the Phase 1 “Investigation Phase” to develop a specification, cost estimate and recommendations for development of a hydraulic model of the regional pipeline system in OC, including water quality modules. The Investigation Phase includes developing scopes of work required for successful model implementation and recommendations on software selection. Key aspects of the Investigative Phase include meetings with our agencies and MET water quality staff.</p>
<h2 style="text-align: center;">EMERGENCY PREPAREDNESS</h2>	
Coordination with WEROC Member Agencies	<p>Ongoing: WEROC, with Michael Baker as the lead consultant, is facilitating 19 agencies through the process of updating the Orange County Water and Wastewater Multi-Jurisdictional Hazard Mitigation Plan. Update: The Hazard Mitigation Plan was approved by California Office of Emergency Services (CalOES). Staff received “required revisions” from FEMA (very common for a first submittal) and is working with participating agencies to provide the additional information requested both during a working lunch and through emails. A major area of concern in FEMA’s review is their initial refusal to recognize our city partners within this plan. This issue was identified in the 2012 update and we believe that we met the expectations that were communicated to us at that time. Kelly Hubbard is working with the city participants, the consultant, CalOES and FEMA to resolve this issue. The plan with revisions and a letter addressing FEMA’s concern with the City Departments was resubmitted to FEMA on May 1, 2019.</p> <p>Ongoing: Kelly launched an effort to facilitate a joint RFP and contract with participating WEROC member agencies to address the new requirements of the America’s Water Infrastructure Act (AWIA). On October 23, 2018, Congress signed into law the American Water Infrastructure Act (AWIA) (S.3021, Law 115-270). Per Section 2013 of Title II, the AWIA requires utilities to conduct a Risk and Resilience Assessment (RRA) of their community water systems and develop a corresponding Emergency Response Plan (ERP) by March 31, 2020 for systems serving population of 100,000 or more. New actions:</p> <ul style="list-style-type: none"> • The RFP was posted to the MWDOC website and shared via LinkedIn and multiple social media websites on May 15, 2019. A mandatory Preproposal Conference was hosted on June 4th with fourteen consultants in attendance. Proposals were due on Monday, June 17th at 10 am. Staff received seven proposals. A multi-agency proposal review committee met on June 19th. Staff will be requesting approval of consultant selection at the MWDOC Administration & Finance Board Committee Meeting on July 10, 2019. • Staff hosted a Kick-Off meeting for participating agencies on June 12. The meeting was to clarify the requirements of the legislation, the project phases and deadlines, as well as expectations of WEROC, the Consultant and the Participating Agency. Similar information was provided at the MWDOC Member Agency Manager’s Meeting on June 20 as well. • Karl Seckel and Kelly met with the Betty Burnett, General Manager, and Sean Peacher, Safety and Emergency Manager, of SOCWA, on June 3rd. This is an annual meeting with SOCWA as a funding agency to discuss the WEROC budget, WEROC’s goals for the coming year and what efforts SOCWA is

Coordination with WEROC Member Agencies – continued	interested in. Kelly meets with each of the funding agencies for this purpose annually.
Training and Programs	<p>Kelly attended the Diemer Treatment Plant Dam Tabletop Exercise on June 20, 2019. The exercise included MET's Emergency Manager, Safety of Dams Manager, and Diemer staff, as well as staff from OCFA, OC Sheriff's, the City of Yorba Linda and Yorba Linda Water District. The purpose of the exercise was to discuss the 3 dams at the Diemer Plant, notification procedures, potential impacts of a failure and response actions.</p> <p>Kelly also attended the Initial Planning Meeting for the MET OC Member Agency Tabletop Exercise scheduled for August. The three cities, WEROC and MET staff discussed the scenario, attendees and other planning considerations.</p>
Coordination with the County of Orange	<p>Kelly attended the June OCEMO Exercise Design meeting in Laguna Beach. The committee is planning a countywide exercise for March 2020.</p> <p>Ongoing: OC OA Alert and Warning Working Group is a new committee to develop countywide public Alert and Warning policies, procedures and tools such as request and approval forms. This will be a 6-month planning effort.</p>
EOC Readiness	<p>Janine Schunk participated in the OA and MET radio tests and WebEOC tests. She also facilitated the WEROC monthly radio test.</p> <p>Janine and Kelly met with ETWD electrical and maintenance staff to do a test drill of the Draft South EOC Generator Operations Guide. Staff worked through the guide step by step to ensure it would clearly assist the EOC staff in turning on the generator and operating it. ETWD staff gave excellent recommendations on how to improve the draft guidance, including some suggested safety gear that will be added on site.</p> <p>Janine and Kelly refreshed the water supplies at the North EOC.</p>
Coordination with Outside Agencies	Ongoing: California Public Utilities Commission (PUC) proceedings regarding the Impacts from De-Energization with a Focus on First Responders and Local Government. MWDOC has received party status to these proceedings. Party Status ensures that we receive all communications regarding the proceedings and that our comments are included officially for consideration. Kelly Hubbard will provide a staff report at the August Planning and Operations Committee Meeting.
WATER USE EFFICIENCY	
Metropolitan Water District of Southern California (MET) Water Use Efficiency Workgroup	<p>On June 19, Rachel Davis attended Metropolitan's Water Use Efficiency Workgroup meeting. Approximately 30 member agencies participated in the meeting. Agenda items included:</p> <ul style="list-style-type: none"> • Introductions • May Metropolitan Board Presentation <ul style="list-style-type: none"> ○ Conservation Updates

Metropolitan Water District of Southern California (MET) Water Use Efficiency Workgroup - continued	<ul style="list-style-type: none"> ○ Review of Water Savings from Metropolitan's Turf Removal Program ○ Preview of July Board Presentations ● Moulton Niguel Water District Smart Timer Direct Install Program Presentation ● Metropolitan External Affairs Update ● Beverly Hills Indoor Water Use/Waste and AMI ● Future Meeting Items <p>The next Workgroup meeting is scheduled for July 18th at Metropolitan</p>
North-Central Orange County Integrated Regional Water Management (IRWM) Stakeholder Meeting	<p>On June 17, Rachel Waite attended the North-Central Orange County IRWM Stakeholder meeting hosted by Orange County Public Works. Approximately 15 stakeholders representing 10 agencies were present to discuss the top-ranked projects submitted under the Proposition 1 Call for Projects. Information was provided regarding the ranking system and the specifics of the recommended top-ranked projects.</p>
California Water Efficiency Partnership (CalWEP) Research and Evaluation Committee	<p>On June 25, Rachel Waite and Joe Berg attended the web-based CalWEP Research and Evaluation Committee. Rachel presented the results of a water savings program evaluation that analyzed the effectiveness of many of MWDOC's landscape programs. Additional agenda items included:</p> <ul style="list-style-type: none"> ● CalWEP Updates ● Conservation Long-Term Framework Needs Assessment ● Integration Plan with the Alliance for Water Efficiency Research and Evaluation Committee ● Member Surveys <p>The next meeting is scheduled online for September 24, 2019.</p>
South Orange County IRWM Stakeholder Meeting	<p>On June 26, Rachel Waite, Joe Berg, and Charles Busslinger participated in the South Orange County IRWM Stakeholder meeting hosted by the County of Orange at the Laguna Hills Community Center. Approximately 20 stakeholders representing 12 agencies were present to discuss the top-ranked projects submitted under the Proposition 1 Call for Projects. Information was provided regarding the ranking system and the specifics of the recommended top-ranked projects. Rachel gave a presentation on MWDOC's top ranked project, which is one of the projects that has been recommended for funding.</p>

Neutral Output Discharge Elimination System (NO-DES) Demonstration at Yorba Linda Water District	<p>On July 2, Joe Berg and Rachel Davis attended a NO-DES Demonstration hosted by the Yorba Linda Water District. Approximately 45 staff from water agencies throughout the county attended. ValveTech, Inc. performed a distribution system flushing demonstration on a pipeline within YLWD's yard. The NO-DES connects to the distribution system fire hydrants and circulates the water through a pump and filter system. This allows flushed water to be recovered and placed back into the distribution system, avoiding the traditional flushing of water into the street and the associated negative perception by customers. YLWD is considering utilizing the NO-DES to maintain water quality within its system.</p>
<h2 style="text-align: center;">PUBLIC/GOVERNMENT AFFAIRS</h2>	
Member Agency Relations	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> Facilitated and hosted a Public Affairs Workgroup meeting on June 27. Guest speakers from CV Strategies presented on building trust with ratepayers as agencies navigate through a Prop 218. Attended the San Clemente City Council meeting with the Wyland Foundation and Director Schneider to present the City with a certificate of recognition for their outstanding participation in the Wyland National Mayor's Challenge and Orange County breakaway competition. Attended Santa Margarita Water District Board meeting with Director Thomas and Rob Hunter to present a certificate of recognition for their support of the Girl Scouts Water Resources and Conservation Patch Program <p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> Provided an update on the Governor's Budget
Community Relations	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> Facilitated a Ricki the Raindrop appearance, and hosted an information booth at the Anaheim Public Utilities OC Green Expo on June 22. <p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> Attended the ACC-OC Summer Reception at the Irvine Ranch Water District Duck Club with Director Bob McVicker
Education	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> Participated in a two-part professional learning course for teachers focused on implementing Environmental Principles & Concepts in the classroom. Worked with design contractor on initial design and concept development for Ricki Raindrop Education Booklets Provided baseline student/presentation counts to member agencies participating in MWDOC Water Education School Programs Collected 2019-2020 school program commitment numbers from member agencies Provided 2019-2020 school program commitments to school program contractors

Education - continued	<ul style="list-style-type: none"> • Provided approved list of middle schools from participating agencies to Discovery Cube Orange County for the 2019-2020 school year
Media Relations	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Met with reporters from KCAL/KCBS and KNBC.
Special Projects	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Met with Water Use Efficiency staff to develop a marketing plan for the Landscape Design Assistance Program. • Participated in an OC Water Summit Committee meeting to wrap up and review the 2019 Summit. President Barbre and Director Thomas also attended. • Worked with Metropolitan staff and MWDOC/Metropolitan Directors to complete the 2019-2020 inspection trip schedule. • Working with Assemblyman Steven Choi's office to recognize MWDOC Water Awareness Poster Contest winners. • Completed several website updates. • Launched the Xtreme Water Makeover Contest in partnership with Toro. • Attended the Wyland Pre-Gala underwriting event. • Provided the MWDOC logo to the Diemer plant to update conference room materials. • Provided Metropolitan MWDOC's website redesign Key Performance Indicators and information on password-protected pages as they continue their website redesign process. • Updated artwork for Water Use Efficiency Department's turf removal signs <p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> • Made calls for potential locations for Community Leaders Briefings in Newport Beach and Anaheim/Orange. • Staffed the WACO Planning meeting • Staffed the ISDOC Quarterly Luncheon meeting • Staffed the ISDOC Executive Committee meeting • Invited panelists for an upcoming WACO meeting • Invited Adrian Hightower from MWD to provide a short presentation on the Solar Cup at the July WACO meeting
Legislative Affairs	<p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> • Participated in the ACWA Region 10 State Legislative Committee pre-meeting call • Monitored the Natural Resources Committee, Water, Oceans, and Wildlife Committee hearing where Director Barbre provided testimony • Attended the ACWA State Legislative Committee meeting in Sacramento • Met with Kathy Viatella and Rosie Thompson from the MWD Sacramento office to discuss pending legislation • Participated in the Southern California Water Coalition Legislative Task Force • Participated in the MWD Member Agency Legislative call • Drafted AB 402 (Quirk) – Oppose Unless Amended letter

Legislative Affairs - continued	<ul style="list-style-type: none">• Drafted AB 1752 (Petrie-Norris) – Support letter• Drafted and circulated for signatories, a coalition letter for AB 1752 for MWDOC member agencies• Shared AB 1752 support coalition letter with MWD member agencies to encourage support• Met with Frank Prewoznik from Irvine Ranch Water District• Worked with our database coordinator to provide contact lists for the upcoming Community Leaders Briefings with Congressman Harley Rouda and Congressman Lou Correa• Met with Lana Haddad from MWD and Kathy Besser from IEUA to discuss pending legislation
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INFORMATION CALENDAR

**MWDOC GENERAL INFORMATION
ITEMS**

MWDOC BOARD OF DIRECTORS

- Brett R. Barbre
- Larry D. Dick
- Bob McVicker
- Joan Finnegan
- Sat Tamaribuchi
- Jeffery M. Thomas
- Megan Yoo Schneider