

REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY  
18700 Ward Street, Board Room, Fountain Valley, California  
March 18, 2020, 8:30 a.m.

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**AGENDA**

**MOMENT OF SILENCE**

**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. 2093**

**CONSENT CALENDAR (Items 1 to 7)**

(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. February 5, 2020 Workshop Board Meeting
- b. February 19, 2020 Regular Board Meeting

*Recommendation: Approve as presented.*

**2. COMMITTEE MEETING REPORTS**

- a. Planning & Operations Committee Meeting: February 3, 2020
- b. Administration & Finance Committee Meeting: February 12, 2020
- c. Public Affairs & Legislation Committee Meeting: February 18, 2020
- d. Executive Committee Meeting: February 20, 2020

*Recommendation: Receive and file as presented.*

**3. TREASURER'S REPORTS**

- a. MWDOC Revenue/Cash Receipt Register as of February 29, 2020
- b. MWDOC Disbursement Registers (February/March)

*Recommendation: Ratify and approve as presented.*

- c. Summary of Cash and Investment and Portfolio Master Summary Report (Cash and Investment report) as of January 31, 2020
- 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 December 31, 2019

*Recommendation: Receive and file as presented.*

**5. AMENDMENT NO. 9 TO THE SANTIAGO AQUEDUCT COMMISSION JOINT POWERS AGREEMENT**

*Recommendation: Approve the execution of Amendment No. 9 to the Santiago Aqueduct Commission (SAC) Joint Powers Agreement by the President of the MWDOC Board.*

**6. APPROVE PARTICIPATION IN THE CENTER FOR DEMOGRAPHIC RESEARCH**

*Recommendation: Approve participation in the Center for Demographic Research for fiscal years 2020-21 (\$53,100.32), 2021-22 (\$55,189.31), and 2022-23 (\$57,462.00). These amounts will be included in the budgets for each of the aforementioned fiscal years.*

**7. OC REGIONAL DISTRIBUTION SYSTEM HYDRAULIC MODEL INVESTIGATION REPORT**

*Recommendation: (1) Receive and file the Orange County Regional Distribution System Hydraulic Model Investigation Report. The **updated** report is on the website at: <https://www.mwdoc.com/wp->*

[content/uploads/2020/02/MWDOC-Hydraulic-WQ-Model-Report-20200225.pdf](#) ; (2) Concur with staff recommendation to proceed with issuance of a Request for Proposals to build and calibrate an OC regional distribution system hydraulic and water quality model based upon the findings of the investigation report; and (3) Direct staff to return to the Board in May 2020 with recommendations for consideration of award of a professional services contract to build and calibrate the hydraulic model.

### End Consent Calendar

### ACTION ITEMS

**8-1 APPROVAL OF RESOLUTION DESIGNATING AUTHORIZED AGENTS FOR 2018  
FY GRANT TRANSFER AGREEMENTS FOR HOMELAND SECURITY GRANTS  
RES. NO. \_\_\_\_\_**

*Recommendation:* (1) Approve the execution of the 2018 Grant Transfer Agreement with the City of Anaheim as the Local Urban Area Security Initiative (UASI) Administrator and (2) adopt Resolution authorizing the WEROC Director of Emergency Management and the General Manager as designated Authorized Agents for FY 2018 Homeland Security Grants and authority to execute any subsequent agreements related to the Homeland Security Grants. Staff will come back to the Board for a purchase award in the event the award is greater than \$25,000.

**8-2 AMENDMENT TO ADMINISTRATIVE CODE RE DIRECTOR VACANCY**

*Recommendation:* Review and discuss whether to amend the Administrative Code regarding Director Vacancies.

**8-3 SUPPORT FOR CANDIDATE(S) CALIFORNIA SPECIAL DISTRICTS  
ASSOCIATION (CSDA) CALL FOR NOMINATIONS: SEAT B – SOUTHERN  
NETWORK**

*Recommendation:* (1) Discuss the candidates who have applied for the CSDA Board of Directors, Southern Network, Seat B; (2) Determine which candidate(s), if any, to support for the vacant seat; and (3) Send a letter to the CSDA Board of Directors stating support for MWDOC's preferred candidate(s), if so determined

**8-4 CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) CALL FOR NOMINATIONS: SEAT C – SOUTHERN NETWORK**

*Recommendation:* Receive recommendation from the Public Affairs & Legislation Committee on whether a member of the MWDOC Board would like to be nominated and run for the CSDA Board of Directors Southern Network, Seat C.

**8-5 LOCAL AREA FORMATION COMMISSIONS (LAFCO) DUES REAPPORTIONMENT FOR SPECIAL DISTRICTS**

*Recommendation:* (1) Review and discuss the proposed formula updated the LAFCO dues apportionment for special districts; and (2) alternatively, authorize/direct President Tamaribuchi's vote on MWDOC's behalf.

**8-6 AB 2093 (GLORIA) – PUBLIC RECORDS RETENTION**

*Recommendation:* Adopt an oppose position on AB 2093 (Gloria), and join the California Special Districts Association's (CSDA) coalition letter.

**8-7 AB 2178 (LEVINE) – EMERGENCY SERVICES: DE-ENERGIZATION DEFINITION**

*Recommendation:* Adopt a support position on AB 2178 (Levine).

**8-8 AB 2182 (RUBIO) – EMERGENCY BACK UP GENERATORS, WATER AND WASTEWATER FACILITIES: EXEMPTION**

*Recommendation:* Adopt a support position on AB 2182 (Rubio), and send a letter to the author and the Association of California Water Agencies (bill sponsor).

**8-9 AB 2246 (MAYES) – SURFACE MINING RECLAMATION ACT OF 1975: METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

*Recommendation:* Adopt a support position on AB 2246 (Mayes), and authorize staff to sign on to the Metropolitan Water District of Southern California's coalition letter.

**8-10 AB 2560 (QUIRK) – WATER QUALITY: NOTIFICATION AND RESPONSE LEVELS: PROCEDURES**

*Recommendation:* Adopt a support position on AB 2560 (Quirk), and send a letter of support to the author and the California Municipal Utilities Association (CMUA).



**8-11 ACR 179 (VOEPEL) – SPECIAL DISTRICTS WEEK**

*Recommendation:* Adopt a support position on ACR 179 (Voepel) proclaiming the week of May 17, 2020 to May 23, 2020, to be Special Districts Week.

**8-12 SB 996 (PORTANTINO) – STATE WATER RESOURCES CONTROL BOARD: CONSTITUENTS OF EMERGING CONCERN PROGRAM**

*Recommendation:* Adopt a support position on SB 996 (Portantino), and authorize staff to sign on to the Metropolitan Water District of Southern California's coalition letter.

**8-13 SB 1099 (DODD) – EMERGENCY BACKUP GENERATORS: CRITICAL FACILITIES: EXEMPTION**

*Recommendation:* Adopt a support position on SB 1099 (Dodd), and send a letter to the author, the California Municipal Utilities Association, and the Las Virgenes Municipal Water District (bill sponsors).

**8-14 PARTICIPATION IN CALIFORNIA WATER ENERGY EDUCATION ALLIANCE LEADERSHIP ROUNDTABLE (WEEA)**

*Recommendation:* Authorize assuming leadership of the Water Energy Education Alliance (WEEA) (option 1).

**8-15 CONSIDER CANCELLATION OF APRIL 2, 2020 ELECTED OFFICIALS FORUM DUE TO CONCERNS WITH THE CORONAVIRUS**

*Recommendation:* Receive recommendation from the Public Affairs & Legislation Committee on whether to cancel the April 2, 2020 Elected Officials Forum.

*Transfer Agreement with the City of Anaheim as the Local Urban Area Security Initiative*  
**INFORMATION CALENDAR** (All matters under the Information Calendar will be Received/Filed as presented following any discussion that may occur)

**9. GENERAL MANAGER'S REPORT, MARCH 2020 (ORAL AND WRITTEN)**

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

**10. 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.

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

February 5, 2020

At 8:30 a.m., President Tamaribuchi 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 Bob McVicker led the Pledge of Allegiance and Secretary Goldsby called the roll.

**MWDOC DIRECTORS**

Brett R. Barbre\* (absent)  
Larry Dick\*  
Joan Finnegan  
Bob McVicker  
Sat Tamaribuchi  
Jeffery M. Thomas  
Megan Yoo Schneider (absent)

**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  
Chris Lingad, Associate Engineer  
Charles Busslinger, Principal Engineer  
Damon Micalizzi, Director of Public Affairs  
Kevin Hostert, Water Resources Analyst  
Joe Berg, Dir. of Water Use Efficiency

\*Also MWDOC MET Directors

**OTHER MWDOC MET DIRECTORS**

Larry McKenney  
Linda Ackerman (absent)

**OTHERS PRESENT**

Kathryn Freshley  
Kay Havens  
Mark Monin  
Jose Vergara  
Doug Reinhart  
Peer Swan  
Laura Rocha  
Kelly Rowe  
John Kennedy  
Alicia Dunkin  
Chuck Gibson  
Jim Leach  
Dennis Erdman  
Brooke Jones  
Al Nederhood  
Bill Hasencamp  
Brad Coffey  
Kristy Khachigian  
Megan Couch

El Toro Water District  
El Toro Water District  
El Toro Water District  
El Toro Water District  
Irvine Ranch Water District  
Irvine Ranch Water District  
Moulton Niguel Water District  
Orange County Water District  
Orange County Water District  
Orange County Water District  
Santa Margarita Water District  
Santa Margarita Water District  
South Coast Water District  
Yorba Linda Water District  
Yorba Linda Water District  
Metropolitan Water District of So. California  
Metropolitan Water District of So. California  
Kristy Khachigian Consulting  
San Diego County Water Authority

**PUBLIC PARTICIPATION/PUBLIC COMMENTS**

President Tamaribuchi 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 Tamaribuchi 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 McKenney highlighted MET's Committee activities/discussions, including the Finance and Insurance Committee (discussion on whether MET can place a value on its water currently in storage, and bond issuance), the Engineering & Operations Committee (discussion on capital projects), the Water Planning & Stewardship Committee, the Bay-Delta Committee (of which Director Ackerman was named Chair), the Communications & Legislation Committee, and the recently formed Integrated Resources Plan (IRP) Committee. Director McKenney advised that several MET Board workshops would be held regarding the biennial budget.

Director Dick concurred with Director McKenney's report, noting that Barry Pressman is Chair of the newly form IRP Committee.

**GOVERNOR'S DRAFT WATER RESILIENCE PORTFOLIO**

Mr. Brad Coffey (MET's Group Manager-Water Resource Management) presented information regarding the draft Water Resilience Portfolio. Mr. Coffey's presentation included an overview of Governor Newsom's Executive Order and the draft report released on January 3, 2020. He advised that MET is focusing on three priorities, namely, advancing potable reuse, resiliency strategy for the Delta, and a vision for inter-governmental collaboration, and that MET sought input on its comment letter (which included these focus areas) from the MET Board and MET member agencies.

Considerable discussion ensued regarding investment in desalination technologies, subsidence, seismic issues on the Delta, and regional vulnerability locations.

The Board received and filed the report as presented.

### **ORAL UPDATE REGARDING COLORADO RIVER SALINITY CONTROL ISSUES**

Mr. Bill Hasencamp (MET's Manager, Colorado River Issues and Chair of the Colorado River Basin Salinity Control Forum) provided an update on the Colorado River's salinity control issues. His presentation included information on the EIS for the Paradox Valley Unit of the Colorado River Basin Salinity Control Program (which analyzes alternatives for replacing an aging well in the Paradox Valley that captures and prevents about 100,000 tons of salt from reaching the Colorado River each year), the water supply sources, the levels of salinity in imported water supplies, and the impact during dry years (MET has a higher dependence on Colorado River supplies during dry years). Following his overview of the summary of alternatives (no action, replacement of injection well, construction of evaporation ponds, and construction of zero liquid discharge facility to capture brine), he advised that the Salinity Control Forum will recommend designing and constructing evaporation ponds to assist with salinity control.

Discussion ensued regarding the various alternatives, and where the evaporation ponds would be located (BLM land). Mr. Hasencamp encouraged member agencies to submit comment letters on the EIS; President Tamaribuchi suggested MWDOC's letter be submitted to the Administration & Finance Committee for review and comment. Following discussion, the Board received and filed the report.

### **WATER SUPPLY CONDITIONS UPDATE**

MWDOC Water Resources Analyst, Kevin Hostert, provided a presentation on the U.S. drought monitor, climate outlook, local precipitation statistics, northern California Accumulated precipitation, storage level data throughout the state, the State Water Project Table A allocations (currently at 15%), and MET estimated storage levels.

Following the presentation, the Board received and filed the report as presented.

### **DELTA CONVEYANCE PROJECT ACTIVITIES UPDATE**

Associate General Manager Harvey De La Torre advised that the Department of Water Resources (DWR) posted a Notice of Preparation that will initiate the Environmental Impact Report (EIR) for the Delta Conveyance Project and that public comment hearings are underway (staff will be presenting comments later in the day at the Los Angeles Public Meeting).

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 Board received and filed the report as presented.

#### **METROPOLITAN (MET) BOARD AND COMMITTEE AGENDA DISCUSSION ITEMS**

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

The report was received and filed.

#### **CLOSED SESSION**

At 10:32 a.m., Legal Counsel Byrne announced that the Board would adjourn to closed session for a conference with legal counsel regarding anticipated litigation (significant exposure to litigation), pursuant to Paragraph (2) Subdivision (d) of Section 54956.9, Claim of Rosemary Ramirez Against the Municipal Water District of Orange County for personal injury, Date of Claim January 14, 2020

#### **RECONVENE**

The Board reconvened at 10:39 a.m., and Legal Counsel Byrne announced that the Board voted unanimously (5-0) to reject the claim of Rosemary Ramirez. Directors Dick, McVicker, Finnegan, Tamaribuchi, and Thomas voted in favor; Directors Barbre and Yoo Schneider were absent.

#### **ADJOURNMENT**

There being no further business, the meeting adjourned at 10:40 a.m.

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Maribeth Goldsby  
Board Secretary

**MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY  
February 19, 2020**

At 8:30 a.m., President Tamaribuchi 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 Yoo Schneider led the Pledge of Allegiance, and Secretary Goldsby called the roll.

**MWDOC DIRECTORS**

Brett R. Barbre (absent)  
Larry Dick (arr. at 8:40 a.m.)  
Joan Finnegan  
Bob McVicker  
Sat Tamaribuchi  
Jeffery M. Thomas (absent)  
Megan Yoo Schneider

**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  
Charles Busslinger, Principal Engineer  
Joe Berg, Dir. of Water Use Efficiency  
Melissa Baum-Haley, Prin. Water Resources Analyst  
Heather Baez, Government Affairs Manager  
Chris Lingad, Associate Engineer

**ALSO PRESENT**

Linda Ackerman  
Larry McKenney  
Jose Vergara  
Paul Weghorst  
Jim Fidler  
Kelly Rowe  
Dennis Erdman  
Fernando Paludi

MWDOC/MET Director  
MWDOC/MET Director  
El Toro Water District  
Irvine Ranch Water District  
Mesa Water  
Orange County Water District  
South Coast Water District  
Trabuco Canyon Water District

**PUBLIC PARTICIPATION/PUBLIC COMMENT**

President Tamaribuchi 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. Tamaribuchi asked whether there were any comments on other items which would be heard at this time.

No comments were received.

**ITEMS RECEIVED TOO LATE TO BE AGENDIZED**

No items were received.

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

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

General Manager Hunter advised that with respect to Item 10 (FY 2019-20 Water Use Efficiency Research Activities), the District received a letter from IRWD and an email from SMWD which were distributed to the Board and made available to the public.

**CONSENT CALENDAR**

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

President Tamaribuchi noted that he received a request to speak on Item No. 10 (FY 2019-20 Water Use Efficiency Research Activities) and as a result, Director Tamaribuchi pulled that item from the Consent Calendar for further discussion.

Upon MOTION by Director Yoo Schneider, seconded by Finnegan, and carried (4-0), the Board approved the balance of Consent Calendar items as follows. Directors Finnegan, McVicker, Yoo Schneider, and Tamaribuchi voted in favor. Directors Barbre, Dick, and Thomas were absent.

**MINUTES**

The following minutes were approved.

January 2, 2020 Workshop Board Meeting  
January 15, 2020 Regular Board Meeting  
January 18, 2020 Special Board Meeting

**COMMITTEE MEETING REPORTS**

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

Planning & Operations Committee Meeting: January 6, 2020  
Administration & Finance Committee Meeting: January 8, 2020  
Public Affairs & Legislation Committee Meeting: January 20, 2020  
Executive Committee Meeting: January 16, 2020  
MWDOC/OCWD Joint Planning Committee Meeting: January 29, 2020

**TREASURER'S REPORTS**

The following items were ratified and approved as presented.



MWDOC Revenue/Cash Receipt Register as of January 31, 2020

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 December 31, 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 December 31, 2019

Quarterly Budget Review

**CONSIDER AUTHORIZING ATTENDANCE AT ASCE'S WORLD ENVIRONMENTAL & WATER RESOURCES CONGRESS, MAY 17-21, 2020, HENDERSON, NV**

The Board authorized attendance by Directors, and staff as authorized by the General Manager, at the ASCE World Environmental & Water Resources Congress to be held May 17-21, 2020 in Henderson, NV.

**PROFESSIONAL SERVICES CONTRACT AWARD FOR OWNER'S REPRESENTATIVES SERVICES**

The Board authorized the General Manager to enter into a professional services agreement with ABSG Consulting Inc. (ABS Consulting) to provide Owner's Representative/Project Management services for the upcoming Administration Building seismic retrofit and remodel, at a cost not to exceed \$245,434 plus 5% contingency for a total not to exceed cost of \$257,706.

**ATTENDANCE AT THE CALIFORNIA WATER ENVIRONMENT ASSOCIATION (CWEA) ANNUAL CONFERENCE**

The Board authorized attendance at the California Water Environment Association (CWEA) Annual conference on April 1-3, 2020 in Reno, NV.

**TRAVEL TO WASHINGTON, DC TO COVER FEDERAL ADVOCACY INITIATIVES**

The Board ratified the expenses as reported.

**TRAVEL TO SACRAMENTO TO COVER STATE ADVOCACY INITIATIVES**

The Board ratified the expenses as reported.

**- END CONSENT CALENDAR -****ITEMS PULLED FROM THE CONSENT CALENDAR**

(Director Dick arrived at 8:40 a.m.)

**FY 2019-20 WATER USE EFFICIENCY RESEARCH ACTIVITIES**

Mr. Paul Weghorst (Irvine Ranch Water District) commented that although he understands the need for MWDOC to understand future water demands, IRWD has identified concerns with the OC Residential End-Uses Water Study outlined in the report, noting that it could create conflict (e.g., Flume type devices are prohibited in IRWD's service area). Mr. Weghorst recommended the funding for this study be applied through the Choice Program (rather than Core).

Director of Water Use Efficiency Joe Berg stated that although many retail agencies conduct their own forecasts, he believed that a regional approach to the forecasting would be of great value. He advised that the End Use Study would utilize the "Flume" water sensor which will collect water consumption flow data in 5-second intervals during a 30-day data collection period; the data will establish a baseline for indoor water use since indoor water use does not change at different times of the year. Mr. Berg noted that he is looking for participation from 4-6 retail agencies from various parts of the county.

Mr. Berg encouraged the Board to keep the End Use Study as a Core program to avoid any financial burden on the member agencies.

Directors Yoo Schneider, McVicker, Tamaribuchi, and Dick all expressed support for Option #1 (the staff recommendation) in staff report, as well as the importance of working with the member agencies in these efforts.

Considerable discussion ensued among the Board members regarding the statistical analysis of the study, the importance of understanding future water needs, funding (through grants and MWDOC budget), and how the framework of the study was a collaboration of MWDOC's member agencies.

Upon MOTION by Director Yoo Schneider, seconded by Director McVicker, and carried (5-0), the Board approved implementation of research projects as follows: (1) a contribution of \$20,000 for participation in the Alliance for Water Efficiency Cooling Tower Study; (2) a contribution of \$17,500 for participation in the University of California Landscape Plant Irrigation Trials; and (3) implementation of a Residential End Uses of Water Study including (a) authorizing use of MWDOC-budgeted funds totaling \$128,250 and Metropolitan funds totaling \$79,000 for a total of \$207,250, and (b) authorizing a Professional Services Contract with Flume in the amount of \$207,250, with the caveat that MWDOC work with and inform all the member agencies of the scope and content of the Residential End Uses of Water Study, and that MWDOC staff work with and obtain from member agencies the data that those agencies have available on residential end use, to create a robust study that enhances the Demand Projection efforts, particularly with the IRP process. Directors Dick, Finnegan, McVicker, Yoo Schneider, and Tamaribuchi voted in favor. Directors Barbre and Thomas were absent.

**ACTION CALENDAR****CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) 2020-2022 BOARD OF DIRECTORS CALL FOR NOMINATIONS – SOUTHERN NETWORK REGION, SEAT B**

President Tamaribuchi advised that since no members of the MWDOC Board were interested in running for the seat, the Public Affairs & Legislation Committee recommended this item be deferred until the ballots have been distributed.

**INFORMATION CALENDAR****GENERAL MANAGER'S REPORT, FEBRUARY 2020**

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

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 Dick reported he attended Planning & Operations, Administration & Finance, Public Affairs & Legislation, MWDOC/OCWD Joint Planning, and Executive Committee meetings, the Workshop Board meeting, the MWDOC/MET Directors meeting (early), the MET Board and Committee meetings, MET Executive Committee meeting, a meeting with an Australian delegation at desalination plant, a meeting with Mayor Murphy, the South Orange County Economic Coalition, two Ad Hoc Committee re Desalination meetings, a meeting with East Orange County Water District, the ISDOC Executive Committee meeting, the MWDOC MET Directors meeting (late), the MET Caucus, the WACO and WACO Planning Committee meetings, and the Water Policy Dinner.

Director Finnegan noted that she attended the Planning & Operations, Public Affairs & Legislation, MWDOC/OCWD Joint Planning Committee, and Executive Committee meetings, the Workshop Board meeting, the Special Board meeting, and the ISDOC luncheon.

Director McVicker reported that he attended the Planning & Operations, Administration & Finance, Public Affairs & Legislation, MWDOC/OCWD Joint Planning Committee, and Executive Committee meetings, the Special and Workshop Board meetings, two Ad Hoc Committee re Desalination meetings, two WACO Planning Committee meetings and the WACO meeting, a meeting with Ken Vecchiarelli, the Water Policy Dinner, and the MET Committee meetings (via web).

Director Yoo Schneider advised that she attended the Planning & Operations, Administration & Finance, Public Affairs & Legislation, and MWDOC/OCWD Joint Planning Committee meetings, as well as the Special Board meeting, the 3<sup>rd</sup> Annual Women in Water Symposium, the Santa Margarita Water District Board meeting, the ACC-OC Legislative trip to Sacramento, the Water UCI Leadership Board meeting, the Water Environmental Federation mid-year meeting, the San Juan Basin Authority meeting, the Laguna Beach County Water District Commission meeting, the ACWA Water Quality Committee meeting, the Water Policy Dinner, the Water Education Foundation Task Force meeting regarding diversity, and the “Break Through San Juan Capistrano” event (as an Advisory Board member).

Director Tamaribuchi reported on attending the regularly scheduled MWDOC meetings (Planning & Operations, Administration & Finance, Public Affairs & Legislation, MWDOC/OCWD Joint Planning, and Executive Committee meetings, as well as the Workshop and Regular Board meetings), as well as the UCI meeting regarding climate modeling, the OC Water Summit Planning meeting with OCWD as well as an internal OC Water Summit Planning meeting with staff, the CCEEB meeting, the WACO meeting, the ACWA Water Management Committee and Groundwater Committee meetings, the Water Policy Dinner, and two Ad Hoc Committee re Desalination meetings.

**b. REQUESTS FOR FUTURE AGENDA TOPICS**

No requests were made.

**ADJOURNMENT**

There being no further business to come before the Board, President Tamaribuchi adjourned the meeting at 9:05 a.m.

Respectfully submitted,

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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**  
February 3, 2020 – 8:30 a.m. to 9:57 a.m.  
Conference Room 101

**P&O Committee:**

Director Bob McVicker, Chair  
Director Megan Yoo Schneider  
Director Larry Dick

**Staff:**

Rob Hunter, Karl Seckel, Chris Lingad,  
Joe, Berg, Katie Davanaugh, Damon Micalizzi,  
Melissa Baum-Haley, Charles Busslinger,  
Kevin Hostert, Harvey De La Torre, Vicki Osborn

**Also Present:**

Director Joan Finnegan  
Adam Hutchinson, Orange County Water District  
Jose Vergara, El Toro Water District  
John Cruz, Moulton Niguel Water District  
Liz Mendelson-Goossens,  
San Diego County Water Authority  
Jim Atkinson, Mesa Water  
Peer Swan, Irvine Ranch Water District  
Paul Weghorst, Irvine Ranch Water District

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Director McVicker called the meeting to order at 8:30 a.m.

**PUBLIC COMMENTS**

Peer Swan noted the passing of Jim Reed, long time Irvine Ranch Water District Board member.

**ITEMS RECEIVED TOO LATE TO BE AGENDIZED**

No items were received.

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

No items were distributed.

**ACTION ITEMS**

**FY 2019-20 WATER USE EFFICIENCY RESEARCH ACTIVITIES**

Mr. Joe Berg provided a detailed and comprehensive overview of the research projects presented before the Committee for consideration. The first project is the Alliance for Water Efficiency Cooling Tower Study that will develop tools and resources for water savings through

improved cooling tower management.

The second project is the University of California Landscape Plant Irrigation Trials that will evaluate landscape plant water needs with the potential to be good performers in low-water use gardens. MWDOC intends to participate in this project for a period of 5 years. The Committee held discussion about having conversations with commercial nurseries and landscape architects to help promote a wide variety of native plants, rather than just the most popular variety that are commonly available at local home and garden centers. There are more than 190 native plant species and only a small selection of those are readily available. It was noted that Metropolitan Water District is currently not participating in this program.

The third project is an OC Residential End Uses of Water Study which will help improve the understanding of current levels of water use at the residential level and help gauge compliance with proposed water use standards. The study will utilize the "Flume" water sensor which attaches to a residential water meter. The study will include the installation of 200 units within Orange County. The Committee held discussion on the cost of the Flume devices, installation costs, the collection of water use data and the willingness of homeowners to allow attachment of the devices to home meters and whether the Flume devices would remain in place when the study was completed.

Mr. Berg indicated that currently, there is limited data available to separate and measure indoor versus outdoor water usage and this study will be a valuable resource tool to assist with long-term demand forecasting. Discussion was held on the differences throughout the County on water use habits in varying communities, older versus newer communities, number of household members, and other variables that could impact or skew the data in the study that is proposed to be 200 Flume devices versus the 3 million residents within Orange County. Mesa Water District and Irvine Ranch Water District indicated they are not in support of the study.

Upon MOTION by Director Dick, seconded by Yoo Schneider and carried (3-0) the implementation of research projects for FY 2019-20 Water Use Efficiency was referred to the February 19, 2020 Board meeting for consideration. Directors McVicker, Yoo Schneider and Dick all voted in favor.

## **DISCUSSION ITEM**

### **REGIONAL SYSTEM PLANNING & LOCAL WATER SUPPLY INTEGRATION UPDATE**

Charles Busslinger provided a presentation to apprise the Committee on the Regional System Planning and Local Water Supply Integration Update that was included in the staff report. The presentation included a recap of recent water quality and low flow metering issues experienced in Orange County and cataloged potential future issues on the regional distribution system associated with the integration of local water supply projects currently under discussion by MWDOC member agencies. Planning efforts to investigate these issues include two white paper developed by Black & Veatch and Hazen & Sawyer that identify possible direct and indirect water quality impacts from the integration of local water supply projects as well as an investigation by Black & Veatch into the feasibility and scope of work to create a regional hydraulic model to better understand the identified potential impacts.

MWDOC member agencies were included in the process through participation in a workshop in South Orange County and an upcoming workshop for all MWDOC member agencies.

The final Hydraulic Model Investigation Report is anticipated by the end of February 2020.

### **INFORMATION ITEMS**

#### **STATUS REPORTS**

- a. Ongoing MWDOC Reliability and Engineering/Planning Projects
- b. WEROC
- c. Water Use Efficiency Projects

The monthly department status 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**

No information was presented.

### **ADJOURNMENT**

There being no further business 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  
**ADMINISTRATION & FINANCE COMMITTEE**  
February 12, 2020 – 8:30 a.m. to 10:19 a.m.  
Conference Room 101

**A&F Committee:**

Director Jeff Thomas, Chair  
Director Joan Finnegan (absent)  
Director Larry Dick

**Staff:**

Rob Hunter, Joe Berg, Harvey De La Torre,  
Katie Davanaugh, Damon Micalizzi,  
Hilary Chumpitazi, Cathy Harris,  
Heather Baez, Vicki Osborn, Jeff Stalvey,  
Charles Busslinger

**Also Present:**

Director Sat Tamaribuchi  
Director Bob McVicker  
Director Brett Barbre  
Director Megan Yoo Schneider  
Jose Vergara, El Toro Water District  
Peer Swan, Irvine Ranch Water District  
Marwan Khalifa, Mesa Water District  
Doug Reinhart, Irvine Ranch Water District  
Chuck Gibson, Santa Margarita Water District  
Jim Leach, Santa Margarita Water District  
Johnathan Cruz, Moulton Niguel Water Dist.  
Kristy Khachigian, KK Consulting

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Director Thomas called the meeting to order at 8:30 a.m. Director Barbre sat on the Committee in the absence of Director Finnegan.

**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**

Mr. Hunter reported that a comment letter to the U.S. Bureau of Reclamation on the Draft Environmental Impact Statement for the Paradox Valley Unit of the Colorado River Basin Salinity Control Program - Support for Salinity Control was distributed, as well as a presentation on the FY 2020-21 Budget.



**PROPOSED BOARD CONSENT CALENDAR ITEMS****TREASURER'S REPORT**

- a. Revenue/Cash Receipt Report – January 2020
- b. Disbursement Approval Report for the month of February 2020
- c. Disbursement Ratification Report for the month of January 2020 2019
- d. GM Approved Disbursement Report for the month of January 2020
- e. Water Use Efficiency Projects Cash Flow – January 31, 2020
- f. Consolidated Summary of Cash and Investment – December 2019
- g. OPEB and Pension Trust Fund monthly statement

Following review of the Treasurer's Report, upon MOTION by Director Barbre, seconded by Director Dick and carried (3-0), the Committee recommended the Treasurer's Report for approval at the February 19, 2020 Board meeting. Directors Barbre, Thomas and Dick voted in favor.

**FINANCIAL REPORT**

- a. Combined Financial Statements and Budget Comparative for the Period ending December 31, 2019
- b. Quarterly Budget Review

Following review of the Financial Report, upon MOTION by Director Barbre, seconded by Director Dick and carried (3-0), the Committee recommended the Financial Report for approval at the February 19, 2020 Board meeting. Directors Barbre, Thomas and Dick voted in favor.

The Committee reviewed the Balance sheet, investments and cash on hand.

**DISCUSSION ITEM****FIRST DRAFT OF THE FY 2020-21 BUDGET**

Mr. Hunter reviewed the MWDOC 1<sup>st</sup> Draft Budget presentation, in detail, which included the budget schedule, Metropolitan budget and rates; MWDOC reserve targets, budget overview, reserve targets and balances, core budget line items, memberships, conferences and travel, department priorities, non-incorporated items and then on to discussion and comments following the presentation.

Mr. Hunter noted water sales of \$224.2 million, core expenses of \$9.2 million and choice expenses on \$1.5 million. A listing of key MET budget assumptions was reviewed along with an overview of proposed MET rates and charges. The presentation included information on MWDOC unfunded reserve balances, core expenses by line item, non-incorporated items and staffing levels. Mr. Hunter reviewed, in detail, each department's priorities for the upcoming new fiscal year 2020-21.

In addition to the presentation provided by Mr. Hunter, a full written report was included in the packet materials providing additional information in support of the presentation, as well as a copy of the Draft Annual Budget for Fiscal year 2020-21 illustrating each line item and program dollars proposed.

The Committee reviewed and held discussion on memberships, organizations and associations that the District participates in to determine whether all were necessary. Conferences and associated travel expenses were also reviewed and discussed. Each Director will review the exhibits in the budget and provide input to Mr. Hunter during the budget process.

**MWDOC DRAFT LETTER ON THE PARADOX VALLEY UNIT OF THE  
COLORADO RIVER BASIN SALINITY CONTROL PROGRAM DEIS**

The report was received and filed following review of the draft letter that was presented in the staff report.

**ACTION ITEMS**

**CONSIDER AUTHORIZING ATTENDANCE AT ASCE'S WORLD  
ENVIRONMENTAL & WATER RESOURCES CONGRESS, MAY 17-21, 2020,  
HENDERSON, NV**

Upon MOTION by Director Barbre, seconded by Director Dick and carried (3-0), the Committee recommended the approval of attendance at ASCE's World Environmental & Water Resources Congress, May 17-21, 2020 in Henderson, Nevada at the February 19, 2020 Board meeting. Directors Barbre, Thomas and Dick voted in favor. Director McVicker noted that he would be attending.

**PROFESSIONAL SERVICES CONTRACT AWARD FOR OWNER'S  
REPRESENTATIVE SERVICES**

Upon MOTION by Director Barbre, seconded by Director Dick and carried (3-0), the Committee recommended the approval of the professional services contract award for owner's representative services with ABSG Consulting, Inc. at the February 19, 2020 Board meeting. Directors Barbre, Thomas and Dick voted in favor.

It was noted that the majority of the building remodel will take place in the 2020/21 Budget year and that the project is currently in its third and hopefully final review with the City of Fountain Valley.

**ATTENDANCE AT THE CALIFORNIA WATER ENVIRONMENT ASSOCIATION  
(CWEA) ANNUAL CONFERENCE**

Upon MOTION by Director Dick, seconded by Director Barbre and carried (3-0), the Committee recommended the Board approve attendance at the CWEA annual conference at the February 19, 2020 Board meeting. Directors Barbre, Thomas and Dick voted in favor.

**INFORMATION ITEMS**

**SOLE SOURCE PROCUREMENT WITH MUNICIPAL RESOURCE GROUP**

**LEGAL AND PROFESSIONAL SERVICES OPEN PURCHASE ORDERS**

**SEMI-ANNUAL DIRECTORS ACTIVITIES REPORT**

Director Barbre requested a review of his travel, conference and miscellaneous expenses. Staff will update the report.

**SEMI-ANNUAL OVERTIME REPORT**

**ANNUAL AUTO ALLOWANCE REPORT**

**ANNUAL REVIEW OF COASTAL MUNICIPAL WATER DISTRICT ISSUES**

**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 and filed.

**OTHER ITEMS**

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

No items were presented.

**ADJOURNMENT**

There being no further business brought before the Committee, the meeting was adjourned at 10:19 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**

February 18, 2020 – 8:30 a.m. to 9:32 a.m.

MWDOC Conference Room 101

**Committee:**

Director Yoo Schneider, Chair  
Director Barbre  
Director McVicker

**Staff:**

Rob Hunter, Karl Seckel, Heather Baez,  
Damon Micalizzi, Tiffany Baca,  
Katie Davanaugh, Joe Berg, Bryce Roberto,  
Harvey De La Torre, Melissa Baum-Haley,  
Sarah Wilson, Traci Muldoon

**Also, present:**

Director Sat Tamaribuchi  
Director Larry Dick  
Director Jeff Thomas  
Director Joan Finnegan  
Linda Ackerman, MWDOC MET Director  
Larry McKenney, MWDOC MET Director  
Ryan Leavitt, MWDOC Consultant  
Syrus Devers (via teleconference) BBK  
Dick Ackerman, Ackerman Consulting  
John Lewis, Lewis Consulting  
Tim Kearns, Hashtag Pinpoint  
Jim Atkinson, Mesa Water  
Jim Leach, Santa Margarita Water District  
Shari Seitz, El Toro Water District  
Peer Swan, Irvine Ranch Water District  
Stacy Taylor, Mesa Water  
Alicia Dunkin, Orange County Water District

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Director Yoo Schneider attended the meeting via teleconference. All Brown Act requirements were complied with. Director Barbre called the meeting to order at 8:30 a.m.

**PUBLIC PARTICIPATION**

No public 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.

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

Mr. Ryan Leavitt of Barker Leavitt was introduced to the Committee. Mr. Leavitt, who joined Jim Barker's office last year as a partner, is a licensed attorney in Washington, DC and has worked for various members of both the House and Senate.

Mr. Leavitt provided an overview of the written report, calling attention to President Trump releasing his proposed budget for FY2021, noting proposed major cuts to domestic spending. Additionally, he reviewed the Drought Resiliency and Water Supply Infrastructure Act as well as reported on continued meetings in DC pertaining to PFAS. He recommended MWDOC and its member agencies send letters to members of congress and senate regarding PFAS.

Mr. Leavitt also provided an update on the February 26<sup>th</sup> DC luncheon that MWDOC staff and Directors will be co-hosting. Both Mr. Leavitt and Mr. Barker have reached out to all of the Orange County delegation to encourage participation in the luncheon. He noted that the event will be held in a new location, and outreach efforts did go to Senate members as well.

**b. State Legislative Report (BBK)**

Mr. Devers reported that PFAS/PFOS continues to be in the forefront of discussion again this month and is of great concern throughout the water community within the state. He called attention to AB 2182 (Rubio) pertaining to exempt emergency back-up generators during a Public Safety Power Shutoff event, and proposed exemption from air quality restrictions. The Committee held discussion on the AQMD restrictions and the impact during emergency situations. Mr. Devers also noted the upcoming primary election and an update on the Water Bond.

**c. County Legislative Report (Lewis)**

Mr. John Lewis reviewed his monthly report, noting the Public Policy Institute of California's latest poll numbers.

**d. Legal and Regulatory Report (Ackerman)**

Mr. Dick Ackerman called attention to the University of Arizona's drought frequency study recently completed which was listed in the monthly report.

**SOUTHERN CALIFORNIA WATER ISSUES CONGRESSIONAL DELEGATION  
BRIEFING LUNCHEON**

Ms. Baez noted that registration for this event continues.

**ACTION ITEMS****TRAVEL TO WASHINGTON, DC TO COVER FEDERAL ADVOCACY INITIATIVES**

Upon MOTION by Director McVicker, seconded by Director Barbre and carried (3-0), the Committee recommended approval of Travel to Washington, DC to cover Federal Advocacy Initiatives at the February 19, 2020 Board meeting. Directors McVicker, Barbre and Yoo Schneider voted in favor via roll call vote.

**TRAVEL TO SACRAMENTO TO COVER STATE ADVOCACY INITIATIVES**

Upon MOTION by Director Barbre, seconded by Director McVicker and carried (3-0), the Committee recommended approval of Travel to Sacramento to cover State Advocacy Initiatives at the February 19, 2020 Board meeting. Directors McVicker, Barbre and Yoo Schneider voted in favor via roll call vote.

**CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) CALL FOR NOMINATIONS: SEAT B – SOUTHERN NETWORK**

This item was presented to the Committee in the event a MWDOC Board member is interested in submitting an application. It was determined that the Board will consider all nominations and prepare a letter of support for the appropriate nominee. This item will be returned to the PAL Committee in March.

**INFORMATION ITEMS****WATER POLICY FORUM & DINNER SPEAKERS SERIES****2019 OC WATER SUMMIT****SCHOOL PROGRAM UPDATE****EDUCATION PROGRAM INITIATIVES****PUBLIC AND GOVERNMENT AFFAIRS ACTIVITIES REPORT**

The informational reports were received and filed.

**OTHER ITEMS**

No items were presented.

**ADJOURNMENT**

There being no further business brought before the Committee, the meeting adjourned at 9:32 a.m.

MINUTES OF THE MEETING OF THE  
BOARD OF DIRECTORS OF THE  
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY  
jointly with the  
**EXECUTIVE COMMITTEE**  
February 20, 2020, 8:30 a.m. to 9:36 a.m.  
Conference Room 102

**Committee:**

Director Tamaribuchi, President  
Director Finnegan, Vice President  
Director Barbre, Immediate Past Pres. (absent)

**Staff:**

R. Hunter, M. Goldsby

**Also Present:**

Director Yoo Schneider (via teleconf.)

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At 8:30 a.m., President Tamaribuchi called the meeting to order.

Director Yoo Schneider attended the meeting via teleconference. All Brown Act requirements were complied with.

**PUBLIC PARTICIPATION**

No public comments were received.

**ITEMS RECEIVED TOO LATE TO BE AGENDIZED**

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. Workshop Board Meeting

No new items were added to the agenda.

The Committee asked that a presentation on the status of the Delta Conveyance and related lawsuits be made at the April Workshop Board meeting; it was noted staff would check on the availability of Roger Patterson (MET).

b. Planning & Operations Committee Meeting

No new items were added to the agenda, however discussion was held regarding the Doheny Desalination Project.

c. Administration & Finance Committee meeting

No new items were added to the agenda, however considerable discussion was held regarding the draft budget. Director Tamaribuchi expressed concern with the direction of the Education Program, noting he believed this new direction was not on target with the

District's mission. He requested further information to explain the changes/additions to the program.

d. Public Affairs & Legislation Committee

No new items were added to the agenda. Discussion was held regarding the presentation by Joey Soto regarding the Grants program and the Committee suggested that Ms. Soto continue with annual presentations/updates, but that these updates be made early in the calendar year (rather than summer) to assist with Budget preparation.

e. Executive Committee

No new items were added to the agenda. The Committee discussed Director Barbre's request to review the Administrative Code Section 1403 relative to Directors attendance at meetings and what meetings qualify for payment. The Committee deferred discussion on this item until March (when Director Barbre would be present).

**DISCUSSION REGARDING UPCOMING ACTIVITIES OF SIGNIFICANCE**

No new information was presented.

**MEMBER AGENCY RELATIONS**

No new information was presented.

**GENERAL MANAGER'S REPORTS**

Mr. Hunter reported that a workshop with the Santa Ana Regional Water Quality Control Board would be held on March 13, 2020 regarding the draft permit for the Poseidon Project (at Huntington Beach City Hall).

**REVIEW AND DISCUSS DISTRICT AND BOARD ACTIVITIES**

No information was presented.

**ADJOURNMENT**

There being no further business to be brought before the Committee, the meeting adjourned at 9:36 a.m.



**Municipal Water District of Orange County**  
**REVENUE / CASH RECEIPT REPORT**  
**February 2020**

**WATER REVENUES**

<b>Date</b>	<b>From</b>	<b>Description</b>	<b>Amount</b>
02/04/20	City of La Palma	December 2019 Water Deliveries	3,298.97
02/04/20	City of Newport Beach	December 2019 Water Deliveries	210,789.20
02/04/20	City of Seal Beach	December 2019 Water Deliveries	8,225.97
02/04/20	Trabuco Canyon Water District	December 2019 Water Deliveries	100,035.75
02/05/20	Laguna Beach County Water District	December 2019 Water Deliveries	125,034.22
02/07/20	City of San Clemente	December 2019 Water Deliveries	376,522.59
02/10/20	South Coast Water District	December 2019 Water Deliveries	270,764.38
02/10/20	Santa Margarita Water District	December 2019 Water Deliveries	1,130,939.21
02/10/20	City of Buena Park	December 2019 Water Deliveries	121,781.65
02/10/20	El Toro Water District	December 2019 Water Deliveries	297,171.80
02/11/20	Mesa Water	December 2019 Water Deliveries	7,382.81
02/12/20	City of Garden Grove	December 2019 Water Deliveries	685,331.65
02/13/20	City of Westminster	December 2019 Water Deliveries	302,936.05
02/13/20	City of San Juan Capistrano	December 2019 Water Deliveries	242,097.82
02/13/20	City of Orange	December 2019 Water Deliveries	31,455.22
02/13/20	Yorba Linda Water District	December 2019 Water Deliveries	38,574.85
02/14/20	Orange County Water District	December 2019 Water Deliveries	19,761,046.80
02/14/20	East Orange County Water District	December 2019 Water Deliveries	240,617.55
02/14/20	Moulton Niguel Water District	December 2019 Water Deliveries	1,326,598.33
02/14/20	Irvine Ranch Water District	December 2019 Water Deliveries	134,620.17
02/14/20	Golden State Water Company	December 2019 Water Deliveries	180,246.28
02/24/20	City of Newport Beach	January 2020 Water deliveries	498,332.68
02/25/20	Trabuco Canyon Water District	January 2020 Water deliveries	131,432.99
02/27/20	City of Westminster	January 2020 Water deliveries	12,194.39
02/28/20	City of La Habra	January 2020 Water deliveries	5,020.33
02/28/20	Serrano Water District	January 2020 Water deliveries	11,361.73
02/28/20	City of San Clemente	January 2020 Water deliveries	452,511.78

TOTAL REVENUES \$ 26,706,325.17

**Municipal Water District of Orange County**  
**REVENUE / CASH RECEIPT REPORT**  
**February 2020**

**MISCELLANEOUS REVENUES**

<b>Date</b>	<b>From</b>	<b>Description</b>	<b>Amount</b>
02/14/20	Atkinson, Andelson, Loya, Ruud & Romo	2/12/20 Water Policy dinner registration	90.00
02/07/20	Cucamonga Valley Water District	2/12/20 Water Policy dinner registration	90.00
02/14/20	Paypal	2/12/20 Water Policy dinner registration	87.56
02/14/20	West Basin Municipal Water District	2/12/20 Water Policy dinner registrations	850.00
02/14/20	East Orange County Water District	2/12/20 Water Policy dinner registrations	850.00
02/14/20	Orange County Water District	2/12/20 Water Policy dinner registration	90.00
02/27/20	Yorba Linda Water District	9/5/19 Water Policy dinner registrations	670.00
02/28/20	Paypal	2/12/20 Water Policy dinner registrations	1,372.61
02/28/20	Serrano Water District	9/5/19 Water Policy dinner registrations	180.00
02/28/20	Paypal	5/29/20 OC Water Summit registrations	1,805.16
02/14/20	Janice Kovacevic	Movie tickets	38.00
02/28/20	US Bank	Monthly Interest	10.04
02/24/20	Stan Sprague	March 2020 Retiree Health insurance	241.22
02/27/20	Keith Lyon	March 2020 Retiree Health insurance	302.78
02/24/20	Laguna Beach County Water District	December 2019 Smartimer rebate program	92.55
02/27/20	City of La Habra	December 2019 Turf Removal rebate program	111.00
02/20/20	City of Westminster	December 2019 Turf Removal rebate program	111.00
02/24/20	Irvine Ranch Water District	December 2019 Turf Removal rebate program	1,734.00
02/28/20	El Toro Water District	December 2019 Turf Removal rebate program	1,025.00
02/28/20	City of Brea	December 2019 Turf Removal and Spray to Drip rebate program	333.00
02/24/20	Irvine Ranch Water District	December 2019 Smartimer and Rotating Nozzle rebate program	411.95
02/07/20	City of San Clemente	December 2019 So Cal Watersmart rebate program	500.00
02/04/20	Moulton Niguel Water District	December 2019 So Cal Watersmart rebate program	3,200.00
02/24/20	Irvine Ranch Water District	December 2019 So Cal Watersmart rebate program	220.00
02/27/20	Department of Water Resources	Apr-Jun 2019 Strategic Turfgrass Removal and Design Assistance program	21,732.80
02/10/20	City of Santa Ana	Jul-Dec 2019 School billing	7,441.45
02/28/20	Serrano Water District	Addition to the Choice School Program FY 19-20	413.95
02/24/20	South Coast Water District	Addition to the Choice School program FY 19-20	4,120.00
02/25/20	Trabuco Canyon Water District	Leak Detection Shared Services FY 19-20	2,733.61
02/27/20	City of Westminster	Leak Detection Shared Services FY 19-20	23,814.00
02/24/20	City of Anaheim	Water Loss Control technical assistance - WSO, Inc	3,465.00
02/07/20	City of Tustin	AWIA Phase 2 Risk and Resilience Assessment	83,855.00
02/07/20	City of San Clemente	AWIA Phase 2 Risk and Resilience Assessment	83,855.00
02/14/20	City of Fullerton	AWIA Phase 2 Risk and Resilience Assessment	83,855.00

TOTAL MISCELLANEOUS REVENUES \$ 329,701.68

**TOTAL REVENUES \$ 27,036,026.85**



Robert J. Hunter, General Manager



Hilary Chumpitazi, Treasurer

**Municipal Water District of Orange County  
Disbursement Approval Report  
For the month of March 2020**

<i>Invoice#</i>	<i>Vendor / Description</i>	<i>Amount to Pay</i>
<b>Core Expenditures:</b>		
	<b>Richard C. Ackerman</b>	
1271	February 2020 Consulting on legal and regulatory matters	1,750.00
	*** Total ***	1,750.00
	<b>Aleshire &amp; Wynder LLP</b>	
55308	January 2020 Legal services	94.00
55734	February 2020 Legal services	383.00
	*** Total ***	477.00
	<b>Alta FoodCraft</b>	
52003239	2/12/20 Coffee & tea supplies	236.67
	*** Total ***	236.67
	<b>ARC</b>	
10517745	Set of plans for MWDOC office remodel	64.09
	*** Total ***	64.09
	<b>Barker Leavitt, PLLC</b>	
105-0220	February 2020 Federal legislative advocacy services	8,000.00
	*** Total ***	8,000.00
	<b>Best Best and Krieger LLP</b>	
870236	January 2020 State legislative advocacy services	8,525.96
55401-JAN20	January 2020 Legal services	24,676.58
	*** Total ***	33,202.54
	<b>Blue Watchdog Conservation, Inc.</b>	
1580	January 2020 Instruction services for OC Qualified Water Efficient Landscaper training program	2,747.71
	*** Total ***	2,747.71
	<b>Board of Equalization</b>	
2019	2019 Use tax on purchases	1,089.00
	*** Total ***	1,089.00
	<b>California Air Resources Board</b>	
P-051078-012720	Portable equipment registration for MWDOC generator	805.00
	*** Total ***	805.00
	<b>CDM Smith</b>	
90092343	12/29/19-1/25/20 Water Resource Planning services	922.50
	*** Total ***	922.50
	<b>CDW Government</b>	
WWX6635	Security printer for Finance Department	717.40
	*** Total ***	717.40

**Municipal Water District of Orange County  
Disbursement Approval Report  
For the month of March 2020**

<i>Invoice#</i>	<i>Vendor / Description</i>	<i>Amount to Pay</i>
	<b>Hunter T. Cook</b>	
JAN-MAR20	January -March 2020 Retiree medical premium	1,536.00
	*** Total ***	1,536.00
	<b>Eastern Municipal Water District</b>	
31095	25% Share of catering for 2/26/20 DC Briefing luncheon	743.25
	*** Total ***	743.25
	<b>Elevated Health, Inc.</b>	
DEC2019	12/16/19 Pre-employment exams	265.00
	*** Total ***	265.00
	<b>G/M Business Interiors</b>	
0258619-IN	Humanscale sit/stand computer base with dual monitor mount	604.48
0258620-IN	2 Humanscale sit/stand computer bases with dual monitor mount	1,146.46
0258991-IN	Dual monitor mount for Humanscale sit/stand computer base	366.76
	*** Total ***	2,117.70
	<b>GovConnection, Inc.</b>	
57498236	Ricoh color laser printer and 4 ink cartridges	4,926.00
	*** Total ***	4,926.00
	<b>Hashtag Pinpoint Corporation</b>	
1225	February 2020 Strategic digital communications consulting services	7,917.00
	*** Total ***	7,917.00
	<b>Herndon Solutions Group LLC</b>	
100006	January 2020 Services to assist with America's Water Infrastructure Act compliance	11,408.23
	*** Total ***	11,408.23
	<b>Information Management Services, LLC</b>	
390529	2/19/20-2/18/21 Annual maintenance renewal for binding machine	745.00
	*** Total ***	745.00
	<b>Jill Promotions</b>	
10771	MWDOC logo name badge	19.68
10779	MWDOC Logo apparel	81.08
	*** Total ***	100.76
	<b>Karen's Detail Custom Frames, LLC</b>	
3129	Custom framing for certificate of recognition for El Toro Water District	103.79
	*** Total ***	103.79
	<b>Lawnscape Systems, Inc.</b>	
408125	2/28/20 Landscape maintenance for atrium	295.00
	*** Total ***	295.00

**Municipal Water District of Orange County  
Disbursement Approval Report  
For the month of March 2020**

<i>Invoice#</i>	<i>Vendor / Description</i>	<i>Amount to Pay</i>
	<b><i>Phil Letrong</i></b>	
OCT-DEC2019	October-December 2019 Retiree medical premium	406.50
	*** Total ***	406.50
	<b><i>Lewis Consulting Group</i></b>	
2020-111	February 2020 Consulting services	2,312.50
	*** Total ***	2,312.50
	<b><i>Edward G. Means III</i></b>	
MWDOC-1080	February 2020 Consulting on MET issues and guidance to Engineering staff	125.00
	*** Total ***	125.00
	<b><i>Patricia J. Meszaros</i></b>	
2019	2019 Retiree medical premium	1,626.00
JAN-MAR20	January - March 2020 Retiree medical premium	433.80
	*** Total ***	2,059.80
	<b><i>Municipal Resource Group, LLC</i></b>	
03-20-52	January 2020 Services for coaching and leadership development	1,012.50
03-20-87	January 2020 Services for performance management evaluation and implementation	900.00
	*** Total ***	1,912.50
	<b><i>NDS</i></b>	
721294	1/31/20 Delivery charges for Board packets	151.67
721376	2/7/20 Delivery charges for Board packets	231.81
721458	2/14/20 Delivery charges for Board packets	95.57
	*** Total ***	479.05
	<b><i>Office Depot, Inc.</i></b>	
443531928001	2/14/20 Office supplies	136.67
447056479001	2/24/20 Office supplies	305.48
	*** Total ***	442.15
	<b><i>Office Solutions</i></b>	
I-01718156	10 Badge display trays	169.86
I-01725955	3/2/20 Office supplies	39.19
	*** Total ***	209.05
	<b><i>County of Orange</i></b>	
PW200483	FY 2019-20 Cooperative agreement for South OC Watershed Management Area	10,456.46
	*** Total ***	10,456.46
	<b><i>Orange County Water District</i></b>	
21358	January 2020 50% share of WACO expense	193.75
21361	January 2020 Postage, shared office and maintenance expense	7,678.33
	*** Total ***	7,872.08

**Municipal Water District of Orange County  
Disbursement Approval Report  
For the month of March 2020**

<i>Invoice#</i>	<i>Vendor / Description</i>	<i>Amount to Pay</i>
	<b><i>Raftelis Financial Consultants, Inc.</i></b>	
14193	January 2020 Five year monitoring for Budget Based Tiered Rate grant	1,800.00
	*** Total ***	1,800.00
	<b><i>Roth Staffing Companies, LP</i></b>	
13853757	2/3/20-2/9/20 Temporary administration staff	1,001.93
13856814	2/10/20-2/16/20 Temporary administration staff	1,178.05
13860047	2/17/20-2/23/20 Temporary administration staff	799.77
	*** Total ***	2,979.75
	<b><i>Top Hat Productions</i></b>	
96013	2/20/20 Lunch for Managers' meeting	467.10
	*** Total ***	467.10
	<b><i>USAFact, Inc.</i></b>	
23094	2/28/20 Pre-employment background check	82.14
	*** Total ***	82.14
	<b><i>WageWorks, Inc.</i></b>	
INV1952554	February 2020 Cafeteria plan administration	185.25
	*** Total ***	185.25
	<b><i>Total Core Expenditures</i></b>	<b>111,958.97</b>

***Choice Expenditures:***

	<b><i>Above All Catering, Inc.</i></b>	
C35079	2/6/20 Lunch for Water Use Efficiency Workgroup meeting	469.26
	*** Total ***	469.26
	<b><i>Discovery Science Center</i></b>	
1331	February 2020 Elementary School program for grades 3-6	26,289.34
	*** Total ***	26,289.34
	<b><i>Grainger</i></b>	
9459820743	2/28/20 Supplies for Water Loss Control Shared Services	43.05
	*** Total ***	43.05
	<b><i>Huntington Beach Chrysler Dodge Jeep Ram</i></b>	
JECS439506	Automotive service for Water Loss Control Shared Services van	144.75
	*** Total ***	144.75
	<b><i>Jill Promotions</i></b>	
10778	MWDOC Logo shirts and jacket for Water Loss Control Shared Services employee	131.28
	*** Total ***	131.28

**Municipal Water District of Orange County  
Disbursement Approval Report  
For the month of March 2020**

<i>Invoice#</i>	<i>Vendor / Description</i>	<i>Amount to Pay</i>
	<b>Orange County Water District</b>	
21361	January 2020 Postage, shared office and maintenance expense	16.62
	*** Total ***	16.62
	<b>US Bank Voyager Fleet Systems</b>	
869434993009	1/25/20-2/24/20 Fuel and wash for Water Loss Control Shared Services vehicle	209.18
	*** Total ***	209.18
	<b>Total Choice Expenditures</b>	<hr/> 27,303.48
<b>Other Funds Expenditures:</b>		
	<b>Herndon Solutions Group LLC</b>	
100006	January 2020 Services to assist with America's Water Infrastructure Act compliance	169,527.23
	*** Total ***	169,527.23
	<b>Large Plumbing</b>	
25215	February 2020 Services for Pressure Regulating Valve Replacement program	1,660.00
	*** Total ***	1,660.00
	<b>McCall's Meter Sales &amp; Service</b>	
32564	February 2020 Meter Accuracy Testing program for South Coast Water District	2,170.00
	*** Total ***	2,170.00
	<b>Mission RCD</b>	
2819	February 2020 Field verifications for Water Use Efficiency rebate programs	12,538.65
	*** Total ***	12,538.65
	<b>TerraWorks Studio</b>	
MW0003	February 2020 Services for Landscape Design and Maintenance program	1,815.00
	*** Total ***	1,815.00
	<b>Total Other Funds Expenditures</b>	<hr/> 187,710.88
	<b>Total Expenditures</b>	<hr/> <hr/> 326,973.33

**Municipal Water District of Orange County  
Disbursement Ratification Report  
For the month of February 2020**

<i>Check #</i>	<i>Date</i>	<i>Vendor # Invoice/CM #</i>	<i>Name / Description</i>	<i>Net Amount</i>
<b>Core Disbursements:</b>				
139474	2/10/20	SPECTB 0375210020120	<b>Spectrum Business</b> February 2020 Telephone and internet expense ***Total ***	1,103.31 1,103.31
139476	2/10/20	VERIZO 9846967216	<b>Verizon Wireless</b> January 2020 4G Mobile broadband unlimited service ***Total ***	114.03 114.03
139486	2/14/20	CORTBU 7137372	<b>Cort Business Services Corp.</b> February 2020 Furniture lease for 5 temporary workstations ***Total ***	561.50 561.50
139494	2/14/20	HOMED1 7785-JAN20	<b>Home Depot Credit Services</b> Office supplies ***Total ***	12.53 12.53
139502	2/14/20	SPECTB 0343564021020	<b>Spectrum Business</b> February 2020 Telephone expense for 3 analog fax lines ***Total ***	108.53 108.53
ACH004538	2/14/20	ACKEEX 013120	<b>Linda Ackerman</b> January 2020 Business expense ***Total ***	96.60 96.60
ACH004541	2/14/20	BACATI 121819	<b>Tiffany Baca</b> December 2019 Business expense	20.00
ACH004542	2/14/20	013120	January 2020 Business expense ***Total ***	81.53 101.53
ACH004547	2/14/20	CHUMPI 013120	<b>Hilary Chumpitazi</b> January 2020 Business expense ***Total ***	50.29 50.29
ACH004549	2/14/20	DELATO 012420	<b>Harvey De La Torre</b> January 2020 Business expense ***Total ***	63.26 63.26
ACH004550	2/14/20	DICKEX 013120	<b>Larry Dick</b> January 2020 Business expense ***Total ***	194.40 194.40
ACH004556	2/14/20	HALEY 013120	<b>Melissa Baum Haley</b> January 2020 Business expense	267.40
ACH004557	2/14/20	020720	February 2020 Business expense ***Total ***	318.44 585.84



**Municipal Water District of Orange County  
Disbursement Ratification Report  
For the month of February 2020**

<i>Check #</i>	<i>Date</i>	<i>Vendor # Invoice/CM #</i>	<i>Name / Description</i>	<i>Net Amount</i>
<b>ACH004558</b>	<b>2/14/20</b>	<b>HARRIS 013120</b>	<b>Cathleen M. Harris</b> January 2020 Business expense ***Total ***	 58.65 58.65
<b>ACH004561</b>	<b>2/14/20</b>	<b>HOSTER 013120</b>	<b>Kevin Hostert</b> January 2020 Business expense ***Total ***	 42.55 42.55
<b>ACH004570</b>	<b>2/14/20</b>	<b>MCVICK 013120</b>	<b>Robert McVicker</b> January 2020 Business expense ***Total ***	 59.27 59.27
<b>ACH004586</b>	<b>2/14/20</b>	<b>SCHNEI 013120</b>	<b>Megan Yoo Schneider</b> January 2020 Business expense ***Total ***	 540.70 540.70
<b>ACH004589</b>	<b>2/14/20</b>	<b>TAMARI 01312020</b>	<b>Satoru Tamaribuchi</b> January 2020 Business expense ***Total ***	 103.50 103.50
<b>ACH004590</b>	<b>2/14/20</b>	<b>THOMAS 013120</b>	<b>Jeffery Thomas</b> January 2020 Business expense ***Total ***	 149.50 149.50
<b>ACH004593</b>	<b>2/14/20</b>	<b>WILSON 013120</b>	<b>Sarah C. Wilson</b> January 2020 Business expense ***Total ***	 44.85 44.85
<b>139542</b>	<b>2/28/20</b>	<b>USBANK 0208/0403/7659-JAN20</b>	<b>U.S. Bank</b> 12/24/19-1/22/20 Cal Card charges ***Total *** (See attached sheet for details)	 17,189.78 17,189.78
<b>ACH004595</b>	<b>2/28/20</b>	<b>BAEZHE 013120</b>	<b>Heather Baez</b> January 2020 Business expense ***Total ***	 96.71 96.71
<b>ACH004598</b>	<b>2/28/20</b>	<b>DAVISR 013120</b>	<b>Rachel Davis</b> January 2020 Business expense ***Total ***	 34.49 34.49
<b>Total Core Disbursements</b>				<b>21,311.82</b>

**Municipal Water District of Orange County  
Disbursement Ratification Report  
For the month of February 2020**

<i>Check #</i>	<i>Date</i>	<i>Vendor # Invoice/CM #</i>	<i>Name / Description</i>	<i>Net Amount</i>
<b>Choice Disbursements:</b>				
139542	2/28/20	USBANK 0403/7659-JAN20	<b>U.S. Bank</b> 12/24/19-1/22/20 Cal Card charges ***Total *** (See attached sheet for details)	1,030.08 1,030.08
<b>Total Choice Disbursements</b>				<u>1,030.08</u>
<b>Other Funds Disbursements:</b>				
139475	2/10/20	TURFRP TR13-R-ETWD-38788-37691B	<b>Turf Removal Program</b> R. Cucinella (Re-issue) ***Total ***	1,876.00 1,876.00
139476	2/10/20	VERIZO 9846967216	<b>Verizon Wireless</b> January 2020 4G Mobile broadband unlimited service ***Total ***	76.02 76.02
139480	2/14/20	ATTUVEOC 1812-FEB20	<b>AT&amp;T</b> February 2020 U-verse internet service for WEROC N. EOC ***Total ***	53.50 53.50
139483	2/14/20	ATTCALN 000014241890 000014241891	<b>AT&amp;T</b> January 2020 Telephone expense for WEROC N. & S. EOC January 2020 Telephone expense for WEROC N. EOC ***Total ***	308.04 109.28 417.32
139493	2/14/20	HARRISD 013120	<b>Daniel Harrison</b> January 2020 Business expense ***Total ***	300.33 300.33
ACH004587	2/14/20	SCHWENE 013120	<b>Leslie Schwene</b> January 2020 Business expense ***Total ***	39.56 39.56
139504	2/26/20	DRIPPR S2D3-C-SOCO-38756-17402	<b>Spray to Drip Program</b> Laguna Beach Resorts	1,385.80
139505	2/26/20	S2D3-R-O-38844-17412	J. Woo	84.32
139506	2/26/20	S2D3-R-O-38897-17424	W. Mielke ***Total ***	49.40 1,519.52

**Municipal Water District of Orange County  
Disbursement Ratification Report  
For the month of February 2020**

<b>Check #</b>	<b>Date</b>	<b>Vendor # Invoice/CM #</b>	<b>Name / Description</b>	<b>Net Amount</b>
<b>TURFRP</b>				
			<b>Turf Removal Program</b>	
139507	2/26/20	TR12-R-MNT-38421-37339	A. Godfrey	2,841.00
139508	2/26/20	TR12-C-MESA-22202-37560	Mesa Verde Partners (Costa Mesa)	77,287.48
139509	2/26/20	TR12-R-SM-38690-37589	D. Liefke	3,852.00
139510	2/26/20	TR13-R-LH-38747-37651	R. Rojas	2,352.00
139511	2/26/20	TR13-R-MNT-38789-37690	M. Anand	333.00
139512	2/26/20	TR13-R-MNT-38815-37716	C. Chen	2,571.00
139513	2/26/20	TR13-R-ETWD-38817-37721	R. Landingham	2,250.00
139514	2/26/20	TR13-R-MNT-38923-37815	M. Goodson	510.00
139515	2/26/20	TR13-R-LH-38913-37819	A. Kriens-Doutt	1,866.00
139516	2/26/20	TR13-R-MNT-38930-37822	M. De Anda	1,803.00
139517	2/26/20	TR13-R-SOCO-38939-37832	S. Geddes	489.51
139518	2/26/20	TR13-R-TUST-38961-37852	M. Kinselbaum	5,166.00
139519	2/26/20	TR13-C-HB-629-37838	Seagate Community Assn (Huntington Beach)	18,760.00
139520	2/26/20	TR13-R-MESA-38966-37858	G. Schoene	2,168.52
139521	2/26/20	TR13-R-MNT-26999-37859	D. Shanin	1,176.00
139522	2/26/20	TR13-R-SM-38971-37863	H. Sahabi	956.18
139523	2/26/20	TR13-R-NWPT-39021-37894	S. Curtis	3,882.00
139524	2/26/20	TR13-R-HB-39036-37921	A. Leung	1,119.00
139525	2/26/20	TR13-R-MNT-39081-37961	L. Rosshirt	3,009.00
139526	2/26/20	TR13-R-MESA-39102-37979	J. Crosson	4,662.00
139527	2/26/20	TR13-R-MNT-39169-38035	D. Presutto	942.00
139528	2/26/20	TR13-R-HB-39188-38056	J. Cook	3,591.00
139529	2/26/20	TR13-R-MNT-39160-38063	J. Stewart	711.00
139530	2/26/20	TR13-R-MNT-39202-38070	M. Dehdarnasab	2,115.00
139531	2/26/20	TR13-R-MNT-39217-38086	K. Brockington	996.00
139532	2/26/20	TR13-R-MNT-39256-38121	R. Laguna	1,368.00
139533	2/26/20	TR13-R-MNT-39262-38126	W. White	480.00
			***Total ***	147,256.69
<b>IRWD</b>				
139536	2/28/20	10084	<b>Irvine Ranch Water District</b>	
			January 2020 Credit for Local Resources program and In-lieu water purchases	88,902.76
			***Total ***	88,902.76
<b>SANTI1</b>				
139539	2/28/20	DEC2019	<b>Santiago Aqueduct Commission</b>	
			December 2019 SAC Pipeline Operation surcharge	3,005.75
			***Total ***	3,005.75
<b>USBANK</b>				
139542	2/28/20	7659-JAN20	<b>U.S. Bank</b>	
			12/24/19-1/22/20 Cal Card charges	989.61
			***Total ***	989.61
			(See attached sheet for details)	
<b>SCHUNK</b>				
139543	2/28/20	013120	<b>Janine Schunk</b>	
			January 2020 Business expense	167.06
			***Total ***	167.06

**Municipal Water District of Orange County  
Disbursement Ratification Report  
For the month of February 2020**

<i>Check #</i>	<i>Date</i>	<i>Vendor # Invoice/CM #</i>	<i>Name / Description</i>	<i>Net Amount</i>
ACH004612	2/28/20	SANTAM	<b><i>Santa Margarita Water District</i></b>	
			Dec-19 December 2019 SCP Pipeline Operation surcharge	20,763.50
			***Total***	20,763.50
WIRE-200228	2/28/20	METWAT 9942	<b><i>Metropolitan Water District</i></b>	
			December 2019 Water Deliveries	25,678,401.07
			***Total***	25,678,401.07
<b><i>Total Other Funds Disbursements</i></b>				<u>25,943,768.69</u>
<b><i>Total Disbursements</i></b>				<u><u>25,966,110.59</u></u>



Robert J. Hunter, General Manager



Hilary Chumpitazi, Treasurer

**Cal Card Charges**  
**Statement Date: January 22, 2020**  
**Payment Date: February 28, 2020**

<u>Date</u>	<u>Description</u>	<u>Amount</u>
<b><u>Public Affairs Card</u></b>		
12/30/2019	California Association of Public Information Officials membership renewal for T. Baca	\$ 225.00
12/31/2019	Engraved gavel plaque for Director Barbre	153.00
1/6/2020	Vehicle decals for Water Loss Control Shared Services truck	464.31
1/10/2020	Lunch meeting for Public Affairs department	91.50
	<b>Total</b>	<b><u>\$ 933.81</u></b>

**Cal Card Charges**  
**Statement Date: January 22, 2020**  
**Payment Date: February 28, 2020**

<b>Date</b>	<b>Description</b>	<b>Amount</b>
<b><u>K. Seckel Card</u></b>		
12/24/2019	11/24/19-12/23/19 Web hosting service for MWDOC website	\$ 15.65
12/26/2019	50 Regal movie tickets for employee purchase	460.00
12/27/2019	California Municipal Utilities Association Legislative Committee meeting in Sacramento, CA on Feb. 13, 2020 - Airfare for H. Baez	549.96
12/27/2019	California Municipal Utilities Association Legislative Committee meeting in Sacramento, CA on Apr. 9, 2020 - Airfare for H. Baez	549.96
12/29/2019	Supplies for Water Loss Control Shared Services	40.50
12/30/2019	ACWA DC conference in Washington, DC from Feb. 24-27, 2020 - Airfare for H. Baez	514.00 [1]
12/30/2019	ACWA DC conference in Washington, DC from Feb. 24-27, 2020 - Airfare for M. Baum Haley	514.00
12/31/2019	Urban Water Institute Spring Water conference in Palm Springs, CA from Feb. 19-21, 2020 - Registration for D. Micalizzi	575.00
12/31/2019	Urban Water Institute Spring Water conference in Palm Springs, CA from Feb. 19-21, 2020 - Registration for M. Baum Haley	575.00
12/31/2019	Urban Water Institute Spring Water conference in Palm Springs, CA from Feb. 19-21, 2020 - Registration for Director McVicker	575.00
12/31/2019	Urban Water Institute Spring Water conference in Palm Springs, CA from Feb. 19-21, 2020 - Registration for Director Thomas	575.00
12/31/2019	Urban Water Institute Spring Water conference in Palm Springs, CA from Feb. 19-21, 2020 - Registration for R. Hunter	575.00 [2]
1/6/2020	American Water Works Association California-Nevada Section Water Loss workshop in Escondido, CA on Jan. 21, 2020 - Registration for R. Davis	235.00
1/6/2020	American Water Works Association California-Nevada Section Water Loss workshop in Escondido, CA on Jan. 21, 2020 - Registration for J. Thorsell	335.00 [3]
1/6/2020	ACWA DC conference in Washington, DC from Feb. 25-27, 2020 - Registration for R. Hunter	710.00
1/6/2020	Urban Water Institute Spring Water conference in Palm Springs, CA from Feb. 19-21, 2020 - Accommodations deposit for K. Seckel refunded	(194.11)
1/7/2020	Association of California Cities, Orange County Sacramento Advocacy Trip in Sacramento, CA from Jan. 27-28, 2020 - Registration for H. Baez refunded	(795.00)
1/7/2020	Urban Water Institute Spring Water conference in Palm Springs, CA from Feb. 19-21, 2020 - Accommodations deposit for Director Thomas	194.11
1/7/2020	Urban Water Institute Spring Water conference in Palm Springs, CA from Feb. 19-21, 2020 - Accommodations deposit for Director McVicker	194.11
1/7/2020	Urban Water Institute Spring Water conference in Palm Springs, CA from Feb. 19-21, 2020 - Accommodations deposit for Director Tamaribuchi refunded	(194.11)
1/8/2020	Brown and Caldwell Waterjobs posting for Water Use Efficiency Analyst II position	200.00
1/8/2020	Lunch for OC Water Districts Legislative meeting	265.37
1/9/2020	Work boots for Water Loss Control Shared Services employee	195.70
1/9/2020	Urban Water Institute Spring Water conference in Palm Springs, CA from Feb. 19-21, 2020 - Accommodations deposit for M. Baum Haley	194.11
1/10/2020	FedEx delivery charges for James Barker and Best Best & Krieger	56.72
1/10/2020	Work shoes for Water Loss Control Shared Services employee	103.32

**Cal Card Charges**  
**Statement Date: January 22, 2020**  
**Payment Date: February 28, 2020**

Date	Description	Amount
<b>K. Seckel Card (Continued)</b>		
1/10/2020	ACWA Legislative Symposium in Sacramento, CA on Mar. 12, 2020 - Registration for M. Baum Haley	\$ 290.00
1/10/2020	Supplies for Water Loss Control Shared Services	39.68
1/10/2020	Supplies for Water Loss Control Shared Services	39.68
1/12/2020	FedEx delivery charges for Lewis Consulting, CDM Smith and Best Best & Krieger	86.78
1/13/2020	Garden Grove Chamber of Commerce State of the City luncheon in Garden Grove, CA on Jan. 29, 2020 - Registration for Director McVicker	50.00
1/13/2020	Computer supplies	168.50
1/14/2020	Simplicity Recruit job post for Public Affairs Intern position	110.00
1/15/2020	Laptop computer for WEROC	989.61
1/15/2020	FedEx delivery charges for James Barker	37.95
1/15/2020	Trailer hitch installed on Water Loss Control Shared Services truck	769.09
1/16/2020	FedEx delivery charges for CDM Smith	25.18
1/17/2020	Public Relations Society of America-OC job post for Public Affairs Intern position	50.00
1/17/2020	Association of California Cities - Orange County Sacramento Advocacy trip in Sacramento, CA from Jan. 26-28, 2020 - Accommodations deposit for Director Yoo Schneider	555.91 <span style="border: 1px solid black; padding: 0 2px;">4</span>
1/17/2020	California Municipal Utilities Association Annual Capital Day in Sacramento, CA from Jan. 26-27, 2020 - Accommodations for H. Baez	245.39
1/17/2020	Association of California Cities - Orange County Sacramento Advocacy trip in Sacramento, CA from Jan. 26-28, 2020 - Accommodations deposit for Director Barbre	590.80 <span style="border: 1px solid black; padding: 0 2px;">5</span>
1/18/2020	LinkedIn job post for Public Affairs Intern position	93.60
1/20/2020	UPS Delivery charges for Board packet on Jan. 15, 2020	10.58
1/21/2020	Flowers for MWDOC staff member	81.54
1/21/2020	Office supplies from Costco	463.00
<b>Total</b>		<b>\$ 11,716.58</b>

- 1 Trip canceled, funds available for future travel
- 2 Trip canceled, registration fee applied to August 2020 conference
- 3 \$100.00 Refund for member rate received on 1/30/20
- 4 Reservation for hotel was canceled, hotel room was included with event registration fee, refunded on 2/19/20
- 5 Reservation for hotel was canceled, hotel room was included with event registration fee, refunded on 1/23/20

**Cal Card Charges**  
**Statement Date: January 22, 2020**  
**Payment Date: February 28, 2020**


Date	Description	Amount
<b><u>R. Hunter Card</u></b>		
11/23/19-12/23/19	Meals for R. Hunter's meetings	\$ 89.63
12/30/2019	ACWA DC conference in Washington, DC from Feb. 24-27, 2020 - Airfare for R. Hunter	514.00
1/6/2020	ACWA DC conference in Washington, DC from Feb. 25-27, 2020 - Registration for Director Yoo Schneider	710.00
1/6/2020	ACWA DC conference in Washington, DC from Feb. 25-27, 2020 - Registration for H. Baez	710.00
1/6/2020	ACWA DC conference in Washington, DC from Feb. 25-27, 2020 - Registration for M. Buam Haley	710.00
1/6/2010	Orange County Water Association January 2020 Insight presentation in Irvine, CA on January 15, 2020 - Registration for Director Barbre	30.00
1/6/2020	Association of California Cities, Orange County Sacramento Advocacy Trip in Sacramento, CA from Jan. 26-28, 2020 - Airfare for Director Barbre	354.79 <sup>1</sup>
1/7/2020	Orange County Water Association January 2020 Insight presentation in Irvine, CA on January 15, 2020 - Registration for Director McKenney	45.00
1/7/2020	ACWA DC conference in Washington, DC from Feb. 25-27, 2020 - Airfare for Director Yoo Schneider	261.40 <sup>2</sup>
1/7/2020	California Municipal Utilities Association Annual Capital Day in Sacramento, CA on Jan. 27, 2020 - Registration for H. Baez	195.00
1/8/2020	Association of California Cities, Orange County Sacramento Advocacy Trip in Sacramento, CA from Jan. 26-28, 2020 - Accommodations deposit for Director Barbre	590.80 <sup>3</sup>
1/9/2020	Computer supplies	91.34
1/11/2020	Legislative activities in Washington, DC from Jan 8-10, 2020 - Accommodations for Director Barbre	999.46 <sup>4</sup>
1/15/2020	Association of California Cities, Orange County Sacramento Advocacy Trip in Sacramento, CA from Jan. 26-28, 2020 - Airfare for Director Yoo Schneider	549.96
1/17/2020	Lunch for Executive Committee meeting	588.79
1/17/2020	Westin Hotel room rental, food and parking for off-site Special Board meeting on Jan. 18, 2020	1,708.91
1/17/2020	Association of California Cities, Orange County Sacramento Advocacy Trip in Sacramento, CA from Jan. 27-28, 2020 - Registration for Director Barbre refunded	(795.00)
1/17/2020	Association of California Cities, Orange County Sacramento Advocacy Trip in Sacramento, CA from Jan. 27-28, 2020 - Registration for Director Barbre refunded	(795.00) <sup>5</sup>
<b>Total</b>		<b>\$ 6,559.08</b>

- <sup>1</sup> Trip was canceled, Director Barbre reimbursed MWDOC \$354.79
- <sup>2</sup> Actual airfare was \$525.40, prior credit of \$264.00 applied
- <sup>3</sup> Sheraton Hotel refunded deposit on 1/17/20, to switch reservation to K. Seckel's credit card
- <sup>4</sup> Director Barbre reimbursed MWDOC \$426.96
- <sup>5</sup> US Bank applied refund to MWDOC credit card twice, US Bank has been notified



**Municipal Water District of Orange County**  
**GM Approved Disbursement Report <sup>(1)</sup>**  
**For the month of February 2020**

Check #	Date	Vendor # Invoice/CM #	Name / Description	Net Amount
<b>Core Disbursements:</b>				
139503	2/19/20	BERTRA 1110	<b>Emergency Response CPR Training</b> CPR and AED training for 12 staff members ***Total ***	720.00 720.00
139535	2/28/20	AVENUE CONF.NO.87476	<b>Avenue of the Arts Costa Mesa</b> 2/12/20 Water Policy Dinner balance for event facility ***Total ***	14,444.34 14,444.34
139538	2/28/20	OFFICED 438775378001 440674956001	<b>Office Depot, Inc.</b> 2/4/20 Office supplies 2/10/20 Office supplies ***Total ***	84.12 202.92 287.04
ACH004610	2/28/20	ULTIMS 13847364	<b>Roth Staffing Companies, LP</b> 1/20/20-1/26/20 Temporary administration staff ***Total ***	1,004.90 1,004.90
ACH004611	2/28/20	ULTIMS 13850589	<b>Roth Staffing Companies, LP</b> 1/27/20-2/2/20 Temporary administration staff ***Total ***	1,003.25 1,003.25
<b>Total Core Disbursements</b>				<b>17,459.53</b>
<b>Choice Disbursements:</b>				
<b>Total Choice Disbursements</b>				<b>-</b>
<b>Other Funds Disbursements:</b>				
<b>Total Other Funds Disbursements</b>				<b>-</b>
<b>Total Disbursements</b>				<b>17,459.53</b>

  
 Robert J. Hunter, General Manager

  
 Hilary Chumbitazi, 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**  
 January 31, 2020

Street Address:  
 18700 Ward Street  
 Fountain Valley, California 92708

Mailing Address:  
 P.O. Box 20895  
 Fountain Valley, CA 92728-0895

(714) 963-3058  
 Fax: (714) 964-9389  
[www.mwdoc.com](http://www.mwdoc.com)

Sat Tamaribuchi  
 President

Joan C. Finnegan  
 Vice President

Brett R. Barbre  
 Director

Larry D. Dick  
 Director

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

Megan Yoo Schneider, P.E.  
 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

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	\$3,830,240	22.77%
Grant & Project Cash Flow	1,500,000	8.92%
Election Expense	696,000	4.14%
Building Repair	444,186	2.64%
OPEB	297,147	1.77%
Total Designated Reserves	6,767,573	40.24%
General Fund	8,081,217	48.04%
Water Fund	1,172,634	6.97%
Conservation Fund	(803,141)	(4.78%)
WEROC Fund	1,572,905	9.35%
Trustee Activities	29,768	0.18%
<b>Total</b>	<b>\$16,820,956</b>	<b>100.00%</b>

The funds are invested as follows:

Term of Investment	% of Portfolio	Book Value	Market Value
Cash	0.73%	\$122,926	\$122,926
Short-term investment			
• LAIF	51.76%	\$8,705,520	\$8,705,520
• OCIP	29.08%	4,891,466	4,891,466
Long-term investment			
• Corporate Bond	6.84%	1,151,044	1,155,169
• Certificates of Deposit	11.59%	1,950,000	1,992,554
<b>Total</b>	<b>100.00%</b>	<b>\$16,820,956</b>	<b>\$16,867,635</b>

The average number of days to maturity/call as of January 31, 2020 equaled 202 and the average yield to maturity is 2.036%. During the month, the District's average daily balance was \$22,616,769.35. 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 January 2020.

The \$46,679 difference between the book value and the market value on January 31, 2020 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



# MUNICIPAL WATER DISTRICT OF ORANGE COUNTY

## Portfolio Management - Portfolio Summary

January 31, 2020

1/31/2020	Par Value	Market Value	Book Value	% of Portfolio	Days to Mat/Call	YTM @ Cost
Negotiable Certificate Of Deposit	1,950,000.00	1,992,554.00	1,950,000.00	11.67	1,186	2.519
Corporate Bond	1,150,000.00	1,155,169.50	1,151,044.32	6.89	915	2.341
Local Agency Investment Funds	8,705,519.96	8,705,519.96	8,705,519.96	52.14	1	1.959
Orange County Investment Pool	4,891,466.03	4,891,466.03	4,891,466.03	29.30	1	1.909
<b>Total Investments</b>	<b>16,696,985.99</b>	<b>16,744,709.49</b>	<b>16,698,030.31</b>	<b>100.00</b>	<b>202</b>	<b>2.036</b>
<b>Cash</b>						
Cash	122,925.46	122,925.46	122,925.46		1	0.00
<b>Total Cash and Investments</b>	<b>16,819,911.45</b>	<b>16,867,634.95</b>	<b>16,820,955.77</b>		<b>202</b>	<b>2.036</b>

Total Earnings	Month Ending January	Fiscal Year to Date
Current Year	37,862.21	324,809.83
Average Daily Balance	22,616,769.35	
Effective Rate of Return	2.036%	

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, General Manager

Date

03-05-2020

  
Hilary Chumtipatzi, Treasurer

Date

03/05/2020

**MUNICIPAL WATER DISTRICT OF ORANGE COUNTY**  
**Portfolio Management**  
**Long-Term Portfolio Details - Investments**  
**January 31, 2020**

Issuer	CUSIP/Ticker	Settlement Date	Par Value	Market Value	Book Value	Coupon Rate	YTM @ Cost	Days To Call/Maturity	Maturity Date
<b>Negotiable Certificate Of Deposit</b>									
Barclays Bank	06740KKY2	9/27/2017	250,000.00	253,480.00	250,000.00	2.250	2.250	970	9/27/2022
Capital One Bank	14042TBO9	8/7/2019	250,000.00	254,507.50	250,000.00	2.250	2.250	1,650	8/7/2024
Capital One NA	14042RMJ7	7/24/2019	250,000.00	253,962.50	250,000.00	2.200	2.200	1,636	7/24/2024
Citibank	17294XUN4	7/31/2019	250,000.00	250,990.00	250,000.00	2.200	2.200	182	7/31/2024
Comenity Capital	20033AUX2	7/25/2017	200,000.00	200,964.00	200,000.00	2.000	2.000	532	7/16/2021
Discover Bank	254673RV0	7/25/2018	250,000.00	262,992.50	250,000.00	3.300	3.300	1,271	7/25/2023
Goldman Sachs Bank	38148PT98	8/8/2018	250,000.00	263,507.50	250,000.00	3.350	3.350	1,285	8/8/2023
Morgan Stanley Bank	61747MJ36	2/1/2018	250,000.00	252,150.00	250,000.00	2.500	2.500	367	2/1/2021
<b>Sub Total</b>			<b>1,950,000.00</b>	<b>1,992,554.00</b>	<b>1,950,000.00</b>	<b>2.519</b>	<b>2.519</b>	<b>998</b>	
<b>Corporate Bond</b>									
JP Morgan Chase	48130USU0	12/23/2019	500,000.00	500,525.00	499,757.63	2.100	2.268	144	6/23/2023
National Rural Util Coop	63743FE51	7/27/2017	200,000.00	199,724.00	200,000.00	2.500	2.500	896	7/15/2022
Wells Fargo	94974BGR5	1/13/2016	250,000.00	251,552.50	250,280.16	2.550	2.409	311	12/7/2020
Westpac Banking Corp	961214DQ3	7/25/2017	200,000.00	203,368.00	201,006.53	2.500	2.278	879	6/28/2022
<b>Sub Total</b>			<b>1,150,000.00</b>	<b>1,155,169.50</b>	<b>1,151,044.32</b>	<b>2.337</b>	<b>2.341</b>	<b>439</b>	
<b>Total Investments</b>			<b>3,100,000.00</b>	<b>3,147,723.50</b>	<b>3,101,044.32</b>	<b>2.452</b>	<b>2.453</b>	<b>791</b>	

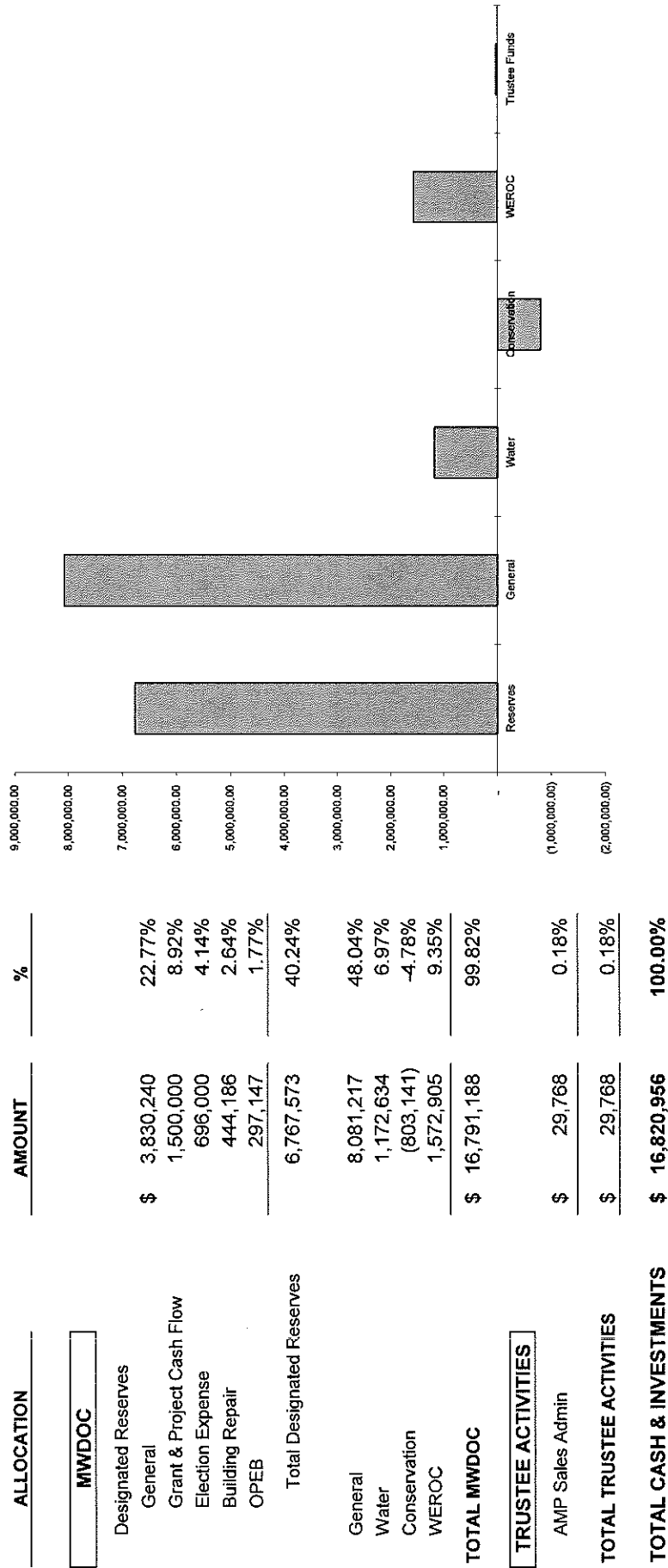
<b>Total Earnings</b>		<b>Month Ending January</b>	<b>Fiscal Year To Date</b>
Current Year		6,417.06	46,534.25

**MUNICIPAL WATER DISTRICT OF ORANGE COUNTY**  
**Portfolio Management**  
**Short-Term Portfolio Details - Cash and Investments**  
**January 31, 2020**

Investments	CUSIP/Ticker	Settlement Date	Par Value	Market Value	Book Value	Coupon Rate	YTM @ Cost	Days To Call/Maturity	Maturity Date
<b>Local Agency Investment Funds</b>									
LAIF LGIP	LAIF	6/30/2010	8,705,519.96	8,705,519.96	8,705,519.96	1.959	1.959	1	N/A
<b>Sub Total</b>			<b>8,705,519.96</b>	<b>8,705,519.96</b>	<b>8,705,519.96</b>	<b>1.959</b>	<b>1.959</b>	<b>1</b>	
<b>Orange County Investment Pool</b>									
County of Orange LGIP	OCIP	6/29/2005	4,891,466.03	4,891,466.03	4,891,466.03	1.909	1.909	1	N/A
<b>Sub Total</b>			<b>4,891,466.03</b>	<b>4,891,466.03</b>	<b>4,891,466.03</b>	<b>1.909</b>	<b>1.909</b>	<b>1</b>	
<b>Total Investments</b>			<b>13,596,985.99</b>	<b>13,596,985.99</b>	<b>13,596,985.99</b>	<b>1.941</b>	<b>1.941</b>		
<b>Cash</b>									
Petty Cash 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	122,425.46	122,425.46	122,425.46	0.000	0.000	1	N/A
<b>Total Cash</b>			<b>122,925.46</b>	<b>122,925.46</b>	<b>122,925.46</b>	<b>0.000</b>	<b>0.000</b>	<b>1</b>	
<b>Total Cash and Investments</b>			<b>13,719,911.45</b>	<b>13,719,911.45</b>	<b>13,719,911.45</b>	<b>1.941</b>	<b>1.941</b>	<b>1</b>	
<b>Total Earnings</b>									
Current Year			31,445.15		278,275.58				



**Municipal Water District of Orange County  
Cash and Investments at January 31, 2020**



**MUNICIPAL WATER DIST OF ORANGE COUNTY**  
**PARS Post-Employment Benefits Trust****Account Report for the Period**  
**1/1/2020 to 1/31/2020**Rob Hunter  
General Manager  
Municipal Water Dist of Orange County  
18700 Ward Street  
Fountain Valley, CA 92708**Account Summary**

Source	Balance as of 1/1/2020	Contributions	Earnings	Expenses	Distributions	Transfers	Balance as of 1/31/2020
OPEB	\$2,327,439.90	\$0.00	\$7,596.86	\$1,130.04	\$0.00	\$0.00	\$2,333,906.72
PENSION	\$446,366.85	\$0.00	\$1,456.96	\$216.70	\$0.00	\$0.00	\$447,607.11
<b>Totals</b>	<b>\$2,773,806.75</b>	<b>\$0.00</b>	<b>\$9,053.82</b>	<b>\$1,346.74</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$2,781,513.83</b>

**Investment Selection****Source**

OPEB	<b>Moderate HighMark PLUS</b>
PENSION	<b>Moderate HighMark PLUS</b>

**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	0.33%	3.70%	12.16%	8.19%	6.46%	-	10/26/2011
PENSION	0.33%	3.70%	12.24%	-	-	-	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

Municipal Water District of Orange County  
WATER USE EFFICIENCY PROJECTS  
Cash Flow as of 2/29/20

	Jul 2019	Aug 2019	Sep 2019	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	Jun 2020	TOTALS
<b>Cash - Beginning Balance</b>	\$ (592,088.86)	\$ (564,751.37)	\$ (605,357.98)	\$ (568,531.76)	\$ (703,896.86)	\$ (726,406.19)	\$ (823,747.11)	\$ (803,141.09)	\$ (915,522.12)	\$ (915,522.12)	\$ (915,522.12)	\$ (915,522.12)	
<b>REVENUES:</b>													
BUREC			49,393.62										\$ 49,393.62
City of Brea													333.00
City of Buena Park	111.00	150.00			291.00			333.00					333.00
City of Fountain Valley	111.00		114.00										552.00
City of Fullerton													556.00
City of Garden Grove													-
City of Huntington Beach													-
City of La Habra		222.00			222.00		444.00		111.00				1,221.00
City of San Clemente	515.00	444.99	455.00	553.73	791.30	838.96	750.00	500.00					4,849.00
City of San Juan Capistrano													-
City of Santa Ana													-
City of Tustin													-
City of Newport Beach		333.00	111.00			333.00	222.00						222.00
City of Orange							333.00						1,110.00
City of Westminster				111.00			111.00						333.00
County of Orange													-
Department of Water Resources		30,204.36											51,937.16
East Orange County Water District													-
El Toro Water District	2,614.00	1,924.00	924.00	384.19		635.00	865.00						8,371.19
Irvine Ranch Water District	6,632.11	18,446.65	6,790.00	11,748.75	3,111.37	2,445.07	14,176.63	2,365.95					66,716.53
Laguna Beach County Water District					308.00	65.00	3,119.20	92.55					3,584.75
Mesa Water District		306.45	207.24	166.48	196.00		210.00						1,088.17
Metropolitan Water District	17,249.94	878.64	115,504.83		100,463.03	124,715.69	34,804.87	48,087.10					441,704.10
Moulton Niguel Water District	36,055.78	25,127.90	13,476.61	62,561.25	22,124.86	33,014.96	25,893.00	3,200.00					221,454.36
Orange County Water District													-
Santa Margarita Water District													-
Trabuco Canyon Water District	537.90	273.96		675.00	377.99								1,864.85
Yorba Linda Water District			111.00			111.00							222.00
<b>Miscellaneous Revenues</b>													
Miscellaneous													-
Interest Revenue													-
<b>Total Revenues</b>	63,826.73	78,311.95	187,087.30	76,200.40	127,887.55	162,713.70	80,928.70	77,558.40	-	-	-	-	\$ 854,514.73
<b>EXPENDITURES:</b>													
Budget Based Tiered Rates, Ratfells					9,580.00								9,580.00
Ecotech								3,425.00					3,425.00
IRWD				19,500.00			1,980.00						1,980.00
GardenSoft Corp													19,500.00
Golden State Water Company													-
City of Huntington Beach													-
Laguna Beach CWD													-
Large Plumbing					2,395.00	4,060.00							-
Metropolitan Water District				21,663.40				2,020.00					8,475.00
Mission RCD	6,476.15	8,985.40		810.35	8,664.23	6,766.30		14,788.22					21,663.40
Multi Family HET Direct			110,600.00		81,000.00	38,300.00	6,500.00						46,490.65
Plant Nerd							11,640.00	19,440.00					236,400.00
Recycled Water On Site Retrofit program													31,080.00
South Coast Water District		1,031.68											-
Spray to Drip program			324.60										-
SMWD				220.40	1,045.71		356.80	1,519.52					4,498.71
TerraWorks Studio						20.00							20.00
Turf Removal	25,029.55	101,394.48	38,571.48	159,467.56	46,351.94	188,702.32	35,028.68	1,490.00					2,010.00
Water Savings Incentive Program		5,382.00						147,256.69					741,802.70
Water Systems Optimization				5,218.62		20,761.00							5,382.00
<b>Miscellaneous Expenses</b>													25,979.62
Miscellaneous	1,720.00												1,720.00
Interest Expense	2,413.74			3,495.17			3,872.20						9,781.11
Salary & Benefit	850.00	2,125.00	765.00	1,190.00	1,360.00	1,445.00	425.00						8,160.00
<b>Total Expenditures</b>	36,489.44	118,918.56	150,261.08	211,565.50	150,396.88	280,054.62	60,322.68	189,939.43	-	-	-	-	\$ 1,177,948.19
<b>Cash - Ending Balance</b>	\$ (564,751.37)	\$ (605,357.98)	\$ (668,531.76)	\$ (703,896.86)	\$ (726,406.19)	\$ (823,747.11)	\$ (803,141.09)	\$ (915,522.12)	\$ (915,522.12)	\$ (915,522.12)	\$ (915,522.12)	\$ (915,522.12)	



**MUNICIPAL WATER DISTRICT OF ORANGE COUNTY**  
**COMBINED FINANCIAL STATEMENTS**  
**AND**  
**BUDGET COMPARATIVE**  
**JULY 1, 2019 THRU JANUARY 31, 2020**

**Municipal Water District of Orange County  
Combined Balance Sheet  
As of January 31, 2020**

<b><u>ASSETS</u></b>	<b>Amount</b>
Cash in Bank	122,925.46
Investments	16,596,573.96
Accounts Receivable	35,676,777.69
Accounts Receivable - Other	110,784.39
Accrued Interest Receivable	169,392.08
Prepays/Deposits	335,679.28
Leasehold Improvements	3,833,004.08
Furniture, Fixtures & Equipment	573,533.87
Less: Accum Depreciation	<u>(3,142,436.42)</u>
<b>TOTAL ASSETS</b>	<b><u><u>\$54,276,234.39</u></u></b>
 <b><u>LIABILITIES AND FUND BALANCES</u></b>	
<b>Liabilities</b>	
Accounts Payable	34,302,868.61
Accounts Payable - Other	1,089.65
Accrued Salaries and Benefits Payable	368,328.43
Other Liabilities	1,949,926.82
Unearned Revenue	<u>802,012.18</u>
Total Liabilities	<b><u>37,424,225.69</u></b>
 <b>Fund Balances</b>	
Restricted Fund Balances	
Water Fund - T2C	<u>1,019,506.80</u>
Total Restricted Fund Balances	<b><u>1,019,506.80</u></b>
Designated Reserves	
General Operations	3,830,240.00
Grant & Project Cash Flow	1,500,000.00
Election Expense	696,000.00
Building Repair	444,186.00
OPEB	<u>297,147.00</u>
Total Designated Reserves	<b><u>6,767,573.00</u></b>
General Fund	3,478,748.06
General Fund Capital	682,542.68
WEROC Capital	115,298.58
WEROC	<u>225,385.05</u>
Total Unrestricted Fund Balances	<b><u>11,269,547.37</u></b>
Excess Revenue over Expenditures	
Operating Fund	4,469,009.22
Other Funds	<u>93,945.31</u>
Total Fund Balance	<b><u>16,852,008.70</u></b>
<b>TOTAL LIABILITIES AND FUND BALANCES</b>	<b><u><u>54,276,234.39</u></u></b>

**Municipal Water District of Orange County**  
**Revenues and Expenditures Budget Comparative Report**  
**General Fund**  
**From July 2019 thru January 2020**

	Month to Date	Year to Date	Annual Budget	% Used	Encumbrance	Budget Remaining
<b><u>REVENUES</u></b>						
Retail Connection Charge	0.00	7,888,929.60	7,888,930.00	100.00%	0.00	0.40
Ground Water Customer Charge	0.00	598,248.00	598,248.00	100.00%	0.00	0.00
Water rate revenues	0.00	8,487,177.60	8,487,178.00	100.00%	0.00	0.40
Interest Revenue	37,483.19	319,994.42	580,000.00	55.17%	0.00	260,005.58
Subtotal	37,483.19	8,807,172.02	9,067,178.00	97.13%	0.00	260,005.98
Choice Programs	30,667.61	1,225,740.89	1,472,622.00	83.24%	0.00	246,881.11
MWD Revenue - Shared Services	9,243.50	9,243.50	0.00	0.00%	0.00	(9,243.50)
Miscellaneous Income	(2,208.28)	11,725.09	3,000.00	390.84%	0.00	(8,725.09)
Revenue Other	76.47	1,775.44	0.00	0.00%	0.00	(1,775.44)
School Contracts	5,795.30	33,447.69	118,213.00	28.29%	0.00	84,765.31
Delinquent Payment Penalty	2,224.04	2,449.36	0.00	0.00%	0.00	(2,449.36)
Transfer-In From Reserve	0.00	0.00	(42,870.00)	0.00%	0.00	(42,870.00)
Subtotal	45,798.64	1,284,381.97	1,550,965.00	82.81%	0.00	266,583.03
<b>TOTAL REVENUES</b>	<b>83,281.83</b>	<b>10,091,553.99</b>	<b>10,618,143.00</b>	<b>95.04%</b>	<b>0.00</b>	<b>526,589.01</b>

**Municipal Water District of Orange County**  
**Revenues and Expenditures Budget Comparative Report**  
**General Fund**  
**From July 2019 thru January 2020**

	Month to Date	Year to Date	Annual Budget	% Used	Encumbrance	Budget Remaining
<b><u>EXPENSES</u></b>						
Salaries & Wages	324,786.15	2,228,152.30	4,052,038.00	54.99%	0.00	1,823,885.71
Salaries & Wages - Grant Recovery	0.00	0.00	(5,500.00)	0.00%	0.00	(5,500.00)
Salaries & Wages - Recovery	(357.00)	(7,435.68)	0.00	0.00%	0.00	7,435.68
Director's Compensation	22,920.10	137,053.54	268,132.00	51.11%	0.00	131,078.46
MWD Representation	12,769.77	75,449.61	153,218.00	49.24%	0.00	77,768.39
Employee Benefits	122,966.93	689,503.65	1,261,651.00	54.65%	0.00	572,147.35
CalPers Unfunded Liability Contribution	0.00	207,000.00	207,000.00	100.00%	0.00	0.00
Employee Benefits - Recovery	(68.00)	(1,416.32)	0.00	0.00%	0.00	1,416.32
Director's Benefits	12,709.57	76,103.92	93,947.00	81.01%	0.00	17,843.08
Health Insurance for Retirees	6,561.32	36,681.26	70,287.00	52.19%	0.00	33,605.74
Training Expense	5,512.50	22,661.57	32,000.00	70.82%	11,609.45	(2,271.02)
Tuition Reimbursement	0.00	2,552.62	5,000.00	51.05%	0.00	2,447.38
Temporary Help Expense	5,177.52	15,081.50	5,000.00	301.63%	4,968.30	(15,049.80)
Personnel Expenses	512,978.86	3,481,387.97	6,142,773.00	56.67%	16,577.75	2,644,807.29
Engineering Expense	10,706.77	169,059.27	435,000.00	38.86%	161,313.24	104,627.49
Legal Expense	24,770.58	165,780.18	200,000.00	82.89%	107,396.40	(73,176.58)
Audit Expense	0.00	19,767.00	29,240.00	67.60%	0.00	9,473.00
Professional Services	122,454.12	551,991.34	1,487,330.00	37.11%	648,824.44	286,514.22
Professional Fees	157,931.47	906,597.79	2,151,570.00	42.14%	917,534.08	327,438.13
Conference-Staff	4,770.00	20,076.00	40,535.00	49.53%	0.00	20,459.00
Conference-Directors	2,914.00	8,855.00	28,440.00	31.14%	0.00	19,585.00
Travel & Accom.-Staff	2,607.20	35,125.51	89,131.00	39.41%	0.00	54,005.49
Travel & Accom.-Directors	3,174.79	19,226.11	46,625.00	41.24%	0.00	27,398.89
Travel & Conference	13,465.99	83,282.62	204,731.00	40.68%	0.00	121,448.38
Membership/Sponsorship	8,303.22	128,209.55	114,966.00	111.52%	0.00	(13,243.55)
CDR Support	12,538.95	37,616.85	50,156.00	75.00%	12,538.95	0.20
Dues & Memberships	20,842.17	165,826.40	165,122.00	100.43%	12,538.95	(13,243.35)
Business Expense	568.46	1,727.18	5,200.00	33.22%	0.00	3,472.82
Maintenance Office	6,941.81	56,383.23	138,527.00	40.70%	78,486.73	3,657.04
Building Repair & Maintenance	1,031.88	6,377.51	20,000.00	31.89%	3,622.49	10,000.00
Storage Rental & Equipment Lease	1,000.00	3,907.11	3,616.00	108.05%	0.00	(291.11)
Office Supplies	2,474.37	19,458.01	36,000.00	54.05%	1,604.31	14,937.68
Supplies - Water Loss Control	471.21	4,986.32	2,033.00	245.27%	0.00	(2,953.32)
Postage/Mail Delivery	2,013.15	5,450.97	9,400.00	57.99%	1,237.89	2,711.14
Subscriptions & Books	0.00	380.60	1,500.00	25.37%	0.00	1,119.40
Reproduction Expense	0.00	26,426.41	61,000.00	43.32%	1,523.37	33,050.22
Maintenance-Computers	259.84	2,415.48	8,000.00	30.19%	1,948.40	3,636.12
Software Purchase	869.20	18,166.81	34,500.00	52.66%	0.00	16,333.19
Software Support	4,150.02	30,870.01	59,134.00	52.20%	1,200.00	27,063.99
Computers and Equipment	0.00	22,978.40	49,450.00	46.47%	717.40	25,754.20
Automotive Expense	1,767.86	12,902.03	19,300.00	66.85%	0.00	6,397.97
Vehicle Expense	697.16	2,064.81	13,160.00	15.69%	0.00	11,095.19
Toll Road Charges	53.82	723.33	2,400.00	30.14%	0.00	1,676.67
Insurance Expense	10,943.10	73,704.17	140,000.00	52.65%	0.00	66,295.83
Utilities - Telephone	2,071.09	14,072.90	25,773.00	54.60%	572.79	11,127.31
Bank Fees	0.00	88.33	1,200.00	7.36%	0.00	1,111.67
Miscellaneous Expense	5,869.70	53,315.22	108,100.00	49.32%	232.31	54,552.47
MWDOC's Contrb. to WEROC	19,081.50	133,570.50	273,367.00	48.86%	0.00	139,796.50
Depreciation Expense	(4,846.16)	16,047.61	0.00	0.00%	0.00	(16,047.61)
Other Expenses	55,418.01	506,016.94	1,011,660.00	50.02%	91,145.69	414,497.37
Building Expense	2,477.50	393,770.71	835,831.00	47.11%	128,218.00	313,842.29
Capital Acquisition	769.09	85,662.34	106,456.00	80.47%	0.00	20,793.66
TOTAL EXPENSES	763,883.09	5,622,544.77	10,618,143.00	52.95%	1,166,014.47	3,829,583.77
NET INCOME (LOSS)	(680,601.26)	4,469,009.22	0.00			

**Municipal Water District of Orange County**  
**Revenues and Expenditures Budget Comparative Report**  
**Water Fund**  
**From July 2019 thru January 2020**

	<b>Month to Date</b>	<b>Year to Date</b>	<b>Annual Budget</b>	<b>% Used</b>	<b>Budget Remaining</b>
<b><u>WATER REVENUES</u></b>					
Water Sales	6,513,800.70	92,418,791.40	232,376,274.00	39.77%	139,957,482.60
Readiness to Serve Charge	965,277.18	5,998,513.98	10,071,282.00	59.56%	4,072,768.02
Capacity Charge CCF	324,353.33	2,124,333.35	3,615,440.00	58.76%	1,491,106.65
SCP/SAC Pipeline Surcharge	24,716.17	207,764.79	350,000.00	59.36%	142,235.21
Interest	<u>1,658.88</u>	<u>13,127.24</u>	<u>20,000.00</u>	<u>65.64%</u>	<u>6,872.76</u>
<b>TOTAL WATER REVENUES</b>	<u>7,829,806.26</u>	<u>100,762,530.76</u>	<u>246,432,996.00</u>	<u>40.89%</u>	<u>145,670,465.24</u>
<b><u>WATER PURCHASES</u></b>					
Water Sales	6,513,800.70	92,418,791.40	232,376,274.00	39.77%	139,957,482.60
Readiness to Serve Charge	965,277.18	5,998,513.98	10,071,282.00	59.56%	4,072,768.02
Capacity Charge CCF	324,353.33	2,124,333.35	3,615,440.00	58.76%	1,491,106.65
SCP/SAC Pipeline Surcharge	<u>24,716.17</u>	<u>207,764.79</u>	<u>350,000.00</u>	<u>59.36%</u>	<u>142,235.21</u>
<b>TOTAL WATER PURCHASES</b>	<u>7,828,147.38</u>	<u>100,749,403.52</u>	<u>246,412,996.00</u>	<u>40.89%</u>	<u>145,663,592.48</u>
<b>EXCESS OF REVENUE OVER EXPENDITURES</b>	<u><u>1,658.88</u></u>	<u><u>13,127.24</u></u>	<u><u>20,000.00</u></u>		

**Municipal Water District of Orange County**  
**WUE Revenues and Expenditures (Actuals vs Budget)**  
**From July 2019 thru January 2020**

	Year to Date Actual	Annual Budget	% Used
<b>Spray To Drip Conversion</b>			
Revenues	3,466.79	110,562.00	3.14%
Expenses	<u>6,431.66</u>	<u>110,562.00</u>	5.82%
Excess of Revenues over Expenditures	(2,964.87)	0.00	
<b>Member Agency Administered Passthru</b>			
Revenues	255,900.00	616,000.00	41.54%
Expenses	<u>236,400.00</u>	<u>616,000.00</u>	38.38%
Excess of Revenues over Expenditures	19,500.00	0.00	
<b>ULFT Rebate Program</b>			
Revenues	4,198.01	27,500.00	15.27%
Expenses	<u>4,133.51</u>	<u>27,500.00</u>	15.03%
Excess of Revenues over Expenditures	64.50	0.00	
<b>HECW Rebate Program</b>			
Revenues	53,045.22	300,000.00	17.68%
Expenses	<u>52,834.98</u>	<u>300,000.00</u>	17.61%
Excess of Revenues over Expenditures	210.24	0.00	
<b>CII Rebate Program</b>			
Revenues	0.00	305,000.00	0.00%
Expenses	<u>(270.00)</u>	<u>305,000.00</u>	-0.09%
Excess of Revenues over Expenditures	270.00	0.00	
<b>Turf Removal Program</b>			
Revenues	589,551.48	835,776.00	70.54%
Expenses	<u>617,914.64</u>	<u>835,776.00</u>	73.93%
Excess of Revenues over Expenditures	(28,363.16)	0.00	
<b>Comprehensive Landscape (CLWUE)</b>			
Revenues	22,066.05	110,558.00	19.96%
Expenses	<u>52,933.14</u>	<u>116,450.00</u>	45.46%
Excess of Revenues over Expenditures	(30,867.09)	(5,892.00)	
<b>Recycled Water Program</b>			
Revenues	0.00	19,750.00	0.00%
Expenses	<u>0.00</u>	<u>19,750.00</u>	0.00%
Excess of Revenues over Expenditures	0.00	0.00	
<b>WSIP - Industrial Program</b>			
Revenues	0.00	45,000.00	0.00%
Expenses	<u>0.00</u>	<u>45,000.00</u>	0.00%
Excess of Revenues over Expenditures	0.00	0.00	
<b>WUE Projects</b>			
Revenues	928,227.55	2,370,146.00	39.16%
Expenses	<u>970,377.93</u>	<u>2,376,038.00</u>	40.84%
Excess of Revenues over Expenditures	(42,150.38)	(5,892.00)	
<b>WEROC</b>			
Revenues	362,548.50	652,564.00	55.56%
Expenses	<u>216,556.60</u>	<u>624,478.00</u>	34.68%
Excess of Revenues over Expenditures	145,991.90	28,086.00	



**CONSENT CALENDAR ITEM**

March 18, 2020

**TO:** Board of Directors

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

Robert Hunter, General Manager

Staff Contact: Karl Seckel

**SUBJECT: Amendment No. 9 to the Santiago Aqueduct Commission Joint Powers Agreement**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors approve the execution of Amendment No. 9 to the Santiago Aqueduct Commission (SAC) Joint Powers Agreement by the President of the MWD OC Board.

**COMMITTEE RECOMMENDATION**

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The Committee discussed the various issues and recommended approval of Amendment No. 9 for consideration by the entire Board. The Committee was comfortable that the other items flagged would come back to the Board for consideration at some future date, the other items being the make-up of SAC, whether SAC would continue as a JPA and the ownership of the Baker Pipeline.

**SUMMARY**

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Irvine Ranch Water District (IRWD) and the County of Orange are scheduled in February 2020 to execute an Assignment and Assumption Agreement (Transfer Agreement) to transfer the County's capacity in Reaches 1U, 2U, 3U and 4U of the Baker Pipeline to IRWD. Amendment No. 9 to the Santiago Aqueduct Commission (SAC) Joint Powers Agreement recognizes the transfer of capacity and the resulting allocation of costs of maintenance, capital repairs and capital improvements to the Baker Pipeline. Amendment

Budgeted (Y/N): n/a	Budgeted amount: n/a	Core ✓	Choice __
Action item amount: n/a	Line item: n/a		
Fiscal Impact (explain if unbudgeted):			

No. 9 also updates the represented agencies of SAC following IRWD's capacity transfer with the County.

At the most recent meeting of the Santiago Aqueduct Commission's member agencies, it was recommended that each of the agencies approve Amendment No. 9 to the Santiago Aqueduct Commission Joint Powers Agreement, subject to execution of the Transfer Agreement between IRWD and the County of Orange. MWDOC staff concurs with the recommendation.

Another issue that this brings up is the make-up of the SAC; upon execution of Amendment No. 9, the members of SAC would be:

1. El Toro Water District
2. Irvine Ranch Water District
3. Moulton Niguel Water District
4. Municipal Water District Of Orange County, now representing only East Orange County Water District
5. Santa Margarita Water District
6. Trabuco Canyon Water District

SAC Amendment #2 in 1978 and the construction of the AMP (called the Diemer Intertie in the agreements), involved downsizing the Baker Pipeline hydraulic capacity starting in Reaches 2U through 5U because agencies were transferring capacity from the untreated Baker Pipeline to the treated AMP. Amendment #2 provided that the Baker Pipeline, including all rights of way, were leased to MWDOC because of the integration between the Baker and AMP. A new make-up of the Commission was called for in Amendment #2 consisting of 7 members, one of those being MWDOC whose representation at the time covered:

- EOCWD
- Santiago County Water District
- County of Orange
- The Irvine Company (TIC)
- Global Western Development Corporation (whose ownership was subsequently acquired by Santa Ana Mountains County Water District, renamed to be Trabuco Canyon WD)

In essence, MWDOC picked up representation of the smaller agencies rather than providing an individual seat on SAC. As the capacity owned by the entities MWDOC represented has been acquired by other members over the years, MWDOC finds itself in the position of only representing EOCWD. Staff is of the belief that consideration should be given to another SAC amendment whereby EOCWD would be directly seated on SAC and MWDOC either retains a seat or does not retain any seat. At that time, there is no additional capacity that MWDOC would be representing, so it may not make sense for MWDOC to retain a seat.

One last related issue has to do with the financing of the Allen McColloch Pipeline (AMP). The attached May 8, 2001 memo from Janet Morningstar (MWDOC's legal counsel at the



time) discusses the various machinations as a result of the financing for construction of the AMP that also involved construction of a section of the Baker Pipeline. The legal memo concludes that at the end of the financing (this has already occurred), MWDOC acquires title and will own the SAC line (Baker Pipeline), subject to the various obligations as trustee for those agencies with capacity interests. There is no unallocated capacity in the pipeline. The memo further indicates that the title could be transferred to an appropriate successor, if desired. Staff will bring this issue up with our current legal counsel for review.

There is no need to take action at this time on either seating EOCWD on SAC or transferring title to the Baker Pipeline, but staff is seeking input from the Board. Staff has flagged these issues for future consideration.

Attachments include:

1. Amendment No. 9 to the SAC JPA
2. The staff report from the December meeting of SAC
3. May 8, 2001 Legal memo from Janet Morningstar

## **BOARD OPTIONS**

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### **Option #1 Approve Amendment No. 9 to the SAC JPA**

**Fiscal Impact:** None

**Business Analysis:** Approval allows the transfer of capacity between the County and IRWD and facilitates streamlining of SAC by having fewer capacity owners.

### **Option #2 Do NOT Approve the Amendment**

**Fiscal Impact:** None

**Business Analysis:** Parties to SAC would not be able to proceed with the transfer as unanimous decisions are required for changes in the JPA. This would result in conflicts.

## **STAFF RECOMMENDATION**

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### **Option # 1**

AMENDMENT NO. 9  
TO THE  
SANTIAGO AQUEDUCT COMMISSION  
JOINT POWERS AGREEMENT

This Amendment No. 9 to the Santiago Aqueduct Commission Joint Powers Agreement (“**Amendment No. 9**”) is effective July 1, 2020, and is between the following six member agencies of the SANTIAGO AQUEDUCT COMMISSION (the “**Commission**”) created by a Joint Powers Agreement dated September 11, 1961 (as amended, the “**Joint Powers Agreement**”):

EL TORO WATER DISTRICT;  
IRVINE RANCH WATER DISTRICT (“**IRWD**”) on its own behalf and as assignee of the County of Orange (the “**County**”);  
MOULTON NIGUEL WATER DISTRICT;  
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY (formerly known as Orange County Municipal Water District) (“**MWDOC**”) on behalf of represented agency  
EAST ORANGE COUNTY WATER DISTRICT (“**EOCWD**”);  
SANTA MARGARITA WATER DISTRICT; and  
TRABUCO CANYON WATER DISTRICT (formerly known as Santa Ana Mountains County Water District).

The member agencies are also sometimes referred to as the “**Parties.**” EOCWD is a “**represented agency**” but is not a member agency.

The Joint Powers Agreement has been previously amended by the following amendments: the first Amendment (December 20, 1974); Amendment No. 2 (January 13, 1978); Amendment No. 3 (November 1, 1978); Amendment No. 4 (September 1, 1981); Amendment No. 5 (October 22, 1986), Amendment No. 6 (July 8, 1999); Amendment No. 7 (June 19, 2014), and Amendment No. 8 (March 21, 2019).

The Joint Powers Agreement (as amended) establishes certain hydraulic grade lines and capacity rights for the member agencies and represented agencies in the various reaches of the Santiago Aqueduct, also known as the Baker Pipeline. The costs of maintenance, capital repairs, and capital improvements to the Baker Pipeline are allocated to the member agencies and represented agencies in proportion to each party’s capacity rights in each reach as compared with the total capacity for each reach and in proportion to the length of each reach as compared with the entire length of the Baker Pipeline.

Capacity rights in the Baker Pipeline have been transferred among various member agencies and represented agencies, as previously reflected in the tables set forth in Amendment No. 8.

In 2020, IRWD and the County executed an *Assignment and Assumption Agreement* (the “**Transfer Agreement**”) to transfer the County’s capacity in the Baker Pipeline to IRWD. The transfer of capacity rights and the resulting allocations of maintenance, capital repairs, and capital improvement costs became effective as of February 11, 2020. The Parties intend by this

Amendment No. 9 to memorialize the effect of the Transfer Agreement and acknowledge that each of the Parties and represented agencies not participating in the Transfer Agreement will retain the same capacity rights identified in Amendment No. 8.

Therefore, the Parties amend the Joint Powers Agreement as follows:

SECTION 1. Exhibit A to this Amendment No. 9 identifies the capacities and hydraulic grade lines in the Baker Pipeline resulting from the Transfer Agreement. Exhibit B to this Amendment No. 9 identifies the corresponding allocation of costs of maintenance, capital repairs, and capital improvements for each reach of the Baker Pipeline and the Baker Pipeline in its entirety. Both exhibits are incorporated by reference into the Joint Powers Agreement and replace and supersede the prior Exhibits A and B.

SECTION 2. In order to reflect the transfer of the County's capacity to IRWD, the first two paragraphs of Section 3 of the Joint Powers Agreement, as amended by Amendment No. 8, are amended to read as follows:

"The Commission shall consist of six (6) regular members, one (1) regular member to be selected by each of the following member agencies:

El Toro Water District;  
Irvine Ranch Water District;  
Moulton Niguel Water District;  
Municipal Water District of Orange County;  
Santa Margarita Water District; and  
Trabuco Canyon Water District.

The Commission shall maintain and operate the Baker Pipeline. Each member agency shall have one vote. MWDOC shall represent itself and EOCWD. Each member agency may appoint two alternate members, designated a first alternate member and a second alternate member, to the Commission."

SECTION 3. The Parties shall execute this Amendment No. 9 in duplicate, each identical duplicate of which will be considered an original.

*[Signatures appear on following pages.]*

The Parties have executed this Amendment No. 9 on the dates set forth below.

DATED: \_\_\_\_\_

EL TORO WATER DISTRICT

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Secretary

APPROVED AS TO FORM:  
Redwine and Sherrill, LLP

By: \_\_\_\_\_  
District Counsel

DATED: \_\_\_\_\_

IRVINE RANCH WATER DISTRICT

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Secretary

APPROVED AS TO FORM:  
Hanson Bridgett, LLP

By: \_\_\_\_\_  
District Counsel

DATED: \_\_\_\_\_

MOULTON NIGUEL WATER DISTRICT

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Secretary

APPROVED AS TO FORM:  
Best Best & Krieger LLP

By: \_\_\_\_\_  
District Counsel

DATED: \_\_\_\_\_

MUNICIPAL WATER DISTRICT OF ORANGE  
COUNTY

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Secretary

APPROVED AS TO FORM:  
Best Best & Krieger, LLP

By: \_\_\_\_\_  
District Counsel

DATED: \_\_\_\_\_

SANTA MARGARITA WATER DISTRICT

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Secretary

APPROVED AS TO FORM:  
Best Best & Krieger, LLP

By: \_\_\_\_\_  
District Counsel

DATED: \_\_\_\_\_

TRABUCO CANYON WATER DISTRICT

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Secretary

APPROVED AS TO FORM:  
Atkinson, Andelson, Loya, Ruud & Romo, LLP

By: \_\_\_\_\_  
District Counsel

EXHIBIT A

SANTIAGO AQUEDUCT COMMISSION  
BAKER PIPELINE  
PIPELINE CAPACITIES

	Reach 1U	Reach 2U	Reach 3U	Reach 4U	Reach 5U
<b>Length (LF)</b>	9,400	10,425	7,950	28,500	6,070
<b>HGL Elevation at End of Reach <sup>1</sup></b>	816	788	770	703	690
<b>Agency</b>	<b>CFS</b>	<b>CFS</b>	<b>CFS</b>	<b>CFS</b>	<b>CFS</b>
East Orange County Water District	10.00	-	-	-	-
Irvine Ranch Water District <sup>2</sup>	50.00	15.65	11.60	11.60	10.50
Santa Margarita Water District	13.00	13.08	13.05	13.05	13.00
Trabuco Canyon Water District	8.00	8.05	8.03	8.03	8.00
El Toro Water District	5.00	5.00	5.00	5.00	5.00
Moulton Niguel Water District	13.00	13.00	13.00	13.00	13.00
<b>Total Capacity</b>	<b>99.00</b>	<b>54.78</b>	<b>50.68</b>	<b>50.68</b>	<b>49.50</b>

<sup>1</sup> Beginning HGL elevation of 832 at OC-33

<sup>2</sup> Includes IRWD purchase of County of Orange capacity in Reaches 1U, 2U, 3U, and 4U. All other capacities remain unchanged from JPA Amendment No. 8.

EXHIBIT B

PIPELINE CAPACITIES  
MAINTENANCE, CAPITAL REPAIR, AND CAPITAL IMPROVEMENT SHARE, TOTAL AND BY REACH

Length (LF)	Reach 1U Capacity Length	Reach 1U %	Reach 2U Capacity Length	Reach 2U %	Reach 3U Capacity Length	Reach 3U %	Reach 4U Capacity Length	Reach 4U %	Reach 5U Capacity Length	Reach 5U %	Total Pipeline Capacity Length	Total Pipeline %
East Orange County Water District	94,000	9.53%	-	-	-	-	-	-	-	-	94,000	2.58%
Irvine Ranch Water District	470,000	50.79%	163,152	28.85%	92,220	23.06%	330,600	23.06%	63,735	21.22%	1,119,707	30.68%
Santa Margarita Water District	122,200	13.35%	136,359	23.65%	103,747	25.61%	371,925	25.61%	78,910	26.26%	813,141	22.28%
Trabuco Canyon Water District	75,200	8.15%	83,921	14.64%	63,839	15.81%	228,855	15.81%	48,560	16.16%	500,375	13.71%
El Toro Water District	47,000	5.05%	52,125	9.13%	39,750	9.87%	142,500	9.87%	30,350	10.10%	311,725	8.54%
Moulton Niguel Water District	122,200	13.13%	135,525	23.73%	103,350	25.65%	370,500	25.65%	78,910	26.26%	810,485	22.21%
<b>Total</b>	930,600	100%	571,082	100%	402,906	100%	1,444,380	100%	300,465	100%	3,649,433	100%



December 19, 2019  
Prepared and  
submitted by: K. Burton  
Approved by: Paul A. Cook



## SANTIAGO AQUEDUCT COMMISSION

### AMENDMENT NO. 9 TO THE SANTIAGO AQUEDUCT COMMISSION JOINT POWERS AGREEMENT

#### SUMMARY:

Irvine Ranch Water District (IRWD) and the County of Orange are scheduled in February 2020 to execute an Assignment and Assumption Agreement (Transfer Agreement) to transfer the County's capacity in Reaches 1U, 2U, 3U and 4U of the Baker Pipeline to IRWD. Amendment No. 9 to the Santiago Aqueduct Commission (SAC) Joint Powers Agreement recognizes the transfer of capacity and the resulting allocation of costs of maintenance, capital repairs and capital improvements to the Baker Pipeline. Amendment No. 9 also updates the represented agencies of SAC following IRWD's capacity transfer with the County. Staff recommends that the Santiago Aqueduct Commission's member agencies approve Amendment No. 9 to the Santiago Aqueduct Commission Joint Powers Agreement, subject to execution of the Transfer Agreement between IRWD and the County of Orange.

#### BACKGROUND:

IRWD and the County are scheduled in February 2020 to execute a Transfer Agreement to transfer the County's 1.0 cubic feet per second (cfs) capacity in Reach 1U and the 1.06 cfs capacity in Reaches 2U, 3U and 4U of the Baker Pipeline to IRWD. The Transfer Agreement is attached as Exhibit "A". The intent of Amendment No. 9 to the SAC Joint Powers Agreement is to memorialize the effect of the Transfer Agreement and acknowledge that each of the SAC member and represented agencies not participating in the Transfer Agreement will retain the same capacity rights identified in Amendment No. 8 to the SAC Joint Powers Agreement. Additionally, Amendment No. 9 updates the represented agencies of SAC following IRWD's capacity transfer with the County. Amendment No. 9 is attached as Exhibit "B".

The capacity of each SAC member and represented agency in each reach of the Baker Pipeline is shown in Exhibit "A" of Amendment No. 9. The maintenance, capital repair and capital improvement cost shares for each member and represented agency in each reach, and for the Baker Pipeline as a whole, are shown in Exhibit "B" of Amendment No. 9. The capacities and allocation of costs of maintenance, capital repairs and capital improvements of the non-participating Transfer Agreement SAC member and the represented agencies remains unchanged from Amendment No. 8.

#### FISCAL IMPACTS:

The costs for maintenance, capital repairs and capital improvements will be allocated between the participating SAC member agencies and represented agencies, as shown in Exhibit "B", and are effective on the date the Transfer Agreement is executed.

ENVIRONMENTAL COMPLIANCE:

This activity is exempt from the California Environmental Quality Act (CEQA) as authorized under the California Code of Regulations, Title 14, Chapter 3, Section 15306 which provides exclusion for projects involving basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded.

RECOMMENDATION:

That the Santiago Aqueduct Commission's member agencies approve Amendment No. 9 to the Santiago Aqueduct Commission Joint Powers Agreement, subject to execution of the Transfer Agreement between IRWD and the County of Orange.

LIST OF EXHIBITS:

- Exhibit "A" – Assignment and Assumption Agreement between Irvine Ranch Water District and the County of Orange
- Exhibit "B" – Amendment No. 9 to the Santiago Aqueduct Commission Joint Powers Agreement

## ASSIGNMENT AND ASSUMPTION AGREEMENT

This ASSIGNMENT AND ASSUMPTION AGREEMENT (“**Agreement**”) is dated \_\_\_\_\_, 2020 (the “**Effective Date**”) and is between **IRVINE RANCH WATER DISTRICT**, a California water district, organized under Division 13 of the California Water Code (“**IRWD**”), and the County of Orange (“**County**”). IRWD and County are each a “**Party**” and together are the “**Parties**.”

On or about April 13, 1961, the Los Alisos Water District, the El Toro Water District, and the Orange County Municipal Water District entered into the Santiago Aqueduct Commission Joint Powers Agreement (the “**JPA**”). The JPA created the Santiago Aqueduct Commission (“**Commission**”) to construct, maintain, repair and manage the Santiago Aqueduct (“**Aqueduct**”, also known as the “**Baker Pipeline**”), which would transmit water to the parties to the JPA.

The JPA was amended eight times, by: Amendment to the JPA (on or about September 11, 1961); Amendment No. 2 to the JPA (on or about January 1, 1978)(“**Amendment 2**”); Amendment No. 3 to the JPA (on or about January 13, 1978); Amendment No. 4 to the JPA (on or about September 1, 1981); Amendment No. 5 to the JPA (on or about October 22, 1986); Amendment No. 6 to the JPA (on or about July 8, 1999); Amendment No. 7 to the JPA (on or about June 19, 2014); and Amendment No. 8 to the JPA (dated March 21, 2019). These Amendments, along with all exhibits and attachments thereto, are collectively identified in this Agreement as the “**Amendments**.” Amendment 2 added IRWD as a party and as a member of the Commission and acknowledged that the County was a party to the JPA with respect to certain matters and was represented on the Commission by the Municipal Water District of Orange County. That amendment, and various other leases and subleases issued pursuant to the Amendments, granted the Parties certain rights and obligations with respect to the construction, maintenance, operation of water lines to be constructed parallel to the Aqueduct to supply water to, among others, the Parties. Pursuant to the JPA Amendments, the County possesses 1.0 cfs capacity in Reach 1U of the Aqueduct, and 1.06 cfs of capacity in each of Reaches 2U, 3U, and 4U of the Aqueduct (together the “**County Capacity Rights**”).

The Parties intend by this Agreement for the County to assign and transfer the County Capacity Rights, and any related rights and obligations under the JPA, memoranda of understanding, related agreements, the Amendments, and any other leases or subleases related thereto, to IRWD for valuable consideration.

The Parties therefore agree as follows:

1. Assignment. In exchange for IRWD’s payment to the County of the sum of \$227,790 (the “**Transfer Fee**”) concurrent with the delivery of this Agreement, the County hereby assigns and transfers to IRWD all of the County’s right, title, interest and obligations under the JPA and the Amendments including the County Capacity Rights (collectively, the “**County Interest**”) effective as of the Effective Date. Upon assignment and transfer of the County Interest as set forth in this section, IRWD accepts from the County all such County Interest, subject to the terms and conditions set forth in this Agreement.

2. Related Approvals. The Parties are not aware of any other approvals, acknowledgements, actions, confirmations, notices, consents or permissions required to be obtained or given in order for the County Capacity Rights and County Interest to transfer to IRWD (collectively “**Approvals**”). However, the Parties acknowledge that the Commission members intend to amend the JPA to account for the effect of this Agreement on the ownership of capacity within the Aqueduct. In the event Approvals are required, then IRWD will notify County and use its best efforts to obtain the Approvals on behalf of the Parties, at its own expense. The County agrees to reasonably cooperate with IRWD’s efforts.

3. Assumption. IRWD assumes and agrees to perform and fulfill all the terms, covenants, conditions, and obligations required to be performed and fulfilled by the County under the JPA and the Amendments.

4. Assignor Representations. The County represents that, to the County’s knowledge, (a) the County has not previously transferred or assigned any portion of the County Interest (including the County Capacity Rights), (b) the County has not amended, modified or terminated the JPA or the Amendments except as set forth therein, and (c) the County has not breached the JPA or the Amendments.

5. As-Is; Where-Is. Except as otherwise set forth in Section 4 above, IRWD acknowledges and agrees that it is accepting the assignment and conveyance of the County Interest based solely upon IRWD’s inspection and investigation of the same and all documents related thereto, or its opportunity to do so, and the County Interest is assigned in an “AS IS, WHERE IS” condition, without relying upon any representation or warranties, express, implied or statutory, of any kind. Except for a breach or misrepresentation caused exclusively by the County, in the event the Parties receive a third-party claim or demand related to this Agreement, or in the event the Parties are named in an action by a third party for issues related to this Agreement, the Parties shall notify the other of such event(s) and IRWD shall represent the County in any legal action unless the County undertakes to represent itself as co-defendant, in which event IRWD shall pay to County its litigation expenses, costs and attorneys’ fees. In the event the Parties suffer any losses, damages, costs, charges, or expenses, including reasonable attorney’s fees related to an action arising out of or related to this Agreement (except for litigation arising out of or related to a breach or misrepresentation caused exclusively by the County), and if judgment is entered against County and IRWD, an apportionment of liability to pay such judgment shall be made by a court of competent jurisdiction. Neither Party shall request a jury apportionment. Notwithstanding anything to the contrary, the County’s aggregate liability in connection with this Agreement shall not exceed the amount of the Transfer Fee.

6. Successors and Assigns. This Agreement will be binding on and inure to the benefit of the Parties, their heirs, executors, administrators, successors in interest, and assigns.

7. Choice of Law and Venue. All matters relating to this Agreement are governed by the laws of the State of California, and venue for any action related to the Agreement shall be the Superior Court of Orange County.

8. Notice. Any notice will be deemed given by depositing it in the United States Mail, first class, return receipt requested, or by courier or overnight delivery service and addressed as follows:

If to IRWD:

Irvine Ranch Water District  
16500 Sand Canyon Avenue  
P.O. Box 5700  
Irvine, CA 92619-7000  
Attn: Paul A. Cook, General Manager

If to the County:

County of Orange  
Sheriff's Department  
Attn: Director of Research and Development  
431 The City Drive South  
Orange, CA 92868

With a copy to:

County of Orange  
Executive Office  
Attn: Chief Real Estate Officer  
333 W. Santa Ana Boulevard, 3rd Floor  
Santa Ana, CA 92701

9. Amendment. Any amendment or modification of this Agreement must be written and properly executed by both Parties.

10. Interpretation. Each Party has participated in negotiating and drafting this Agreement, so if an ambiguity or a question of intent or interpretation arises, this Agreement is to be construed as if the Parties had drafted it jointly, as opposed to being construed against a party because it was responsible for drafting one or more provisions of this Agreement.

11. Further Assurances. The Parties shall take such actions, or execute, acknowledge and deliver, or obtain the execution, acknowledgment, and delivery of such instruments as are reasonably necessary, appropriate or desirable to give effect to the provisions of this Agreement.

12. Entire Agreement. This Agreement constitutes the entire agreement between the Parties regarding the County's assignment and IRWD's assumption of all of the County Interest. This Agreement supersedes all prior or contemporaneous agreements, commitments, conditions, discussions, instruments, offers, promises and/or proposals between the Parties regarding the County's assignment and IRWD's assumption of all of the County Interest, whether oral or written.

13. Authority. The Parties represent that the individuals executing this Agreement have the legal power, right and actual authority to bind that Party to the terms and conditions of this Agreement.

IRWD and the County are signing this Agreement to be effective as of the Effective Date.

**COUNTY OF ORANGE, a political subdivision  
of the State of California**

By: \_\_\_\_\_  
Chairwoman of the Board of Supervisors  
Orange County, California

Signed and certified that a copy of this document  
has been delivered to the Chair of the Board per  
Government Code Section 25103, Resolution 79-1535.

ATTEST:

\_\_\_\_\_  
Robin Stieler  
Clerk of the Board of Supervisors  
Orange County, California

APPROVED AS TO FORM  
Office of the County Counsel  
Orange County, California

By: \_\_\_\_\_  
Deputy County Counsel

**IRVINE RANCH WATER DISTRICT**

By: \_\_\_\_\_  
Paul A. Cook, General Manager

**APPROVED AS TO FORM:**  
Lewis Brisbois Bisgaard & Smith, LLP

By: \_\_\_\_\_  
General Counsel

## EXHIBIT "B"

### AMENDMENT NO. 9 TO THE SANTIAGO AQUEDUCT COMMISSION JOINT POWERS AGREEMENT

This Amendment No. 9 to the Santiago Aqueduct Commission Joint Powers Agreement (“**Amendment No. 9**”) is effective [**INSERT DATE**], and is between the following six member agencies of the SANTIAGO AQUEDUCT COMMISSION (the “**Commission**”) created by a Joint Powers Agreement dated September 11, 1961 (as amended, the “**Joint Powers Agreement**”):

EL TORO WATER DISTRICT;  
IRVINE RANCH WATER DISTRICT (“**IRWD**”) on its own behalf and as assignee of the County of Orange (the “**County**”);  
MOULTON NIGUEL WATER DISTRICT;  
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY (formerly known as Orange County Municipal Water District) (“**MWDOC**”) on behalf of represented agency  
EAST ORANGE COUNTY WATER DISTRICT (“**EOCWD**”);  
SANTA MARGARITA WATER DISTRICT; and  
TRABUCO CANYON WATER DISTRICT (formerly known as Santa Ana Mountains County Water District).

The member agencies are also sometimes referred to as the “**Parties.**” EOCWD is a “**represented agency**” but is not a member agency.

The Joint Powers Agreement has been previously amended by the following amendments: the first Amendment (December 20, 1974); Amendment No. 2 (January 13, 1978); Amendment No. 3 (November 1, 1978); Amendment No. 4 (September 1, 1981); Amendment No. 5 (October 22, 1986), Amendment No. 6 (July 8, 1999); Amendment No. 7 (June 19, 2014), and Amendment No. 8 (March 21, 2019).

The Joint Powers Agreement (as amended) establishes certain hydraulic grade lines and capacity rights for the member agencies and represented agencies in the various reaches of the Santiago Aqueduct, also known as the Baker Pipeline. The costs of maintenance, capital repairs, and capital improvements to the Baker Pipeline are allocated to the member agencies and represented agencies in proportion to each party’s capacity rights in each reach as compared with the total capacity for each reach and in proportion to the length of each reach as compared with the entire length of the Baker Pipeline.

Capacity rights in the Baker Pipeline have been transferred among various member agencies and represented agencies, as previously reflected in the tables set forth in Amendment No. 8.

In [**INSERT DATE THAT COUNTY BOARD APPROVES AGREEMENT**], IRWD and the County executed an *Assignment and Assumption Agreement* (the “**Transfer Agreement**”) to transfer the County’s capacity in the Baker Pipeline to IRWD. The transfer of capacity rights

and the resulting allocations of maintenance, capital repairs, and capital improvement costs effective as of [INSERT DATE THAT COUNTY BOARD APPROVES AGREEMENT]. The Parties intend by this Amendment No. 9 to memorialize the effect of the Transfer Agreement and acknowledge that each of the Parties and represented agencies not participating in the Transfer Agreement will retain the same capacity rights identified in Amendment No. 8.

Therefore, the Parties amend the Joint Powers Agreement as follows:

SECTION 1. Exhibit A to this Amendment No. 9 identifies the capacities and hydraulic grade lines in the Baker Pipeline resulting from the Transfer Agreement. Exhibit B to this Amendment No. 9 identifies the corresponding allocation of costs of maintenance, capital repairs, and capital improvements for each reach of the Baker Pipeline and the Baker Pipeline in its entirety. Both exhibits are incorporated by reference into the Joint Powers Agreement and replace and supersede the prior Exhibits A and B.

SECTION 2. In order to reflect the transfer of the County's capacity to IRWD, the first two paragraphs of Section 3 of the Joint Powers Agreement, as amended by Amendment No. 8, are amended to read as follows:

"The Commission shall consist of six (6) regular members, one (1) regular member to be selected by each of the following member agencies:

El Toro Water District;  
Irvine Ranch Water District;  
Moulton Niguel Water District;  
Municipal Water District of Orange County;  
Santa Margarita Water District; and  
Trabuco Canyon Water District.

The Commission shall maintain and operate the Baker Pipeline. Each member agency shall have one vote. MWDOC shall represent itself and EOCWD. Each member agency may appoint two alternate members, designated a first alternate member and a second alternate member, to the Commission."

SECTION 3. The Parties shall execute this Amendment No. 9 in duplicate, each identical duplicate of which will be considered an original.

*[Signatures appear on following pages.]*



The Parties have executed this Amendment No. 9 on the dates set forth below.

DATED: \_\_\_\_\_

EL TORO WATER DISTRICT

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Secretary

APPROVED AS TO FORM:  
Redwine and Sherrill, LLP

By: \_\_\_\_\_  
District Counsel

DATED: \_\_\_\_\_

IRVINE RANCH WATER DISTRICT

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Secretary

APPROVED AS TO FORM:  
Lewis Brisbois Bisgaard & Smith, LLP

By: \_\_\_\_\_  
District Counsel

DATED: \_\_\_\_\_

MOULTON NIGUEL WATER DISTRICT

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Secretary

APPROVED AS TO FORM:  
Best Best & Krieger LLP

By: \_\_\_\_\_  
District Counsel

DATED: \_\_\_\_\_

MUNICIPAL WATER DISTRICT OF ORANGE  
COUNTY

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Secretary

APPROVED AS TO FORM:  
Best Best & Krieger, LLP

By: \_\_\_\_\_  
District Counsel

DATED: \_\_\_\_\_

SANTA MARGARITA WATER DISTRICT

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Secretary

APPROVED AS TO FORM:  
Best Best & Krieger, LLP

By: \_\_\_\_\_  
District Counsel

DATED: \_\_\_\_\_

TRABUCO CANYON WATER DISTRICT

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Secretary

APPROVED AS TO FORM:  
Atkinson, Andelson, Loya, Ruud & Romo, LLP

By: \_\_\_\_\_  
District Counsel

EXHIBIT A

SANTIAGO AQUEDUCT COMMISSION  
BAKER PIPELINE  
PIPELINE CAPACITIES

	Reach 1U	Reach 2U	Reach 3U	Reach 4U	Reach 5U
<b>Length (LF)</b>	9,400	10,425	7,950	28,500	6,070
<b>HGL Elevation at End of Reach <sup>1</sup></b>	816	788	770	703	690
<b>Agency</b>	<b>CFS</b>	<b>CFS</b>	<b>CFS</b>	<b>CFS</b>	<b>CFS</b>
East Orange County Water District	10.00	-	-	-	-
Irvine Ranch Water District <sup>2</sup>	50.00	15.65	11.60	11.60	10.50
Santa Margarita Water District	13.00	13.08	13.05	13.05	13.00
Trabuco Canyon Water District	8.00	8.05	8.03	8.03	8.00
El Toro Water District	5.00	5.00	5.00	5.00	5.00
Moulton Niguel Water District	13.00	13.00	13.00	13.00	13.00
<b>Total Capacity</b>	<b>99.00</b>	<b>54.78</b>	<b>50.68</b>	<b>50.68</b>	<b>49.50</b>

<sup>1</sup> Beginning HGL elevation of 832 at OC-33

<sup>2</sup> Includes IRWD purchase of County of Orange capacity in Reaches 1U, 2U, 3U, and 4U. All other capacities remain unchanged from JPA Amendment No. 8.

Exhibit B

Pipeline Capacities  
Maintenance, Capital Repair, and Capital Improvement Share, Total and By Reach

Length (LF)	Reach 1U		Reach 2U		Reach 3U		Reach 4U		Reach 5U		Total Pipeline	
	Capacity Length	%	Capacity Length	%	Capacity Length	%	Capacity Length	%	Capacity Length	%	Capacity Length	%
East Orange County Water District	94,000	9.53%	-	-	-	-	-	-	-	-	94,000	2.58%
Irvine Ranch Water District	470,000	50.79%	163,152	28.85%	92,220	23.06%	330,600	23.06%	63,735	21.22%	1,119,707	30.68%
Santa Margarita Water District	122,200	13.35%	136,359	23.65%	103,747	25.61%	371,925	25.61%	78,910	26.26%	813,141	22.28%
Trabuco Canyon Water District	75,200	8.15%	83,921	14.64%	63,839	15.81%	228,855	15.81%	48,560	16.16%	500,375	13.71%
El Toro Water District	47,000	5.05%	52,125	9.13%	39,750	9.87%	142,500	9.87%	30,350	10.10%	311,725	8.54%
Moulton Niguel Water District	122,200	13.13%	135,525	23.73%	103,350	25.65%	370,500	25.65%	78,910	26.26%	810,485	22.21%
<b>Total</b>	930,600	100%	571,082	100%	402,906	100%	1,444,380	100%	300,465	100%	3,649,433	100%

# MEMORANDUM

To: Karl Seckel/MWDOC  
From: Janet Morningstar  
Subject: Santiago Aqueduct Ownership  
Date: 05/08/01

A proposal has been made to amend the Santiago Aqueduct Commission Joint Powers Agreement to change the representation on the Commission so that agencies which own or lease capacity in the SAC line (also know as the V.P. Baker Pipeline) have appointed representatives, and agencies which have no ownership or leasehold interest are removed from the governing Commission. The original ownership of the SAC line was held by Los Alisos Water District (recently merged with Irvine Ranch Water District) and El Toro Water District, with MWDOC having a capacity interest. In order to construct and finance the Allen-McColloch Pipeline, MWDOC, Los Alisos, and El Toro entered into various agreements, leases, and amendments to the Joint Powers Agreement, transferring portions of the original SAC line to the Water Facilities Corporation, conveying a newly constructed parallel line to SAC and ultimately leasing all of both facilities to MWDOC with the SAC Commission to operate and maintain the SAC line. Los Alisos and El Toro retained ownership of the SAC line. MWDOC assigned or leased out all of its capacity rights in the SAC line to other agencies.

In order to finance the AMP, as well as the parallel reaches, which became the untreated line owned by SAC, it was necessary to provide that MWDOC would have ownership of both the SAC and the AMP facilities at the end of the financing. Until the financing was paid off, therefore, the Water Facilities Corporation was to own the AMP and El Toro and Los Alisos were to own the SAC line. MWDOC and the Water Facilities Corporation have conveyed all of their ownership interest in the AMP to Metropolitan, but MWDOC retains a future interest in the SAC line. At this time, MWDOC has a leasehold interest in the entire SAC line and capacity rights to a portion of the capacity, all of which have been assigned or leased out. At the end of the financing (2017), MWDOC will own the SAC line and the easements and right-of-way (subject to the rights of Los Alisos (IRWD) and El Toro Water District to also use the easements). (See Amendment 3, Section 6.) MWDOC has entered into a Water Capacity Agreement which perpetuates the various capacity interests even after MWDOC acquires title. At that time, MWDOC will own the SAC line, subject to its obligations as trustee for those agencies with capacity interests, and would be able to transfer title to an appropriate successor.



**CONSENT CALENDAR ITEM**

March 18, 2020

**TO:** Board of Directors

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

Robert J. Hunter  
General Manager

Staff Contact: Karl Seckel

**SUBJECT: APPROVE PARTICIPATION IN THE CENTER FOR DEMOGRAPHIC RESEARCH**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors: Approve participation in the Center for Demographic Research for fiscal years 2020-21 (\$53,100.32), 2021-22 (\$55,189.31), and 2022-23 (\$57,462.00). These amounts will be included in the budgets for each of the aforementioned fiscal years.

**COMMITTEE RECOMMENDATION**

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Committee concurred with staff recommendation.

**SUMMARY**

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The Center for Demographic Research (CDR) produces estimates and projections of demographic variables in Orange County. CDR's demographic data and projections are the "official" ones within Orange County that are built into the overall SCAG forecast for Southern California. CDR is supported and overseen by several governmental agencies (Sponsors) under a Memorandum of Understanding (MOU). MWD OC has historically shared a Sponsorship with OCWD so that each pays only half dues. Staff recommends continuation of this arrangement. The latest MOU covers fiscal years 2020-21, 2021-22, and 2022-23; MWD OC's contributions would be \$53,100.32, \$55,189.31, and \$57,462.00, respectively.

<b>Budgeted (Y/N): Draft</b>	Budgeted amount:	Core _X_	Choice __
<b>Action item amount:</b> \$ 165,751.63 (over 3 years)	Line item: 70-8810		
<b>Fiscal Impact (explain if unbudgeted):</b> It has been standard practice for the Board to approve 3-year contracts with CDR; the FY 2020-21 amount of \$53,100.32 has been included in MWDOC’s draft budget.			

The current membership includes:

- OC Transportation Authority
- OC Council of Governments
- County of Orange
- OC Sanitation District
- Transportation Corridor Agencies
- Southern California Association of Governments
- MWDOC
- OCWD
- OC LAFCO (affiliate member/non-voting)

CDR's regular products include:

- Orange County Progress Report, annual
- Orange County Projections OCP-2022 (demographic projections out 25 years)
- Orange County Facts and Figures
- Boundary and Annexation Report
- Housing Activity Report
- Public Information on OC Demographics as requested
- Maintain CDR website
- Provide information and analysis to news media
- Update RHNA allocations
- Process Decennial Census and American Community Survey Data
- State Data Center Affiliate
- Population, Housing, Employment by Transportation Analysis Zones
- Census Data
- Disaggregate of OCP-2016 to Special District Sponsor Agencies

In addition to its regular products, CDR contracts for specific projects with a variety of public agencies. CDR's charges are less than private sector charges because CDR uses graduate student labor.

CDR is supported and overseen by several governmental agencies that have joined in a Memorandum of Understanding (MOU) to create the CDR Management Oversight Committee. Payment of dues entitles representation on the Committee. Our current Representative on the CDR Management Oversight Committee is Joan Finnegan; she is backed up by Director Sat Tamaribuchi.



**MEMORANDUM OF UNDERSTANDING**  
**by and between**  
**ORANGE COUNTY INTERESTS**  
**and**  
**CSU FULLERTON AUXILIARY SERVICES CORPORATION**  
**for the**  
**CONTINUED OPERATION OF THE CENTER FOR DEMOGRAPHIC RESEARCH**  
**AT CALIFORNIA STATE UNIVERSITY, FULLERTON**

This Memorandum of Understanding (“MOU”) is entered into between the County of Orange, Transportation Corridor Agencies, Orange County Sanitation District, Orange County Transportation Authority, Municipal Water District of Orange County, Orange County Water District, Orange County Council of Governments, Southern California Association of Governments (“SPONSORS”); the Orange County Local Agency Formation Commission (“CONTRIBUTING PARTNERS”) and the CSU Fullerton Auxiliary Services Corporation, (“ASC”), which is a 501 (c)3 California corporation organized under California law as an auxiliary organization of California State University, Fullerton (“CSUF”). This MOU is for the development of demographic data and related support products. Obligations and rights specified for CSUF in the MOU shall be exercised by the ASC.

**WHEREAS**, the development of demographic and related information for Orange County is a vital data source used for a wide range of local, subregional and regional applications, including, transportation infrastructure planning, facilities planning and timing, development of fee programs, bond revenue stream analysis, general planning and other applications; and

**WHEREAS**, a number of primary users of data in Orange County have recognized the benefit of having a local area expertise in developing demographic projections and associated products; and

**WHEREAS**, these SPONSORS, CONTRIBUTING PARTNERS, and CSUF agree on the importance of having a single entity in Orange County developing demographic products and providing such products to data users; and

**WHEREAS**, these agencies also desire to establish a long-term process which allows each individual agency participation in the development and review of demographic products; and

**WHEREAS**, the Center for Demographic Research (“CDR”) located at CSUF provides an opportunity to place demographic activities in a setting that accomplishes SPONSORS’ and CONTRIBUTING PARTNERS’ objectives and provides augmented educational opportunities for CSUF; and

**WHEREAS**, CSUF will be listed as a “SPONSOR” based upon their financial contribution as outlined in the budget in Attachment 1 and in-kind contributions for the balance of the remaining Sponsor seat; and

**WHEREAS**, the SPONSORS have worked cooperatively in supporting and organizing the Center for Demographic Research for 24 years and wish to continue their cooperation; and

**WHEREAS**, the CONTRIBUTING PARTNERS wish to participate in supporting the Center for Demographic Research beginning in Fiscal Year 2020/2021; and

**NOW, THEREFORE, IT IS RESOLVED** that the **SPONSORS, CONTRIBUTING PARTNERS**, and the **ASC** agree as follows:

I. The SPONSORS and CONTRIBUTING PARTNERS will fund the CDR for the next three years, subject to an annual review and two one-year options by the SPONSORS and CONTRIBUTING PARTNERS, for an annual total fee as set forth in Item IV below and Attachment 1.

II. Process and Structure

A. Orange County Projections

The Orange County Council of Governments (“OCCOG”) will be responsible for the approval of the Orange County Projections at the Regional Statistical Area level and subsequent to that action the County of Orange will approve the Orange County Projections. The OCCOG will work with CDR staff to integrate the Orange County Projections as approved into the Southern California Association of Governments (“SCAG”) Regional Growth Forecast. Sponsors will make good faith efforts to use the Orange County Projections data in all future forecasting and planning efforts.

B. Management Oversight

The Management Oversight Committee (“MOC”) shall meet at least four (4) times each year to (1) consider policy matters associated with the operations of the Center for Demographic Research, (2) review products status and activities which are part of the core Work Program, (3) review the Center for Demographic Research’s financial status and status of annual MOU signatures, (4) set CDR budget and modify staff salaries funded by this MOU (5) consider requests from additional agencies wishing to become sponsors or contributing partners, (6) modify budget and work program upon addition or termination of a sponsor or contributing partner, (7) address other matters vital to the function of the Center for Demographic Research, and (8) undertake additional tasks as requested by the SPONSORS.

The Management Oversight Committee will be comprised of staff representing the SPONSORS, CONTRIBUTING PARTNERS and CSUF. Each SPONSOR will have one voting member of equal standing on the Management Oversight Committee including one member jointly representing the Municipal Water District of Orange County and the Orange County Water District; each CONTRIBUTING PARTNER will have one non-voting Ex-Officio member. The designees from each SPONSOR, CONTRIBUTING PARTNER, and the university shall be named by

July 1 of each year. An organization may also designate an individual(s) to serve as an alternate member of the Management Oversight Committee. The committee chair and vice-chair will be elected for a three-year term.

#### C. Technical Oversight:

The Technical Advisory Committee (“TAC”) provides technical guidance and input into the development of each product produced under this MOU before they are reviewed by the Management Oversight Committee. The Technical Advisory Committee advises the Director of the Center for Demographic Research, as well as reports to the Management Oversight Committee. The Committee will include one voting representative from each SPONSOR including a member representing the Municipal Water District of Orange County and the Orange County Water District; each CONTRIBUTING PARTNER will have one non-voting Ex-Officio member. University participation on the Technical Advisory Committee will include at least one voting member from CSUF, and one voting member each from the University of California, Irvine and Chapman University. The Director of the Center for Demographic Research will coordinate with research centers at these universities to ensure data consistency. The designees from each SPONSOR, CONTRIBUTING PARTNER, and agency shall be named by July 1 of each year. The committee chair and vice-chair will be elected for a three-year term.

The Technical Advisory Committee shall schedule at least four (4) meetings each year. It will (1) provide a report to the Management Oversight Committee summarizing its meetings, (2) provide advice on the approach, techniques, data sources and methods used to develop new products, (3) facilitate the acquisition of data necessary to produce products, (4) provide suggestions on the interpretation and analysis incorporated into deliverables, (5) provide input on assumptions for the development of the growth projections, (6) provide review of deliverables prior to approval by the Management Oversight Committee and (7) undertake other tasks as identified by the Management Oversight Committee.

#### D. Transportation Modeling Data

The Orange County Transportation Authority (“OCTA”) will be responsible for the approval of all transportation modeling variables used in the Orange County Transportation Analysis Model (“OCTAM”) at the Traffic Analysis Zone level. The transportation modeling variables shall be consistent with the Orange County Projections, as approved by the Orange County Council of Governments and the County of Orange at the Regional Statistical Area Level. The OCTA and SCAG will exercise user agreements for their consultants to access the transportation modeling variables.

### III. Duration and Terminations

This agreement will become effective upon execution and ends on June 30, 2023. A review of the performance of the Center for Demographic Research in meeting its obligations under this MOU will be conducted by the Management Oversight Committee throughout the term July 2020 through June 2023. This MOU may be extended and/or amended by mutual agreement of all signatories.

A party may terminate its participation under this MOU by giving each of the other parties sixty (60) days written notice thereof. Upon said notice of termination, the SPONSOR or CONTRIBUTING PARTNER terminating its participation shall pay the balance of fees owed by the SPONSOR or CONTRIBUTING PARTNER for that given fiscal year. Each fiscal year, the SPONSORS and CONTRIBUTING PARTNERS shall review and approve in writing the MOU, work program, and funding arrangement. Such written approval shall constitute a SPONSOR'S or CONTRIBUTING PARTNER'S agreement to participate in this Agreement. In the event that ASC wishes to terminate its participation, it shall reimburse the SPONSORS and CONTRIBUTING PARTNERS any advance payments, less an amount to cover expenses related to work in progress and less costs reasonably necessary to effect such termination. If a party wishes to withdraw from the agreement, said notice shall be affected by delivery of such notice in person or by depositing said notice in the United States mail, registered or certified mail, return receipt required, postage prepaid.

### IV. Funding and Schedule

Respective fees shall be as follows for the following fiscal year:

<b>Payment Schedule for 2020-2023</b>	<b>2020-2021</b>	<b>2021-2022</b>	<b>2022-2023</b>	<b>Three-Year Total</b>
Orange County Transportation Authority	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
County of Orange	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Orange County Council of Governments	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Orange County Sanitation District	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Transportation Corridor Agencies	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Southern California Association of Governments	\$106,200.64	\$110,378.62	\$114,924.00	\$331,503.26
Municipal Water District of Orange County	\$53,100.32	\$55,189.31	\$57,462.00	\$165,751.63
Orange County Water District	\$53,100.32	\$55,189.31	\$57,462.00	\$165,751.63
Orange County Local Agency Formation Commission	\$17,000.00	\$17,000.00	\$17,000.00	\$51,000.00
<b>NON-CSUF TOTAL</b>	<b>\$760,404.48</b>	<b>\$789,650.34</b>	<b>\$821,468.00</b>	<b>\$2,371,522.82</b>
California State University, Fullerton	\$97,213.96	\$98,782.60	\$98,782.60	\$294,779.16
<b>TOTAL</b>	<b>\$857,618.44</b>	<b>\$888,432.94</b>	<b>\$920,250.60</b>	<b>\$2,666,301.98</b>

Payments shall be made in accordance with invoicing policies of the ASC according to the schedule below. SPONSORS and CONTRIBUTING PARTNERS will be invoiced at the beginning of each quarter. Quarterly payments equal to 25% of the annual fees shall follow invoices submitted according to the calendar below:

Fiscal Year 2020/2021:	July 2020, October 2020, January 2021, April 2021
Fiscal Year 2021/2022:	July 2021, October 2021, January 2022, April 2022
Fiscal Year 2022/2023:	July 2022, October 2022, January 2023, April 2023

SPONSORS and CONTRIBUTING PARTNERS shall pay one-quarter of their annual fees upon receipt of said invoices or may prepay for an entire fiscal year. Prepayment does not imply a discounted rate.

V. Administrative Representatives

- A. The Principal Investigator for the operations and management of the Center for Demographic Research and the conduct of this MOU is Deborah Diep, Director. The Assistant Director, Rubaiya Zaman, will serve as the Principal Investigator in the Director's absence. They are authorized to negotiate supplemental services with the SPONSORS, CONTRIBUTING PARTNERS, and Non-sponsors as noted in Section VII. Sydney Dawes, Director, ASC Office of Sponsored Programs is designated as the administrative representative for the ASC. Should the Principal Investigators become unavailable for any reason, no other Principal Investigator shall be chosen by CSUF or the ASC without the approval of the SPONSORS. Furthermore, the ASC agrees that the Management Oversight Committee shall make the recommendation on the selection of the Director or interim Director of the Center for Demographic Research and no Director or interim Director shall be appointed without approval of the Management Oversight Committee. The Management Oversight Committee will serve as the search committee if a search committee for the Director is required by the ASC.
- B. Equipment and furniture purchased by ASC under the terms of this MOU shall remain the property of the SPONSORS. In the event that the Center for Demographic Research is disbanded, the equipment remains the property of the SPONSORS and the Management Oversight Committee shall determine its disposition.
- C. Databases and applications developed and maintained for the Center for Demographic Research purposes shall remain under control of the SPONSORS. In the event that Center for Demographic Research is relocated from CSUF, all Center for Demographic Research functions and designations shall accompany the Center for Demographic Research.

VI. Additional Sponsorships and Revenues

Other agencies and entities can become sponsors or contributing partners of the Center for Demographic Research with unanimous agreement among the SPONSORS as determined by a vote of the Management Oversight Committee. Adjustments in sponsor fees found necessary resulting from the addition of sponsors shall be determined by the Management Oversight Committee with consultation from the Center for Demographic Research Principal Investigators.

The disposition of additional revenues generated through additional sponsors, and the sale of products and services to non-sponsors shall be determined by the Management Oversight Committee. The additional funds shall be prorated according to the respective sponsor fee. SPONSORS shall have the option of expending their share of the additional funds on CDR activities, products or equipment or having the funds returned to the SPONSORS at the end of the fiscal year.

## VII. Products and Deliverables

- A. The Center for Demographic Research will produce the identified core Demographic Products and Services as described in Attachment 2 and listed in Attachment 3. Each SPONSOR will receive ten (10) copies in printed form and one (1) copy of estimates and projections in electronic form.
- B. The SPONSORS and CONTRIBUTING PARTNERS have the right to request supplemental products and support services from the Center for Demographic Research through a purchase order. Projects above the amount of \$25,000 shall be approved by the ASC. Such purchases may be entered into if the SPONSOR or CONTRIBUTING PARTNER agrees to pay ASC all additional costs resulting from the additional products or services, including an indirect cost of 22%, and if the activities do not interfere with the normal functioning of the CDR. If requests for additional products or services require interference with the normal functioning of the CDR as determined by the Management Oversight Committee or additional resources from the CDR's basic budget the proposal for such products and services will be forwarded to the Management Oversight Committee for their advice and consent prior to finalization of the agreement. In all cases, supplemental work for SPONSORS and CONTRIBUTING PARTNERS shall be assessed indirect costs of 22%.
- C. Non-sponsors can contract with the Center for Demographic Research through the ASC for its services or obtain supplemental products and support services from the Center for Demographic Research through a Non-sponsor purchase order. A list of these projects will be submitted to the MOC on a quarterly basis. If the Director assesses a proposed project contains a conflict of interest, conflict of time commitment, or interference with the normal functioning of CDR, the Management Oversight Committee will be informed of the request for services and will review it for any potential conflicts. The Director shall notify the Management Oversight Committee of any such proposed agreement and provide the committee with draft text and budget, before the intended start of work. The Management Oversight Committee shall review the proposed project for possible conflicts of interests, conflicts of time commitment, and budgetary adequacy. The Management Oversight Committee may at its discretion impose a surcharge of funds to be used at its discretion. Action on these matters may be taken only with the concurrence of a majority of the members of the Management Oversight Committee and all such supplemental work for Non-sponsors shall be assessed normal indirect costs of 22%.

- D. Use of revenues generated by the sale of products produced by the Center for Demographic Research shall be determined by the Management Oversight Committee. A quarterly report on product sales will be presented to the Management Oversight Committee.
- E. Additional projects should not adversely affect the schedule of deliverables unless otherwise agreed to by the Management Oversight Committee.

#### VIII. Sponsorship

This Agreement shall be signed by all SPONSORS and CONTRIBUTING PARTNERS by June 30, 2020 with the exception of the Southern California Association of Governments. The Southern California Association of Governments shall sign this Agreement by September 30, 2020. If all SPONSORS and CONTRIBUTING PARTNERS listed in Section XVIII do not sign by September 30, 2020, the work program and budget will be modified to reflect the committed funding. If any SPONSOR or CONTRIBUTING PARTNER does not sign this Agreement, the funding amounts of the remaining SPONSORS and CONTRIBUTING PARTNERS will not change. The remaining SPONSORS and CONTRIBUTING PARTNERS are not required to make up the difference in the reduced budget. Any SPONSOR or CONTRIBUTING PARTNER listed as an ORANGE COUNTY INTEREST that does not sign this Agreement forfeits all rights, services, and privileges as a CDR SPONSOR or CONTRIBUTING PARTNER unless otherwise negotiated. A formal status report on execution will be delivered at each Management Oversight Committee meeting until all SPONSORS and CONTRIBUTING PARTNERS sign this Agreement.

#### IX. Liability and Insurance

Each party to this MOU hereby assumes any and all risks for personal injury and property damage attributable to the negligent acts or omissions of that party and the officers, employees, and agents thereof. ASC warrants that it has adequate Worker's Compensation Insurance and liability insurance for its own employees. The ASC, the SPONSORS (the County of Orange, Transportation Corridor Agencies, Orange County Sanitation District, Orange County Transportation Authority, Municipal Water District of Orange County, Orange County Water District, Orange County Council of Governments, and Southern California Association of Governments), and the CONTRIBUTING PARTNERS (the Orange County Local Agency Formation Commission) agree to indemnify and hold each other, their respective officers, employees, students, agents, harmless from and against all liability, loss, expense (including reasonable attorney's fees), or claims for injury or damages arising out of the performance of this Agreement but only in proportion to and to the extent such liability, loss, expense, attorney's fees, or claims for injury or damages are caused by or result from negligent or intentional acts or omissions of the indemnifying party, its officers, employees, students or agents.

X. Independent Contractor

In the performance of all services and obligations under this agreement, SPONSORS, CONTRIBUTING PARTNERS, and ASC shall act as independent contractors. None shall be considered an employee or agent of the other.

XI. Use of Names

SPONSORS and CONTRIBUTING PARTNERS agree not to use the names of the ASC or CSUF in any commercial connection with work performed under this Agreement without prior written permission from the ASC. SPONSORS and CONTRIBUTING PARTNERS may use said names in ordinary internal business reports concerning this Agreement and may use the names of the Center for Demographic Research and the Principal Investigators in non-commercial publicity announcing the results of the project.

ASC agrees not to use the names of SPONSORS and/or CONTRIBUTING PARTNERS in any commercial connection with this work without prior written permission from SPONSORS and/or CONTRIBUTING PARTNERS. ASC may use SPONSORS' and/or CONTRIBUTING PARTNERS' name in ordinary internal business reports concerning this agreement and in non-commercial publicity announcing the awarding of the contract.

The provisions of this Section of the Agreement shall survive for two (2) years beyond any termination date specified in Section III or any extension thereof.

XII. Force Majeure

SPONSORS, CONTRIBUTING PARTNERS, and ASC shall not be liable or deemed to be in default for any delay or failure in performance under this Agreement or interruption of services resulting, directly or indirectly, from acts of God, civil or military authority, acts of public enemy, strikes, labor disputes, or any similar cause beyond the reasonable control of SPONSORS, CONTRIBUTING PARTNERS, or ASC, provided the affected party notifies the other party of the delay in writing within ten days of the onset of the delay.

XIII. Assignment

This Agreement shall inure to the benefit of and be binding upon and enforceable by the parties and their successors and permitted assigns. However, neither party may assign any of its rights or obligations under this Agreement without the prior written consent of the other.

XIV. Modification and Waiver



None of the terms of the Agreement may be waived or modified except by an express agreement in writing signed by SPONSORS, CONTRIBUTING PARTNERS, and ASC. Modifications not documented in writing cannot be enforced. The failure or delay of either party in enforcing any of its rights under this Agreement shall not be deemed a continuing waiver or a modification by such party of such right.

XV. Governing Law

The validity and interpretation of this Agreement shall be governed by the laws of the State of California.

XVI. Federal Statutes Relating to Nondiscrimination

ASC will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S. C. sections 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S. C. section 794), which prohibits discrimination on the basis of handicaps; (d) Age discrimination Act of 1975, as amended (42 U.S.C. sections 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment, and Rehabilitation Act of 1970 (P.O. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) sections 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-d and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. section 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (I) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirement of any other federal nondiscrimination statute(s) which may apply to the application.

XVII. Notices

Notices under this agreement shall be considered to be given if delivered by first class mail to the following addresses:

For SPONSORS:

Jessica Witt  
County of Orange  
10 Civic Center Plaza, 3rd Floor  
Santa Ana, CA 92701

Marnie O'Brien Primmer  
Orange County Council of Governments  
3972 Barranca Pkwy, Suite J-127  
Irvine, CA 92606

James D. Herberg  
Orange County Sanitation District  
10844 Ellis Avenue  
Fountain Valley, CA 92738-8127

Kurt Brotcke  
Orange County Transportation Authority  
550 S. Main Street  
2nd Floor  
Orange, CA 92868

Kome Ajise  
Southern California Association of Governments  
c/o Justine Block, SCAG Acting Chief Counsel  
900 Wilshire Blvd., Suite 1700  
Los Angeles, CA 90017

Valarie McFall  
Transportation Corridor Agencies  
125 Pacifica, Suite 100  
Irvine, CA 92618-3304

Robert Hunter  
Municipal Water District of Orange County  
18700 Ward Street  
Fountain Valley, CA 92728

Michael R. Markus  
Orange County Water District  
18700 Ward Street  
Fountain Valley, CA 92728-8300

Danny C. Kim  
Administration and Finance, California State University, Fullerton  
800 N. State College Blvd., LH-802  
Fullerton, CA 92831-3599

For CONTRIBUTING PARTNERS:

Carolyn Emery  
Orange County Local Agency Formation Commission  
2677 N. Main Street, Suite 1050  
Santa Ana, CA 92705

For CSU FULLERTON AUXILIARY SERVICES CORPORATION

Sydney Dawes, Director, ASC Office of Sponsored Programs  
CSU Fullerton Auxiliary Services Corporation  
1121 N. State College Blvd.  
Fullerton, CA 92831-3014

XVIII. Execution

**IN WITNESS THEREOF**, the SPONSORS, CONTRIBUTING PARTNERS, and the ASC have executed this Agreement on the date first herein written. This Agreement is to be signed in counter parts.

**For the CSU Fullerton Auxiliary Services Corporation:**

\_\_\_\_\_  
Charles D. Kissel, Executive Director

\_\_\_\_\_  
Date

**For the County of Orange:**

\_\_\_\_\_  
Frank Kim, County Executive Officer

\_\_\_\_\_  
Date

**For the Orange County Council of Governments:**

\_\_\_\_\_  
Marnie O'Brien Primmer, Executive Director

\_\_\_\_\_  
Date

**For the Orange County Sanitation District:**

\_\_\_\_\_  
James D. Herberg, General Manager

\_\_\_\_\_  
Date

**For the Orange County Transportation Authority:**

\_\_\_\_\_  
Darrell Johnson, Chief Executive Officer

\_\_\_\_\_  
Date

**For the Southern California Association of Governments:**

\_\_\_\_\_  
Kome Ajise, Executive Director

\_\_\_\_\_  
Date

**For the Foothill/Eastern Transportation Corridor Agency:**

\_\_\_\_\_  
Michael Kraman, Chief Executive Officer

\_\_\_\_\_  
Date

**For the San Joaquin Hills Transportation Corridor Agency:**

\_\_\_\_\_  
Michael Kraman, Chief Executive Officer

\_\_\_\_\_  
Date

**For the Municipal Water District of Orange County:**

\_\_\_\_\_  
Sat Tamaribuchi, President of the Board

\_\_\_\_\_  
Date

\_\_\_\_\_  
Robert Hunter, General Manager

\_\_\_\_\_  
Date

**For the Orange County Water District:**

\_\_\_\_\_  
Vincent Sarmiento, President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Michael R. Markus, General Manager

\_\_\_\_\_  
Date

**For the Orange County Local Agency Formation Commission:**

\_\_\_\_\_  
Carolyn Emery, Executive Officer

\_\_\_\_\_  
Date

**For California State University, Fullerton:**

\_\_\_\_\_  
Danny C. Kim, Vice President for  
Administration & Finance/CFO

\_\_\_\_\_  
Date

**Attachment 1: Center for Demographic Research  
Annual Budget: July 1, 2020 through June 30, 2023**

		<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>	
1	Salaries	\$434,339.26	\$446,889.06	\$467,736.62	
2	Benefits	\$184,459.49	\$191,881.70	\$201,114.20	
3	Supplies	\$7,000.00	\$7,000.00	\$7,000.00	
4	Printing & Publications	\$8,500.00	\$12,500.00	\$8,500.00	
5	Meetings, Mileage, & Training	\$1,950.00	\$1,950.00	\$1,950.00	
6	Equipment	\$500.00	\$500.00	\$500.00	
7	<b>Expenses</b>	<b>\$636,748.75</b>	<b>\$660,720.77</b>	<b>\$686,800.82</b>	
8	Federally-negotiated Indirect Cost (IDC) / Overhead: 37%	\$235,597.04	\$244,466.68	\$254,116.30	
9	Office space rent (not subject to IDC)	\$80,784.96	\$82,353.60	\$82,353.60	
10	<b>(A) Gross Total Program Costs</b>	<b>\$953,130.75</b>	<b>\$987,541.05</b>	<b>\$1,023,270.72</b>	
11	Contributions toward IDC				
12	Non-CSUF SPONSORS/Contributing Partner (22.0%)	\$140,084.73	\$145,358.57	\$151,096.18	
13	CSUF contribution (IDC reduction from 37% to 22%)	\$95,512.31	\$99,108.11	\$103,020.12	
14	Total Indirect Cost (IDC) / Overhead	\$235,597.04	\$244,466.68	\$254,116.30	
15	CSUF Contribution Summary				
16	Office space rent: 100% <sup>1</sup>	\$80,784.96	\$82,353.60	\$82,353.60	
17	Administrative Asst. salary support from HSS Dean <sup>1</sup>	\$16,429.00	\$16,429.00	\$16,429.00	
18	Subtotal of CSUF Monetary Contributions	\$97,213.96	\$98,782.60	\$98,782.60	
19	IDC / Overhead (Rate reduction from 37% to 22%) <sup>2</sup>	\$95,512.31	\$99,108.11	\$103,020.12	
20	<b>(B) Total CSUF Contribution</b>	<b>\$192,726.27</b>	<b>\$197,890.71</b>	<b>\$201,802.72</b>	
21	<b>NET CDR BUDGET TOTAL: (A) - (B)</b>	<b>\$760,404.48</b>	<b>\$789,650.34</b>	<b>\$821,468.00</b>	
22	Contributing Partner (no seat): LAFCO	\$17,000.00	\$17,000.00	\$17,000.00	
23	Cost per Sponsorship Seat= (Net Budget – LAFCO)/ 7 remaining seats	\$106,200.64	\$110,378.62	\$114,924.00	
	<b>Number of Voting Seats</b>				
24	OCTA	1	\$106,200.64	\$110,378.62	\$114,924.00
25	COUNTY	1	\$106,200.64	\$110,378.62	\$114,924.00
26	OCCOG	1	\$106,200.64	\$110,378.62	\$114,924.00
27	OCSO	1	\$106,200.64	\$110,378.62	\$114,924.00
28	TCA	1	\$106,200.64	\$110,378.62	\$114,924.00
29	SCAG	1	\$106,200.64	\$110,378.62	\$114,924.00
30	MWDOC	0.5	\$53,100.32	\$55,189.31	\$57,462.00
31	OCWD	0.5	\$53,100.32	\$55,189.31	\$57,462.00
32	CSUF	1	see above	see above	see above
33	LAFCO	0	\$17,000.00	\$17,000.00	\$17,000.00
34	<b>TOTAL</b>	<b>8</b>	<b>\$760,404.48</b>	<b>\$789,650.34</b>	<b>\$821,468.00</b>

<sup>1</sup>Monetary contribution

<sup>2</sup>Non-monetary contribution (rate reduction); not included in IV. Funding and Schedule: Payment Schedule for 2020-2023, Page 4.

## **Attachment 2**

### **Proposed CDR 2020-2023 Services and Products**

#### **REPORTS**

##### **Orange County Progress Report**

Produce an annual Orange County Progress Report. This document presents a unified and a comprehensive picture of Orange County and its 34 cities including its economic health, its demographic status and trends, and other information of interest to those who might wish to relocate to Orange County, do business in the County, or otherwise have an interest in the economic and demographic status and future of Orange County.

##### **Orange County Projections**

Preparation and development of OCP-2022 will begin during this three-year MOU. Incorporate 2020 Decennial Census data into OCP-2022 base year dataset. Complete OCP-2022 dataset and adoption. Following the adoption of OCP-2022, produce a report containing assumptions, tables, charts, maps, and methodology. The OCP dataset contains population, housing, and employment projections by 2020 census tract, jurisdiction, Community Analysis Area, and Regional Statistical Area for a 25-year period. This iteration will include agency boundaries for MWDOC, OCSD, & OCWD.

##### **Orange County Facts and Figures**

Update quarterly the Orange County Facts and Figures. This document focuses on the most frequently asked questions about Orange County demographics and related information.

##### **Boundary and Annexation Report**

Working with information provided by OC LAFCO, CDR staff will produce an annual report of the jurisdictional boundary changes. This multi-page report will contain a map of the year to year boundary changes and a table listing the area change and specific annexations and incorporations for each calendar year. Detailed annexation and vicinity maps from OC LAFCO's approved changes of organization documents will also be included in the report. For ease of reference and to make the information publically available, the report will be posted on OC LAFCO's website.

##### **Housing Activity Report**

Using information from the Housing Inventory System (HIS), CDR staff will produce an annual report on the housing construction and demolition activity by jurisdiction. Information will be released in aggregate form at the jurisdiction level in a PDF.

#### **PUBLIC INFORMATION SERVICES**

##### **Provide Public Information on Orange County Demographics as Requested**

Provide information in response to numerous requests made by government agencies, elected officials, private companies, non-profit organizations, schools, students, and citizens regarding demographic and related information about Orange County.

### **Maintain CDR Website**

Update the information currently on the CDR website on a regular basis and expand as information becomes available.

### **Provide Information and Analysis to News Media**

Provide information, description, interviews, and analysis of demographics to news media to assist them in doing stories where demographics is the focus.

### **Update RHNA Allocations**

Develop allocations of 2020 RHNA for annexations and incorporations as requested. Provide data support to local jurisdictions and SCAG during development of the 2020 RHNA. Monitor RHNA development process to ensure Orange County data is incorporated.

### **Process Decennial Census and American Community Survey Data**

Process Bureau of Census data as it pertains to development of the Orange County Projections and at the request of CDR Sponsors.

### **State Data Center Affiliate**

The CDR will serve as a State Data Center Affiliate to the Demographic Research Unit of the California Department of Finance. As an Affiliate, CDR will assist the SDC and Orange County in disseminating census data and improving public access to census data products consistent with services CDR already provides.

## **DATA BASES**

### **Housing Inventory System**

The Housing Inventory System (HIS) is a data system that includes all changes to each jurisdiction's housing stock, including 2017 and 2019 changes to accessory dwelling units. Data is collected at the address level and converted into a GIS database by geocoding. After geocoding, quality analysis efforts include tying activity to parcels. Depending on the jurisdiction, different documents are used to record added units including certificates of use and occupancy, utility release log, or building final documents. Demolitions and conversions are recorded through other recordation. Changes to the mobile home inventory will be verified with HCD. This project includes an annual review and sign off process by each jurisdiction of their geocoded data to ensure accuracy.

### **Census Data by Partial TAZ**

Update the correspondence tables of 2020 Census blocks to the TAZs after release of Census Bureau data and GIS shapefiles. As the various census files become available, transportation modeling variables and other key variables useful for projecting the modeling variables will be aggregated to TAZ.

### **Calibrate Age Cohort Component, Shift-Share and Headship Rate Models**

Based on data from the Census Bureau, DOF, and EDD data, calibrate the models used to project county-wide population, housing and employment.

### **Master Polygon File**

Update master polygon file based on the 2020 Census block file for use in development of OCP dataset and annual population and housing unit estimates. Allocate Census block data to TAZ, CAA, RSA, MWDOC, OCSD, and OCWD. Working with information from OC LAFCO, the master polygon file will be updated annually to include changes to agency boundaries: jurisdiction, MWDOC, OCSD, and OCWD.

### **Population and Housing Estimates by TAZ (OCP)**

Estimates of population and housing by unit type will be developed using the 2010 Census and American Community Survey data at the split TAZ. From 2014 onwards, housing unit changes will be geocoded and aggregated to the TAZ. Annual estimates of population and housing will be produced by TAZ for maintenance of the OCP base file.

### **Annual Population and Housing Estimates by Partial Census Tract and Sponsor Agency**

Estimates of population and housing units developed using the 2020 Census for each of the special district sponsors will be updated annually. From 2014 onwards, annual estimates (January 1) of population and housing will be produced by partial census tract and for each of the special district sponsor agencies: MWDOC, OCSD, and OCWD.

### **Project Total County Population, Housing, and Employment**

Draft assumptions for OCP-2022 will be developed and reviewed by the CDR TAC. These will then be incorporated into the macro level models used to project population, housing, and employment. The resulting projections will be reviewed by the CDR TAC and MOC and then brought to the OCCOG TAC and Board for approval as the controls totals for OCP-2022.

### **Projected Population, Housing and Employment by TAZ (OCP)**

Preparation and development of OCP-2022 will begin during this MOU cycle. Countywide population, housing, and employment for years 2020 through 2050 will be allocated to Traffic Analysis Zones split by jurisdictions. Following the allocation, extensive review and refinement will occur to assure the accuracy of the projections.

### **Secondary Variables by TAZ (OCTAM)**

The basic projected population, housing, and employment from OCP-2022 will be expanded to the 14 OCTAM variables. These variables will include resident population, group quarters population, employed residents, median income, occupied single family dwelling units, occupied multiple family dwelling units, household size, retail employment, service employment, K-12 public school employment, all other employment, school enrollment, university enrollment, and area. Preparation of the base year OCTAM data for OCP-2026 will begin in this MOU cycle.



### **Entitlement Dataset & Support Services**

Provide support to Orange County jurisdictions in the development of the entitlements database and other data requested by SCAG during the development of the 2020 & 2024 RTP/SCS. Monitor development process to ensure Orange County data is incorporated.

### **Consolidated Boundary and Annexation Program (CBAS)**

CDR staff will report annual jurisdictional boundary and feature changes through a new, voluntary program of the U.S. Census Bureau that allows for a consolidated annual review of jurisdiction boundaries. This review will be done using the official County Surveyor/OC LAFCO jurisdiction GIS boundary file. Orange County jurisdictions will be able to opt in or out of this CDR service annually. CDR will notify each participating jurisdiction and OC LAFCO of the outcome of the BAS review, i.e., whether there were any areas where jurisdiction boundaries needed to be corrected.

### **COMMITTEES**

#### **Participate in Sponsor Technical Advisory Committees as Requested**

Participate in appropriate Sponsor technical advisory committees including, OCCOG TAC, County's Demographic Steering Committee, OCTA's Modeling TAC, Orange County Sanitation District's Planning Advisory Committee, Water Use Efficiency Project Advisory Committee, and SCAG's Technical Working Group and other regional working groups.

#### **Coordinate with SCAG and SCAG Committees**

This service revolves around the incorporation of OCP into the SCAG growth forecast. This service includes participation in SCAG expert panels and workshops to develop assumptions for their population and employment projections; monitoring the discussions relevant to the development of SCAG's growth forecast at SCAG policy committees and subregional coordinator meetings; and coordinating with relevant SCAG staff on this issue.

#### **Coordinate with University Research Centers**

CDR staff will coordinate with UCI and Chapman University research centers to ensure consistency between the CDR's forecast and estimates and those produced by these institutes.

### **2020-2023 LAFCO FUNDED PROJECT: Sphere of Influence Estimates**

CDR will update its master polygon file on an annual basis with changes to the sphere of influence (SOI) boundaries. CDR will produce annual estimate of January 1 population and housing for each of the SOI polygons upon completion of the annual Housing Inventory System to maintain this information in preparation for the 2018-2022 OC LAFCO municipal service review cycle.

**Boundary and Annexation Report:** Working with OC LAFCO over the three-year MOU cycle, CDR will attempt to build a historical reference collection of these reports going back to 2000 as information is available.

## **NEW PROJECTS & SERVICES**

### **Modifications to OCTA Traffic Analysis Zones**

CDR will work with OCTA on an update to their Orange County Transportation Analysis Model Traffic Analysis Zones (OCTAM TAZs) to align with roads and communities that have been built and future developments which are now formally detailed. Once the 2020 Census block geographic boundaries are available, the CDR will work with OCTA from July to December 2020 to update the OCTAM TAZ boundaries by incorporating any additional changes OCTA has requested and finalize any other requested or suggested changes to the TAZ boundaries in preparation for the OCP-2022. 2020 base year estimates to be reviewed by jurisdictions in summer 2021.

### **Orange County Projections 2022 Geographies- Tier 3/City TAZ Pilot Program**

CDR will complete a pilot program of three cities, which already have comparable data at the Tier 3/city TAZ level, to expand the OCP split OCTAM-TAZ geographies to the city/Tier 3 TAZs for OCP-2022. The city-TAZs nest into the OCTAM TAZs. This data will also be provided to SCAG for use in their modeling efforts at the Tier 3 level. The OCP-2022 working geographic unit would be the split Tier 3 TAZ. The OCTAM modeling dataset would still be developed and provided to OCTA at the OCTAM TAZ (Tier 2) level. The pilot program would potentially be a first-phase effort to incorporate the city/Tier 3 TAZ for the three volunteer cities (Anaheim, Irvine, and Newport Beach) into the CDR minimum planning unit database for OCP.

### **Special Decennial Census Edition of the Facts & Figures**

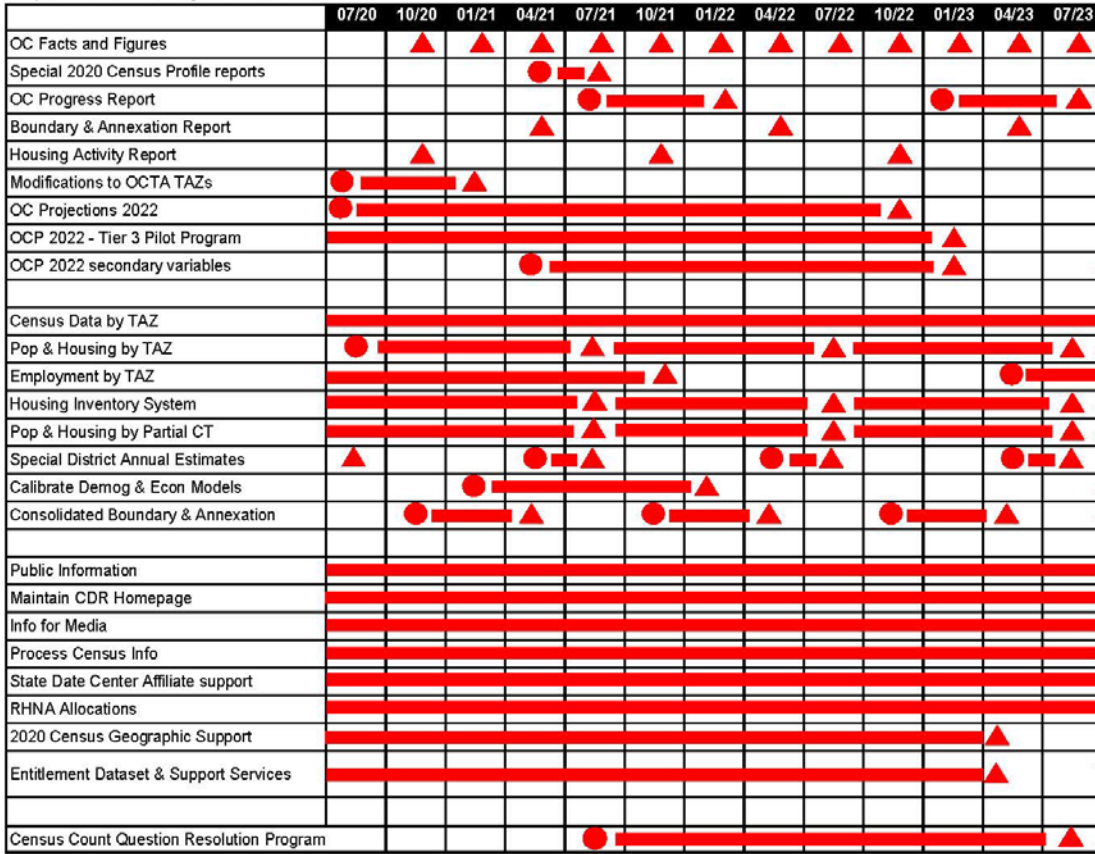
This multi-page document will include county and city/community data from the 2020 Decennial Census on population and housing. It will also show growth and changes since the 2010 Decennial Census. This document will be electronic and posted online for free download.

### **Census Bureau Count Question Resolution (CQR) Program Support**

CDR staff will provide maps to Orange County jurisdictions to verify 2020 Census jurisdictional boundaries and total population and housing unit counts by census block. CDR staff will assist Orange County jurisdictions in documenting errors found during the review process by providing maps to be used in their responses to the U.S. Census Bureau Count Question Resolution program.

Attachment 3

Proposed Draft Work Program 7/2020 - 6/2023



● Startup  
▲ Milestone/Completion



**CONSENT CALENDAR ITEM**

March 18, 2020

**TO:** Board of Directors

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

Robert Hunter, General Manager

Staff Contact: Charles Busslinger

**SUBJECT: OC Regional Distribution System Hydraulic Model Investigation Report**

**STAFF RECOMMENDATION**

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Staff recommends that the Board of Directors:

- Receive and file the Orange County Regional Distribution System Hydraulic Model Investigation Report. The **updated** report is on the website at:  
<https://www.mwdoc.com/wp-content/uploads/2020/02/MWD OC-Hydraulic-WQ-Model-Report-20200225.pdf>
- Concur with staff recommendation to proceed with issuance of a Request for Proposals to build and calibrate an OC regional distribution system hydraulic and water quality model based upon the findings of the investigation report.
- Direct staff to return to the Board in May 2020 with recommendations for consideration of award of a professional services contract to build and calibrate the hydraulic model.

**COMMITTEE RECOMMENDATION**

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Committee concurred with staff recommendation; however requested that a clearer version of Figure 1-1 be included in the Report (the Report has been updated with a clearer Figure 1-1).

**SUMMARY**

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Multiple operational issues such as low flow situations, ensuring the base loading of local supply projects in winter months, instances of nitrification, and integration of future water supply projects will continue to raise water flow and water quality issues within the Orange

<b>Budgeted (Y/N): Y</b>	Budgeted amount:	Core X	Choice __
	FY'19-20 Estimated \$75,000 FY'20-21 Estimated \$200,000-\$300,000		
<b>Action item amount:</b>		Line item:	
<b>Fiscal Impact (explain if unbudgeted):</b> FY'19-20 Reallocation from current year projects. FY 20-21 Budgeted \$130,000 and reallocation of carryover from previous year projects.			

County regional distribution system. Multiple water supply projects are currently under consideration in OC that include; desalinated water, percolation of treated recycled water, and capture of stormwater into groundwater basins for subsequent pumping and treatment. Without proper planning, the possible integration of multiple treated water sources into the OC regional water distribution system at various points, or simply the reduction in demands, could result in unintended water quality consequences.

On April 17, 2019, the Board of Directors authorized the General Manager to enter into a professional services agreement with Black & Veatch Corporation to complete an investigation phase of work and provide recommendations for development of a hydraulic and water quality model for the regional pipeline system in Orange County.

The investigation is complete and based on the software evaluation; the recommended best-fit software application for OC is Innovyze's InfoWater. Staff recommends that MWDOC proceed with building and calibrating a regional hydraulic model.

## **DETAILED REPORT**

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### **Background**

In April 2018, MWDOC invited a number of firms to submit a Statement of Qualifications (SOQ) in a variety of hydraulic and water quality areas. On August 31, 2018, MWDOC held a workshop that included water quality consultants Black & Veatch (B&V), Hazen & Sawyer (H&S), and Means Consulting; along with staff from Metropolitan, OCWD, and multiple OC retail agencies.

The collaborative discussions identified a number of potential issues that could arise within the OC regional distribution system resulting from the simultaneous introduction of multiple sources of water. Potential issues include:

- The impact of potential low volumes (flows) of imported water deliveries in portions of pipelines at certain times of the year leading to low chloramine residuals and water quality deterioration (e. g. nitrification). Chloramine loss due to reactions with low levels of bromide in seawater permeate could further exacerbate low chloramine residuals.
- Mixing of desalinated seawater with multiple other sources of water of varying quality.
- Flows of ocean desalination water moving northerly in a traditionally southerly flowing distribution system.
- Agencies receiving water blends which may be further blended with local water supplies from their own systems. The pH, alkalinity, Total Organic Carbon (TOC), bromide, chloramine residual, and other water quality characteristics may vary among these water sources daily, monthly and seasonally.
- Stranding of assets; being able to operate base loaded local supply projects in winter months.

Planning needs to account for the water quality and operational considerations with a goal of understanding the breadth and depth of these issues prior to any of the potential projects going on-line.

The outcome of the workshop was the identification of follow- up items and recommendations:

1. Develop White Papers to document potential issues for further investigation regarding:
  - Doheny desalinated water integration,
  - Poseidon Huntington Beach desalinated water integration, and
  - Local water (groundwater and/ or desalinated water) integration into the East OC Feeder # 2 pipeline.
2. Leverage existing information and data for creation of a hydraulic and water quality model of the OC regional distribution system to gain a better understanding of the implications of different operating strategies.
3. Development, delivery and testing of a hydraulic model.

### **Model Investigation**

On April 17, 2019, the Board of Directors authorized the General Manager to enter into a professional services agreement with Black & Veatch Corporation to complete an investigation phase of work and provide recommendations for development of a hydraulic and water quality model for the regional pipeline system in Orange County.

B&V has completed the investigation and the findings are contained in the attached report. The investigation included:

- A review of available information and data that could be used to facilitate development of a hydraulic and water quality model,
- Outreach to, and input from, stakeholders,
- An evaluation of commercially available software applications to find a best-fit for MWDOC and its member agencies' needs, and
- A work plan for completing and calibrating the hydraulic model.

Based on the software evaluation and Orange County's needs, the recommended best-fit software application is Innovyze's InfoWater.

### **Model Use and Maintenance**

MWDOC staff envision the following framework for use of the model:

- MWDOC will develop and pay for the regional model & calibration to ensure the model works appropriately.
- MWDOC will then maintain and utilize the model for MWDOC-wide benefits.
- MWDOC will be the custodian of the model (including Non-Disclosure Agreements/Certificates).
- MWDOC will make the model available to member agencies for their use, at their cost, to allow project proponents to examine impacts of new supply integration.  
*The MWDOC Member Agency managers recommended that the costs for use of*

*the model by project proponents include a 'cost recovery' aspect to repay MWDOC's general fund over time for the investment made.*

- MWDOC's consultant will conduct the work with member agencies and project proponents to ensure model consistency.

*MWDOC staff discussed the framework for use of the model with MWDOC Member Agencies and the cost recovery aspect was a recommendation of the M.As.*

## Work Plan

B&V also developed a Work Plan for completion of the model:

Work Plan				
Activity	Duration	Timing	Budgetary Cost	Status
Phase 1- Model Investigation	2-3 months	FY 19-20	\$76K	Complete
Phase 2 - Model Build	2-3 months	FY 19-20	\$50K-\$75K	RFP Pending
Phase 3 – Initial Model Calibration (South County)	3-4 months	FY 20-21	\$100K-\$150K*	
Calibrate Remainder of Model (North County)	3-4 months	TBD	\$100K-\$150K*	
Total			\$351K-\$451K	

\* Potential for cost reduction if entire model is calibration at the same time

## Next Steps

With Board concurrence, staff will proceed with issuance of a RFP to build and calibrate an OC regional distribution system hydraulic and water quality model based upon the findings of the investigation report. Staff plan to return to the Board in May 2020 with a recommendation for consideration of award of a professional services contract to build and calibrate the hydraulic model.

## BOARD OPTIONS

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### Option #1

- Proceed with an RFP to build and calibrate an OC regional distribution system hydraulic model.

**Fiscal Impact:** FY'19-20 – Estimated \$75,000, FY'20-21 – Estimated \$200,000 +/-

**Business Analysis:** Creates an important tool for improving our understanding of potential water quality and operational issues prior to new local supply projects going on-line with the goal of avoiding unintended consequences.

### Option #2

- Do not build an OC regional distribution system hydraulic model.

**Fiscal Impact:**

**Business Analysis:** Moving forward without an investigative tool for regional system integration planning is not recommended.

## STAFF RECOMMENDATION

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### Option #1



**ACTION ITEM**

March 18, 2020

**TO:** Board of Directors

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

Robert Hunter, General Manager

Staff Contact: Vicki Osborn

**SUBJECT: Approval of Resolution Designating Authorized Agents for 2018 FY Grant Transfer Agreements for Homeland Security Grants**

**STAFF RECOMMENDATION**

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Staff recommends that the Board of Directors approve the execution of the 2018 Grant Transfer Agreement with the City of Anaheim as the Local Urban Area Security Initiative (UASI) Administrator. Staff also recommends the Board give approval to the WEROC Director of Emergency Management and the General Manager as designated Authorized Agents for FY 2018 Homeland Security Grants and authority to execute any subsequent agreements related to the Homeland Security Grants. Staff will come back to the Board for a purchase award in the event the award is greater than \$25,000.

**COMMITTEE RECOMMENDATION**

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The Committee concurred with staff; the recommendation is re-iterated as follows: (1) approve the execution of the 2018 Grant Transfer Agreement with the City of Anaheim as the Local Urban Area Security Initiative (UASI) Administrator and (2) adopt Resolution authorizing the WEROC Director of Emergency Management and the General Manager as designated Authorized Agents for FY 2018 Homeland Security Grants and authority to execute any subsequent agreements related to the Homeland Security Grants. Staff will come back to the Board for a purchase award in the event the award is greater than \$25,000.

**DETAILED REPORT**

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In Orange County, all UASI funds are administered through either Santa Ana or Anaheim as part of the Anaheim/Santa Ana Urban Area (ASUA) and additional Homeland Security

<b>Budgeted (Y/N): No</b>	Budgeted amount: \$0	Core ✓	Choice ____
<b>Action item amount: \$0</b>		Line item:	
<b>Fiscal Impact (explain if unbudgeted):</b> This is a request to approve participation in Homeland Security Grant Programs for the 2018 fiscal year. Actual projects over \$25,000 will be brought back to the Board for review and approval.			



Grants are administered by the County of Orange. The Municipal Water District of Orange County (MWDOC) and the Water Emergency Response Organization of Orange County (WEROC) has been awarded 2018 Homeland Security Grants Funds for use in training costs and may be awarded additional monies for regional projects. More information will be provided about these projects in a future staff report.

In order to receive the awarded 2018 UASI grant funds and future Homeland Security Grant funds, the District must designate by resolution at least one authorized agent annually. This is a change from previous years which required the authorized agency resolution every three years. Authorized agents execute for and on behalf of MWDOC any actions necessary for obtaining UASI or Homeland Security grant funds and implementing projects. Staff recommends that the board approve two authorized agents by title – the General Manager and the WEROC Director of Emergency Management. The recommendation to designate two authorized agents by title is to allow the greatest flexibility in the grant funding management.

The Board has taken similar action in regards to Homeland Security Funds and Urban Areas Security Initiative (UASI) funds. Attached is the 2018 UASI grant agreement. Additionally, attached is a resolution approving the authorized agents for a 1 year period for both the UASI and County of Orange Homeland Security Grant programs. By signing this agreement, the district would also be eligible for other grants opportunities throughout the 2018 UASI Grant cycle, should a project present itself as a good opportunity that may meet national homeland security goals.

Since 2006, WEROC has obtained \$1,047,294.00 in grants funding to support both projects and training.

**Attachments**

1. UASI FY 2018 Transfer Agreement
2. Resolution to designate two authorized agents

**RESOLUTION NO.**

**MUNICIPAL WATER DISTRICT OF ORANGE COUNTY  
WATER EMERGENCY RESPONSE ORGANIZATION OF ORANGE COUNTY  
(WEROC)  
AUTHORIZATION FOR FEDERAL FINANCIAL ASSISTANCE  
PROVIDED BY THE FEDERAL DEPARTMENT OF HOMELAND SECURITY**

WHEREAS, The Municipal Water District of Orange County (MWDOC) manages the Water Emergency Response Organization of Orange County (WEROC) Program on behalf of the organization's 35 signatories.

WHEREAS, WEROC has been designated by the County of Orange as the water and wastewater Operational Area coordination entity for the purpose of assisting the county's water and wastewater utilities with disaster preparedness, prevention, response, recovery, and mitigation.

WHEREAS, MWDOC desires to keep the WEROC emergency operations centers, communications equipment and other such supplies in good working order and to date with the current technological abilities of the Operational Area.

WHEREAS, MWDOC also desires to keep its program and volunteer staff trained in current emergency management practices and required levels of training according to the National Incident Management System and the California State Emergency Management System.

WHEREAS, MWDOC also desires to ensure eligibility for project and training funding that may become available throughout the year.

WHEREAS, MWDOC has and will continue to submit grant applications to the Homeland Security Grant Program to continue to enhance the capabilities of the WEROC program, its staff and its member agencies.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Municipal Water District of Orange County that the Water Emergency Response Organization of Orange County (WEROC) Director of Emergency Management, or the MWDOC General Manager, is hereby authorized to execute for and on behalf of the Municipal Water District of Orange County, a public entity established under the laws of the State of California, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the County of Orange or the Cities of Anaheim and Santa Ana as the Administrators for Fiscal Year Grant 2018.

Said Resolution was adopted, on roll call, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

I hereby certify that the foregoing is a true and correct copy of Resolution No. adopted by the Board of Directors of Water District at its meeting held on.

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MARIBETH GOLDSBY  
District Secretary  
Municipal Water District of Orange County

AGREEMENT

SUB-RECIPIENT: MUNICIPAL WATER DISTRICT OF ORANGE COUNTY

City Contract Number \_\_\_\_\_

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Exhibit A	Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion Lower Tier Covered Transactions
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Exhibit C	Grant Assurances

AGREEMENT FOR TRANSFER OR PURCHASE OF EQUIPMENT/SERVICES OR FOR  
REIMBURSEMENT OF TRAINING COSTS  
FOR FY2018 URBAN AREAS SECURITY INITIATIVE (UASI)

BETWEEN  
THE CITY OF ANAHEIM  
AND MUNICIPAL WATER DISTRICT OF ORANGE COUNTY

THIS AGREEMENT is made and entered into this 8th day of May 2019, by and between the CITY OF ANAHEIM, a municipal corporation (the "CITY"), and MUNICIPAL WATER DISTRICT OF ORANGE COUNTY (the "SUB-RECIPIENT" or "Contractor").

W I T N E S S E T H

WHEREAS, CITY, acting through the Anaheim Police Department in its capacity as a Core City for the Anaheim/Santa Ana Urban Area under the FY18 Urban Areas Security Initiative, has applied for, received and accepted a grant entitled "FY 2018 Urban Areas Security Initiative" from the federal Department Of Homeland Security(DHS), Federal Emergency Management Agency (FEMA), through the State of California Governor's Office of Emergency Services (CalOES), to enhance countywide emergency preparedness (the "grant"), as set forth in the grant guidelines and assurances that are incorporated to this Agreement by reference and located at:

"U.S. Department of Homeland Security "Fiscal Year 2018 Homeland Security Grant Program (HSGP) Notice of Funding Opportunity (NOFO)" [https://www.fema.gov/media-library-data/1526578809767-7f08f471f36d22b2c0d8afb848048c96/FY\\_2018\\_HSGP\\_NOFO\\_FINAL\\_508.pdf](https://www.fema.gov/media-library-data/1526578809767-7f08f471f36d22b2c0d8afb848048c96/FY_2018_HSGP_NOFO_FINAL_508.pdf)

California Office of Emergency Services "FY2018 Homeland Security Grant Program: California Supplement to Federal Program Guidance and Application Kit"  
<https://www.caloes.ca.gov/GrantsManagementSite/Documents/FY%202018%20HSGP%20State%20Guidance.pdf>

Copies of the grant guidelines shall be retained in the Anaheim/Santa Ana Grant Office.

WHEREAS, this financial assistance is administered by the CITY OF ANAHEIM ("CITY") and is overseen by the California Governor's Office of Emergency Services ("CalOES"); and

WHEREAS, this financial assistance is being provided to address the unique equipment, training, planning, and exercise needs of large urban areas, and to assist them in building an enhanced and sustainable capacity to prevent, respond to, and recover from threats or acts of terrorism; and

WHEREAS, the Anaheim/Santa Ana Urban Area (“ASAUA”) consists of 34 cities in Orange County, including the City of Anaheim and the City of Santa Ana, the County of Orange, Santa Ana Unified School District Police, California State University, Fullerton, University of California, Irvine, Municipal Water District of Orange County, and the Orange County Fire Authority; and

WHEREAS, the Office of Grants Management (“OGM”) awarded a FY18 UASI Grant of \$4,135,000 (“Grant Funds”) to the CITY OF ANAHEIM, as a Core City, for use in the ASAUA; and

WHEREAS, the CITY has designated the Chief of Police, or his designee and the Anaheim Police Department, Emergency Management Director (“UASI Grant Office”) to provide for terrorism prevention and emergency preparedness; and

WHEREAS, the UASI Grant Office now wishes to distribute FY18 UASI Grant Funds throughout the ASAUA, as further detailed in this Agreement (“Agreement”) to MUNICIPAL WATER DISTRICT OF ORANGE COUNTY (“SUB-RECIPIENT”) and others;

WHEREAS, the CITY and SUB-RECIPIENT are desirous of executing this Agreement as authorized by the City Council and the Chief of Police which authorizes the CITY to prepare and execute the Agreement.

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:



I  
INTRODUCTION

§101. Parties to the Agreement

The parties to this Agreement are:

- A. The CITY, a municipal corporation, having its principal office at 425 South Harbor Boulevard, Anaheim, CA 92805; and
- B. MUNICIPAL WATER DISTRICT OF ORANGE COUNTY, a municipal corporation, ,

§102. Representatives of the Parties and Service of Notices

- A. The representatives of the respective parties who are authorized to administer this Agreement and to whom formal notices, demands and communications shall be given are as follows:

- 1. The representative of the City of Anaheim shall be, unless otherwise stated in the Agreement:

Richard LaRochelle, Lieutenant  
Anaheim Police Department  
425 South Harbor Boulevard  
Anaheim, CA. 92805  
Phone: (714) 765-3833  
Fax: (714) 765-1616  
rlarochelle@anaheim.net

- 2. The representative of MUNICIPAL WATER DISTRICT OF ORANGE COUNTY shall be:

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Sub Recipient Name: \_\_\_\_\_  
Sub Recipient Address: \_\_\_\_\_  
City \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Phone: \_\_\_\_\_  
E-mail: \_\_\_\_\_

- B. Formal notices, demands and communications to be given hereunder by either party shall be made in writing and may be effected by personal delivery or by registered or certified mail, postage prepaid, return receipt requested and shall be deemed communicated as of the date of mailing.
- C. If the name of the person designated to receive the notices, demands or communications or the address of such person is changed, written notice shall be given, in accord with this section, within five (5) business days of said change.

§103. Independent Party

SUB-RECIPIENT is acting hereunder as an independent party, and not as an agent or employee of the CITY OF ANAHEIM. No employee of SUB-RECIPIENT is, or shall be an employee of the CITY OF ANAHEIM by virtue of this Agreement, and SUB-RECIPIENT shall so inform each employee organization and each employee who is hired or retained under this Agreement. SUB-RECIPIENT shall not represent or otherwise hold out itself or any of its directors, officers, partners, employees, or agents to be an agent or employee of the CITY OF ANAHEIM.

§104. Conditions Precedent to Execution of This Agreement

SUB-RECIPIENT shall provide copies of the following documents to the CITY OF ANAHEIM, unless otherwise exempted.

- A. Grant Assurances in accordance with section 413C of this Agreement attached hereto as Exhibit C and made part hereof.
- B. Certifications Regarding Ineligibility, Suspension and Debarment as required by Executive Order 12549 in accordance with Section 413A12 of this Agreement and attached hereto as Exhibit A and made a part hereof.
- C. Certifications and Disclosures Regarding Lobbying in accordance with Section 413A4 of this Agreement and attached hereto as Exhibit B and made a part hereof. SUB-RECIPIENT shall also file a Disclosure Form at the end of each calendar quarter in which there occurs any event requiring disclosure or which materially affects the accuracy of the information contained in any Disclosure Form previously filed by SUB-RECIPIENT.

## II TERM AND SERVICES TO BE PROVIDED

### §201. Time of Performance

The term of this Agreement shall commence on May 8, 2019 and end on March 31, 2021 or upon the final disbursement of all of the Grant Amount (as defined in Section 301) and any additional period of time as is required to complete any necessary close out activities. Said term is subject to the provisions herein.

### §202. Use of Grant Funds

- A. CITY may, a) transfer to SUB-RECIPIENT, equipment or services purchased with grant funds and in accordance with grant guidelines set forth above; or, b) reimburse SUB-RECIPIENT for purchase of authorized equipment, exercises, services or training upon receiving prior written approval from CITY or its designee and in accordance with grant guidelines and in full compliance with all of the SUB-RECIPIENT'S purchasing and bidding procedures. SUB-RECIPIENT shall specify the equipment, services, exercises and training to be purchased using the Application for Project Funding. A paper copy of this document will be provided to SUB-RECIPIENT by CITY. In addition, a compact disc with a copy of the document will be provided to SUB-RECIPIENT by CITY. If additional copies of the document are needed, SUB-RECIPIENT may contact the Anaheim Grant Coordinator and it will be provided.
- B. SUB-RECIPIENT shall provide any reports requested by the CITY regarding the performance of the Agreement. Reports shall be in the form requested by the CITY, and shall be provided in a timely manner.
- C. SUB-RECIPIENT shall provide the CITY a copy of its most current procurement guidelines and follow its own procurement requirements as long as they meet the minimum federal requirements. Federal procurement requirements for the FY 18 UASI Grant can be found at 2 Code of Federal Regulations (CFR) Part 200 "Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards."
- D. The Authorized Equipment List (AEL) is a list of the allowable equipment which may be purchased pursuant to this Agreement and is located at <https://www.fema.gov/authorized-equipment-list>, and incorporated to this Agreement by reference. A copy of the AEL shall be retained in the Anaheim/Santa Ana Grant Office. Unless otherwise stated in program guidance any equipment acquired pursuant to this Agreement shall meet all mandatory regulations and/or DHS-adopted standards to be eligible for purchase using grant funds.

Any equipment acquired or obtained with Grant Funds:

1. Shall be made available under the California Disaster and Civil Defense Master Mutual Aid Agreement in consultation with representatives of the various fire, emergency medical, hazardous materials response services, and law enforcement agencies within the jurisdiction of the applicant;
2. Shall be consistent with needs as identified in the National Priorities and Core Capabilities, the State Homeland Security Strategy and the Anaheim/Santa Ana Urban Area and Orange County Operational Area Homeland Security Grants Strategy, the Threat Hazard Identification and Risk Assessment (THIRA), the State Preparedness Report; and deployed in conformance with those plans;
3. Shall be made available pursuant to applicable terms of the California Disaster and Civil Defense Master Mutual Aid Agreement and deployed with personnel trained in the use of such equipment in a manner consistent with the California Law Enforcement Mutual Aid Plan or the California Fire Services and Rescue Mutual Aid Plan;
4. Shall be subject to the requirements of Title 2 CFR Part 200.313 and 200.314. For the purposes of this subsection, "Equipment" is defined as nonexpendable property that is not consumed or does not lose its identity by being incorporated into another item of equipment, which costs \$5,000 or more per unit, or is expected to have a useful life of one (1) year or more.
5. Shall be used by SUB-RECIPIENT in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by Federal funds. When no longer useful for the original program or project, the Equipment may be used in other activities currently or previously supported by a Federal agency.
6. Shall be made available for use on other projects or programs currently or previously supported by the Federal Government, providing such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use shall be given to other programs or projects supported by the awarding agency.
7. Shall be recorded on a ledger. The record shall include: (a) description of the item of Equipment, (b) serial number or other identification number, (c) the source of funding for the property

(including FAIN); (d) who holds the title, (e) date of acquisition; (f) the per unit acquisition cost of the Equipment, (g) percentage of federal participation in the project costs for the Federal award under which the property was acquired, (h) location, and (i) use and condition of Equipment, and (j) ultimate disposition data including the date of disposal and sale price of the property. Records must be retained pursuant to 2 CFR Part 200.313.

8. All equipment obtained under this Agreement shall have an ASUA identification decal affixed to it, and, when practical, shall be affixed where it is readily visible.
  9. A physical inventory of the Equipment shall be taken and the results reconciled with the Equipment records at least once every two years. Inventory shall also be taken prior to any UASI, State or Federal monitor visits.
  10. SUB-RECIPIENT shall exercise due care to preserve and safeguard equipment acquired with grant funds from damage or destruction and shall provide regular maintenance and such repairs for said equipment as necessary, in order to keep said equipment continually in good working order. Such maintenance and servicing shall be the sole responsibility of SUB-RECIPIENT, who shall assume full responsibility for maintenance and repair of the equipment throughout the life of said equipment.
  11. SUB-RECIPIENT shall contact the ASUA Grant Office prior to initiating the disposition process. Disposal of equipment shall be conducted pursuant to 2 CFR Part 200.313. The ASUA will contact the awarding agency for disposition instructions, if necessary, prior to any action being taken.
- D. Any training paid pursuant to this Agreement shall conform to the guidelines as listed in FY 2018 Homeland Security Grant Program, as set forth above. All training expenses must be pre-authorized by CalOES at <https://w3.calema.ca.gov/WebPage/trainreq.nsf/TrainRequest?OpenForm>. A catalogue of Grantor approved and sponsored training courses is available at <https://cdp.dhs.gov/>.
- E. Any exercise paid pursuant to this Agreement shall conform to the guidelines as listed in FY 2018 Homeland Security Grant Program, as set forth above. Detailed Homeland Security Exercise and Evaluation Program Guidance is available at <https://www.fema.gov/media-library/assets/documents/32326>.
- F. Any planning paid pursuant to this Agreement shall conform to the guidelines as listed in FY 2018 Homeland Security Grant Program, as set forth above.
- G. Any organizational activities paid pursuant to this Agreement shall conform to the guidelines as listed in FY 2018 Homeland Security Grant Program, as set

forth above.

### III PAYMENT

#### §301. Payment of Grant Funds and Method of Payment

- A. CITY may, a) transfer to SUB-RECIPIENT, equipment or services purchased with grant funds; or, b) reimburse SUB-RECIPIENT for the purchase of authorized equipment, exercises, services or training upon receiving prior written approval from CITY or its designee and in accordance with grant guidelines and in full compliance with all of the SUB-RECIPIENT'S purchasing and bidding procedures. SUB-RECIPIENT shall specify the equipment, exercises, services or training to be purchased using the Application for Project Funding. A copy of this document will be provided to SUB-RECIPIENT by CITY. If additional copies of the document are needed, SUB-RECIPIENT may contact the Anaheim Grant Coordinator and it will be provided. Funds may be used for planning, exercises, organizational and training activities, and the purchase of equipment as described in Section 202 above.
- B. SUB-RECIPIENT shall provide invoices to the CITY requesting payment and all supporting documentation. Each reimbursement request shall be accompanied by the Reimbursement Request for Grant Expenditures detailing the expenditures made by SUB-RECIPIENT as authorized by Section 202 above. Each reimbursement request shall be submitted to the Anaheim UASI Grant Office. For equipment for which SUB-RECIPIENT is requesting reimbursement, all appropriate back-up documentation must be attached to the reimbursement form, including invoices, proof of payment, packing slips, and Equipment Reimbursement Worksheet. For training reimbursements, SUB-RECIPIENT must include a copy of any certificates issued or a copy of the class roster verifying training attendees, proof that a CalOES tracking number has been assigned to the course, timesheets and payroll registers for all training attendees, receipts for travel expenses related to the training, and Training Reimbursement Worksheet. For regional project reimbursements, SUB-RECIPIENT must include approval from the lead agency for all submitted invoices.
- C. Payment of final invoice shall be withheld by the CITY until the SUB-RECIPIENT has turned in all supporting documentation and completed the requirements of this Agreement.
- D. It is understood that the CITY makes no commitment to fund this Agreement beyond the terms set forth herein.
- E. Funding for all periods of this Agreement is subject to the continuing availability to the CITY of federal funds for this program. The Agreement may be terminated immediately upon written notice to SUB-RECIPIENT of a loss or reduction of federal grant funds.

#### IV STANDARD PROVISIONS

##### §401. Construction of Provisions and Titles Herein

All titles or subtitles appearing herein have been inserted for convenience and shall not be deemed to affect the meaning or construction of any of the terms or provisions hereof. The language of this Agreement shall be construed according to its fair meaning and not strictly for or against either party. The word "Sub-recipient" herein and in any amendments hereto includes the party or parties identified in this Agreement. The singular shall include the plural. If there is more than one Sub-recipient as identified herein, unless expressly stated otherwise, their obligations and liabilities hereunder shall be joint and several. Use of the feminine, masculine, or neuter genders shall be deemed to include the genders not used.

##### §402. Applicable Law, Interpretation and Enforcement

Each party's performance hereunder shall comply with all applicable laws of the United States of America, the State of California, and the CITY. This Agreement shall be enforced and interpreted under the laws of the State of California and the CITY.

If any part, term or provision of this Agreement shall be held void, illegal, unenforceable, or in conflict with any law of a federal, state or local government having jurisdiction over this Agreement, the validity of the remaining portions of provisions shall not be affected thereby.

##### §403. Integrated Agreement

This Agreement sets forth all of the rights and duties of the parties with respect to the subject matter hereof, and replaces any and all previous agreements or understandings, whether written or oral, relating thereto. This Agreement may be amended only by a written instrument executed by both parties hereto.

##### §404. Excusable Delays

In the event that performance on the part of any party hereto shall be delayed or suspended as a result of circumstances beyond the reasonable control and without the fault and negligence of said party, none of the parties shall incur any liability to the other parties as a result of such delay or suspension. Circumstances deemed to be beyond the control of the parties hereunder shall include, but not be limited to, acts of God or of the public enemy; insurrection; acts of the Federal Government or any unit of State or Local Government in either sovereign or contractual capacity; fires; floods; epidemics; quarantine

restrictions; strikes, freight embargoes or delays in transportation; to the extent that they are not caused by the party's willful or negligent acts or omissions and to the extent that they are beyond the party's reasonable control.

§405. Breach

Except for excusable delays, if any party fails to perform, in whole or in part, any promise, covenant, or agreement set forth herein, or should any representation made by it be untrue, any aggrieved party may avail itself of all rights and remedies, at law or equity, in the courts of law. Said rights and remedies are cumulative of those provided for herein except that in no event shall any party recover more than once, suffer a penalty or forfeiture, or be unjustly compensated.

§406. Prohibition Against Assignment or Delegation

SUB-RECIPIENT may not, unless it has first obtained the written permission of the CITY:

- A. Assign or otherwise alienate any of its rights hereunder, including the right to payment; or
- B. Delegate, subcontract, or otherwise transfer any of its duties hereunder.

§407. Permits

SUB-RECIPIENT and its officers, agents and employees shall obtain and maintain all permits and licenses necessary for SUB-RECIPIENT performance hereunder and shall pay any fees required therefore. SUB-RECIPIENT further certifies to immediately notify the CITY of any suspension, termination, lapses, non renewals or restrictions of licenses, certificates, or other documents.

§408. Nondiscrimination and Affirmative Action

SUB-RECIPIENT shall comply with the applicable nondiscrimination and affirmative action provisions of the laws of the United States of America, the State of California, and the CITY. In performing this Agreement, SUB-RECIPIENT shall not discriminate in its employment practices against any employee or applicant for employment because of such person's ancestry, familial status, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding, and medical conditions related to pregnancy, childbirth, or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental or physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability (California Government Code §§ 12490, 12945, 12945.2), military or veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions. SUB-



RECIPIENT shall comply with Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Part 60).

SUB-RECIPIENT shall comply with California Public Contract Code §10295.3, which addresses discrimination based on domestic partnerships. If required, SUB-RECIPIENT shall submit an Equal Employment Opportunity Plan ("EEOP") to the DOJ Office of Civil Rights ("OCR") in accordance with guidelines listed at <http://www.ojp.usdoj.gov/ocr/eeop.htm>,

Any subcontract entered into by the SUB-RECIPIENT relating to this Agreement, to the extent allowed hereunder, shall be subject to the provisions of this § 408.

§409. Bonds

SUB-RECIPIENT must purchase a performance bond for any equipment item over \$250,000 or any vehicle (including aircraft or watercraft) financed with homeland security funds. SUB-RECIPIENT must provide a copy of performance bond to CITY no later than the time of reimbursement.

§410. Indemnification

To the fullest extent of the law, SUB-RECIPIENT agrees to indemnify, defend, and hold harmless the City of Anaheim, its officers, agents, employees, representatives and designated volunteers from and against any and all claims, demands, defense costs, or liability of any kind or nature arising out of or resulting from, or any way connected with SUB-RECIPIENT'S acts, errors or omissions in the performance of SUB-RECIPIENT'S services or use of grant funds under the terms of this Agreement.

§411. Conflict of Interest

- A. SUB-RECIPIENT covenants that none of its directors, officers, employees, or agents shall participate in selecting, or administering any subcontract supported (in whole or in part) by Federal funds where such person is a director, officer, employee or agent of the subcontractor; or where the selection of subcontractors is or has the appearance of being motivated by a desire for personal gain for themselves or others such as family business, etc.; or where such person knows or should have known that:
1. A member of such person's immediate family, or domestic partner or organization has a financial interest in the subcontract;
  2. The subcontractor is someone with whom such person has or is negotiating any prospective employment; or
  3. The participation of such person would be prohibited by the California Political Reform Act, California Government Code §87100 et seq. if such person were a public officer, because such

person would have a "financial or other interest" in the subcontract.

B. Definitions:

1. The term "immediate family" includes but is not limited to domestic partner and/or those persons related by blood or marriage, such as husband, wife, father, mother, brother, sister, son, daughter, father in law, mother in law, brother in law, sister in law, son in law, daughter in law.

2. The term "financial or other interest" includes but is not limited to:

a. Any direct or indirect financial interest in the specific contract, including a commission or fee, a share of the proceeds, prospect of a promotion or of future employment, a profit, or any other form of financial reward.

b. Any of the following interests in the subcontractor ownership: partnership interest or other beneficial interest of five percent or more; ownership of five percent or more of the stock; employment in a managerial capacity; or membership on the board of directors or governing body.

C. The SUB-RECIPIENT further covenants that no officer, director, employee, or agent shall solicit or accept gratuities, favors, anything of monetary value from any actual or potential subcontractor, supplier, a party to a sub agreement, (or persons who are otherwise in a position to benefit from the actions of any officer, employee, or agent).

D. The SUB-RECIPIENT shall not subcontract with a former director, officer, or employee within a one year period following the termination of the relationship between said person and the Contractor.

E. Prior to obtaining the CITY'S approval of any subcontract, the SUB-RECIPIENT shall disclose to the CITY any relationship, financial or otherwise, direct or indirect, of the SUB-RECIPIENT or any of its officers, directors or employees or their immediate family with the proposed subcontractor and its officers, directors or employees.

F. For further clarification of the meaning of any of the terms used herein, the parties agree that references shall be made to the guidelines, rules, and laws of the SUB-RECIPIENT, State of California, and Federal regulations regarding conflict of interest.

G. The SUB-RECIPIENT warrants that it has not paid or given and will not pay or give to any third person any money or other consideration for obtaining this Agreement.

H. The SUB-RECIPIENT covenants that no member, officer or employee of

SUB-RECIPIENT shall have interest, direct or indirect, in any contract or subcontract or the proceeds thereof for work to be performed in connection with this project during his/her tenure as such employee, member or officer or for one year thereafter.

- I. The SUB-RECIPIENT shall incorporate the foregoing subsections of this Section into every agreement that it enters into in connection with this project and shall substitute the term "subcontractor" for the term "SUB-RECIPIENT" and "sub subcontractor" for "Subcontractor".

#### §412. Restriction on Disclosures

Any reports, analysis, studies, drawings, information, or data generated as a result of this Agreement are to be governed by the California Public Records Act (California Government Code Sec. 6250, et seq.).

#### §413. Statutes and Regulations Applicable To All Grant Contracts

- A. SUB-RECIPIENT shall comply with all applicable requirements of state, federal, county and SUB-RECIPIENT laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this Agreement. SUB-RECIPIENT shall comply with state and federal laws and regulations pertaining to labor, wages, hours, and other conditions of employment. SUB-RECIPIENT shall comply with new, amended, or revised laws, regulations, and/or procedures that apply to the performance of this Agreement. These requirements include, but are not limited to:

1. Office of Management and Budget (OMB) Circulars

SUB-RECIPIENT shall comply with 2 Code of Federal Regulations (CFR) Part 200 (Uniform Administrative, Cost Principles, and Audit Requirements for Federal Awards).

2. Single Audit Act

If Federal funds are used in the performance of this Agreement, SUB-RECIPIENT shall adhere to the rules and regulations of the Single Audit Act, 31 USC Sec. 7501 et seq.; Title 2 Code of Federal Regulations, Part 200, Subpart F Audit Requirements; and any administrative regulation or field memos implementing the Act. When reporting under on the FY18 UASI Grant Program under the Single Audit Act, SUB-RECIPIENT shall use Catalog of Federal Domestic Assistance (CFDA) Program Number 97.067 "Homeland Security Grant Program"; Grant Identification Number 2018-0054; and Identify the City of Anaheim as the Pass-Through.

3. Americans with Disabilities Act

SUB-RECIPIENT hereby certifies that it will comply with the Americans with Disabilities Act, 42 USC §§ 12101, et seq., and its implementing regulations. SUB-RECIPIENT will provide reasonable accommodations to allow qualified individuals with disabilities to have access to and to participate in its programs, services and activities in accordance with the provisions of the Americans with Disabilities Act. SUB-RECIPIENT will not discriminate against persons with disabilities or against persons due to their relationship to or association with a person with a disability. Any subcontract entered into by the SUB-RECIPIENT, relating to this Agreement, to the extent allowed hereunder, shall be subject to the provisions of this paragraph.

4. Political and Sectarian Activity Prohibited

None of the funds, materials, property or services provided directly or indirectly under this Agreement shall be used for any partisan political activity, or to further the election or defeat of any candidate for public office. Neither shall any funds provided under this Agreement be used for any purpose designed to support or defeat any pending legislation or administrative regulation. None of the funds provided pursuant to this Agreement shall be used for any sectarian purpose or to support or benefit any sectarian activity.

If this Agreement provides for more than \$100,000 in grant funds or more than \$150,000 in loan funds, SUB-RECIPIENT shall submit to the CITY a Certification Regarding Lobbying and a Disclosure Form, if required, in accordance with 31 USC §1352. A copy of the Certificate is attached hereto as Exhibit B. No funds will be released to SUB-RECIPIENT until the Certification is filed.

SUB-RECIPIENT shall file a Disclosure Form at the end of each calendar quarter in which there occurs any event requiring disclosure or which materially affects the accuracy of any of the information contained in any Disclosure Form previously filed by SUB-RECIPIENT. SUB-RECIPIENT shall require that the language of this Certification be included in the award documents for all sub-awards at all tiers and that all subcontractors shall certify and disclose accordingly.

5. Records Inspection

In accordance with 2 CFR§200.336, at any time during normal business hours and as often as the CITY, the U.S. Comptroller General, and/or the Auditor General of the State of California may deem necessary, SUB-RECIPIENT shall make available for examination all of its records with respect to all matters covered by this Agreement. The CITY, the U.S. Comptroller General and/or the Auditor General of the State of California shall have the authority to

audit, examine and make excerpts or transcripts from records, including SUB-RECIPIENT'S invoices, materials, payrolls, records of personnel, conditions of employment and other data relating to all matters covered by this Agreement.

SUB-RECIPIENT agrees to provide any reports requested by the CITY regarding performance of the Agreement.

6. Records Maintenance

Records, in their original form, shall be maintained in accordance with requirements prescribed by the CITY with respect to all matters covered on file for all documents specified in this Agreement. Original forms are to be maintained on file for all documents specified in this Agreement. Such records shall be retained for a period of three (3) years after the CITY receives notification of grant closeout from CalOES, and after final disposition of all pending matters. "Pending matters" include, but are not limited to, an audit, litigation or other actions involving records. The CITY may, at its discretion, take possession of, retain and audit said records. Records, in their original form pertaining to matters covered by this Agreement, shall at all times be retained within the County of Orange unless authorization to remove them is granted in writing by the CITY.

7. Subcontracts and Procurement

SUB-RECIPIENT shall comply with the federal and SUB-RECIPIENT standards in the award of any subcontracts. For purposes of this Agreement, subcontracts shall include but not be limited to purchase agreements, rental or lease agreements, third party agreements, consultant service contracts and construction subcontracts.

SUB-RECIPIENT shall ensure that the terms of this Agreement with the CITY are incorporated into all Subcontractor Agreements. The SUB-RECIPIENT shall submit all Subcontractor Agreements to the CITY for review prior to the release of any funds to the subcontractor. The SUB-RECIPIENT shall withhold funds to any subcontractor agency that fails to comply with the terms and conditions of this Agreement and their respective Subcontractor Agreement.

8. Labor

SUB-RECIPIENT shall comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements, and the Hatch Act (5 USC §§1501-1508 and 7324-7328).

SUB-RECIPIENT shall comply with the Federal Fair Labor Standards Act (29 USC §201) regarding wages and hours of employment. None of the funds shall be used to promote or deter Union/labor organizing activities. CA Gov't Code Sec. 16645, et seq.

9. Civil Rights

SUB-RECIPIENT shall comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681- 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) The Age Discrimination act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601, et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; (j) the requirements of any other nondiscrimination statute(s) which may apply to the application; and (k) P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

10. Environmental

SUB-RECIPIENT shall comply, or has already complied, with the requirements of Titles II and III of the Uniform relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

SUB-RECIPIENT shall comply with environmental standards which may be prescribed pursuant to the following: (a) institution of

environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451, et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401, et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205); and (i) Flood Disaster Protection Act of 1973 §102(a) (P.L. 93-234).

SUB-RECIPIENT shall comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271, et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

SUB-RECIPIENT shall comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801, et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

SUB-RECIPIENT shall comply with the Federal Water Pollution Control Act (33 U.S.C. § 1251-1387) which restores and maintains the chemical, physical and biological integrity of the Nation's waters.

SUB-RECIPIENT shall comply with the Federal Clean Water Act (CWA) (33 U.S.C §1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters.

SUB-RECIPIENT shall ensure that the facilities under its ownership, lease or supervision which shall be utilized in the accomplishment of this project are not listed in the Environmental Protection Agency's (EPA) list of Violating Facilities and that it will notify the Federal Grantor agency of the receipt of any communication from the Director of the EPA Office of Federal Activities indicating that a facility to be used in the project is under consideration for listing by the EPA.

By signing this Agreement, SUB-RECIPIENT ensures that it is in compliance with the California Environmental Quality Act (CEQA), Public Resources Code §21000, et seq. and is not impacting the environment negatively.

SUB-RECIPIENT shall comply with the Energy Policy and Conservation Act (P.L. 94-163, 89 Stat. 871).

11. Preservation

SUB-RECIPIENT shall comply with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1, et seq.).

12. Debarment and Suspension

SUB-RECIPIENT shall comply with Federal Register, Volume 68, Number 228, regarding Suspension and Debarment, and SUB-RECIPIENT shall submit a Certification Regarding Debarment required by Executive Order 12549 and any amendment thereto. Said Certification shall be submitted to the CITY concurrent with the execution of this Agreement and shall certify that neither SUB-RECIPIENT nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department head or agency. SUB-RECIPIENT shall require that the language of this Certification be included in the award documents for all sub-award at all tiers and that all subcontractors shall certify accordingly.

As required by Executive Orders (EO) 12549 and 12689, and 2 CFR §200.212 and codified in 2 CFR Part 180, Debarment and Suspension, SUB-RECIPIENT will provide protection against waste, fraud and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the Federal government.

13. Drug-Free Workplace

SUB-RECIPIENT shall comply with the federal Drug-Free Workplace Act of 1988, 41 USC §701, 44 CFR Part 67; the California Drug-Free Workplace Act of 1990, CA Gov't Code §§ 8350-8357.

14. Financial Management

SUB-RECIPIENT will comply with 31 U.S.C §3729 which sets forth that no subgrantee, recipient or subrecipient shall submit a false claim for payment, reimbursement or advance.

15. Reporting – Accountability

SUB-RECIPIENT agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (2 CFR Chapter 1, Part 170), specifically (a) the reporting of subawards obligating \$25,000 or more in federal funds and (b) executive



compensation data for first-tier subawards. This includes the provisions of FFATA, which includes requirements on executive compensation, and also requirements implementing the Act for the non-Federal entity at 2 CFR part 25 Financial Assistance Use of Universal Identifier and Central Contractor Registration and 2 CFR part 170 Reporting Subaward and Executive Compensation Information.

SUB-RECIPIENT must also comply with statutory requirements for whistleblower protections at 10 U.S.C. §2409, 41 U.S.C. §4712, and 10 U.S.C. §2324, 41 U.S.C. §4304 and §4310 and 31 U.S.C. §6101 et seq.

16. Human Trafficking

SUB-RECIPIENT will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. §7104) which prohibits grant award recipients or a subrecipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

17. Freedom of Information Act

SUB-RECIPIENT acknowledges that all information submitted in the course of applying for funding under this program or provided in the course of an entity's grant management activities which is under Federal control is subject to the Freedom of Information Act (FOIA), 5 U.S.C. §552. SUB-RECIPIENT should also consult State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application, needs assessment and strategic planning process.

18. California Public Records Act

SUB-RECIPIENT acknowledges that all information submitted in the course of applying for funding under this program or provided in the course of an entity's grant management activities may be subject to the California Public Records Act (California Government Code §§6250-6276.48), which requires inspection and/or disclosure of governmental records to the public upon request, unless exempted by law.

B. Statutes and Regulations Applicable To This Particular Grant

SUB-RECIPIENT shall comply with all applicable requirements of state and federal laws, executive orders, regulations, program and administrative requirements, policies and any other requirements governing this particular grant program. SUB-RECIPIENT shall comply with new, amended, or revised laws, regulations, and/or procedures that apply to the performance of this Agreement. These requirements include, but are not limited to:

1.

Title 2 Code of Federal Regulations (CFR) Part 200; EO 12372; Department of Justice (DOJ) Office of Judicial Programs (OJP) Office of the Comptroller, U.S. Department of Homeland Security, Preparedness Directorate Financial Management Guide; U.S. Department of Homeland Security, Office of Grants and Training, FY 2018 Homeland Security Grant Program –Notice of Funding Opportunity; ODP WMD Training Course Catalogue; and DOJ Office for Civil Rights.

Standardized Emergency Management System (SEMS) requirements as stated in the California Emergency Services Act, Government Code Chapter 7 of Division 1 of Title 2, § 8607.1(e) and CCR Title 19, §§ 2445-2448.

Provisions of 44 CFR applicable to grants and cooperative agreements, including Part 18, Administrative Review Procedures; Part 20, Criminal Justice Information Systems; Part 22, Confidentiality of Identifiable Research and Statistical Information; Part 23, Criminal Intelligence Systems Operating Policies; Part 30, Intergovernmental Review of Department of Justice Programs and Activities; Part 35, Nondiscrimination on the Basis of Disability in State and Local Government Services; Part 38, Equal Treatment of Faith-based Organizations; Part 42, Nondiscrimination/Equal employment Opportunities Policies and Procedures; Part 61, Procedures for Implementing the National Environmental Policy Act; Part 63, Floodplain Management and Wetland Protection Procedures; Part 64, Floodplain Management and Wetland Protection Procedures; Federal laws or regulations applicable to federal Assistance Programs; Part 69, New Restrictions on Lobbying; Part 70, Uniform Administrative Requirements for Grants and Cooperative Agreements (including sub-awards) with Institutions of Higher Learning, Hospitals and other Non-Profit Organizations; and Part 83, Government- Wide Requirements for a Drug Free Workplace (grants).

2. Travel Expenses

SUB-RECIPIENT as provided herein may be compensated for SUB-RECIPIENT'S reasonable travel expenses incurred in the performance of this Agreement, to include travel and per diem,

unless otherwise expressed. Travel including in-State and out-of-State travel shall not be reimbursed without prior written authorization from the UASI Grant Office.

SUB-RECIPIENT'S travel and per diem reimbursement costs shall be reimbursed based on the SUB-RECIPIENT'S travel policies and procedures. If SUB-RECIPIENT does not have established travel policies and procedures, SUB-RECIPIENT'S reimbursement rates shall not exceed the amounts established under 5 U.S.C 5701-11, ("Travel and Subsistence Expenses; Mileage Allowances"), or by the Administrator of General Services, or by the President (or his or her designee) pursuant to any provisions of such subchapter must apply to travel under federal awards (48 CFR 31.205-46(a)).

3. Personally Identifiable Information

SUB-RECIPIENT collecting Personally Identifiable Information (PII) must have a publically-available policy that describes what PII they collect, how they plan to use the PII, whether they share PII with third parties, and how individuals may have their PII corrected where appropriate

4. Hotel and Motel Fire Safety Act of 1990

SUB-RECIPIENT must ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with Section 6 of the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, 15 U.S.C. §2225a.

5. Terrorist Financing E.O. 13224

SUB-RECIPIENT must comply with U.S. Executive Order 13224 and U.S. law that prohibit transactions with, and the provisions of resources and support to, individuals and organizations associated with terrorism.

6. USA Patriot Act of 2001

SUB-RECIPIENT must comply with the requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA Patriot Act), which amends 18 U.S.C. §§175-175c.

7. Noncompliance

SUB-RECIPIENT understands that failure to comply with any of the

above assurances may result in suspension, termination or reduction of grant funds, and repayment by SUB-RECIPIENT to CITY of any unlawful expenditures.

#### C. Compliance With Grant Assurances

To obtain the Grant Funds, the Grantor required an authorized representative of the CITY to sign certain promises regarding the way the Grant Funds would be spent ("Grant Assurances"), attached hereto as Exhibit C. By signing these Grant Assurances, the CITY became liable to the Grantor for any funds that are used in violation of the grant requirements. SUB-RECIPIENT shall be liable to the Grantor for any funds the Grantor determines SUB-RECIPIENT used in violation of these Grant Assurances. SUB-RECIPIENT shall indemnify and hold harmless the CITY for any sums the Grantor determines SUB-RECIPIENT used in violation of the Grant Assurances.

#### §414. Federal, State and Local Taxes

Federal, State and local taxes shall be the responsibility of SUB-RECIPIENT as an independent party and not as a CITY employee.

#### §415. Inventions, Patents and Copyrights

##### A. Reporting Procedure for Inventions

If any project produces any invention or discovery (Invention) patentable or otherwise under title 35 of the U.S. Code, including, without limitation, processes and business methods made in the course of work under this Agreement, the SUB-RECIPIENT shall report the fact and disclose the Invention promptly and fully to the CITY. The CITY shall report the fact and disclose the Invention to the Grantor. Unless there is a prior agreement between the CITY and the Grantor, the Grantor shall determine whether to seek protection on the Invention. The Grantor shall determine how the rights in the Invention, including rights under any patent issued thereon, will be allocated and administered in order to protect the public interest consistent with the policy ("Policy") embodied in the Federal Acquisition Regulations System, which is based on Ch. 18 of title 35 U.S.C. Sections 200, et seq. (Pub. L. 95-517, Pub. L. 98-620, 37 CFR part 401); Presidential Memorandum on Government Patent Policy to the Heads of the Executive Departments and Agencies, dated 2/18/1983); and Executive Order 12591, 4/10/87, 52 FR 13414, 3 CFR, 1987 Comp., p. 220 (as amended by Executive Order 12618, 12/22/87, 52 FR 48661, 3 CFR, 1987 Comp., p. 262). SUB-RECIPIENT hereby agrees to be bound by the Policy, and will contractually require its personnel to be bound by the Policy.

##### B. Rights to Use Inventions

CITY shall have an unencumbered right, and a non-exclusive, irrevocable, royalty- free license, to use, manufacture, improve upon, and allow others to

do so for all government purposes, any Invention developed under this Agreement.

C. Copyright Policy

1. Unless otherwise provided by the terms of the Grantor or of this Agreement, when copyrightable material ("Material") is developed under this Agreement, the author or the CITY, at the CITY'S discretion, may copyright the Material. If the CITY declines to copyright the Material, the CITY shall have an unencumbered right, and a non-exclusive, irrevocable, royalty- free license, to use, manufacture, improve upon, and allow others to do so for all government purposes, any Material developed under this Agreement.
2. The Grantor shall have an unencumbered right, and a non-exclusive, irrevocable, royalty-free license, to use, manufacture, improve upon, and allow others to do so for all government purposes, any Material developed under this Agreement or any Copyright purchased under this Agreement.
3. SUB-RECIPIENT shall comply with all applicable requirements in the Code of Federal Regulations related to copyrights and copyright policy.

D. Rights to Data

The Grantor and the CITY shall have unlimited rights or copyright license to any data first produced or delivered under this Agreement. "Unlimited rights" means the right to use, disclose, reproduce, prepare derivative works, distribute copies to the public, and perform and display publicly, or permit others to do so; as required by 48 CFR 27.401. Where the data are not first produced under this Agreement or are published copyrighted data with the notice of 17 U.S.C. Section 401 or 402, the Grantor acquires the data under a copyright license as set forth in 48 CFR 27.404(f)(2) instead of unlimited rights. (48 CFR 27.404(a)).

E. Obligations Binding on Subcontractors

SUB-RECIPIENT shall require all subcontractors to comply with the obligations of this section by incorporating the terms of this section into all subcontracts.

§416. Minority, Women, And Other Business Enterprise Outreach Program

It is the policy of the CITY to provide minority business enterprises (MBEs), women business enterprises (WBEs) and all other business enterprises an equal opportunity to participate in the performance of all SUB-RECIPIENT contracts, including procurement, construction and personal services. This policy applies to all Contractors and Sub-Contractors.

V  
DEFAULTS, SUSPENSION, TERMINATION, AND AMENDMENTS

§501. Defaults

Should SUB-RECIPIENT fail for any reason to comply with the contractual obligations of this Agreement within the time specified by this Agreement, the CITY reserves the right to terminate the Agreement, reserving all rights under state and federal law.

§502. Amendments

Any change in the terms of this Agreement, including changes in the services to be performed by SUB-RECIPIENT and any increase or decrease in the amount of compensation which are agreed to by the CITY and SUB-RECIPIENT shall be incorporated into this Agreement by a written amendment properly executed and signed by the person authorized to bind the parties thereto.

SUB-RECIPIENT agrees to comply with all future CITY Directives, or any rules, amendments or requirements promulgated by the CITY affecting this Agreement.

VI  
ENTIRE AGREEMENT

§601. Complete Agreement

This Agreement contains the full and complete Agreement between the two parties. Neither verbal agreement nor conversation with any officer or employee of either party shall affect or modify any of the terms and conditions of this Agreement.

§602. Number of Pages and Attachments

This Agreement is executed in three (3) duplicate originals, each of which is deemed to be an original. This Agreement includes twenty-six (26) pages and three (3) Exhibits which constitute the entire understanding and agreement of the parties.

IN WITNESS WHEREOF, the City and MUNICIPAL WATER DISTRICT OF ORANGE COUNTY have caused this Agreement to be executed by their duly authorized representatives on the date first set forth above.

ATTEST:

CITY OF ANAHEIM, a municipal Corporation  
of the State of California

By: \_\_\_\_\_  
Theresa Bass  
Clerk of the Council

By: \_\_\_\_\_  
Jorge Cisneros  
Chief of Police

SUB-RECIPIENT  
MUNICIPAL WATER DISTRICT OF  
ORANGE COUNTY  
DUNS No. 08-7380721

APPROVED AS TO FORM:

By: \_\_\_\_\_

By: \_\_\_\_\_  
Kristin Pelletier  
Sr. Asst. City Attorney

Printed Name \_\_\_\_\_

Title  
\_\_\_\_\_

APPROVED AS TO FORM

By: \_\_\_\_\_

Printed Name \_\_\_\_\_

Title  
\_\_\_\_\_



## EXHIBIT A

### CERTIFICATION REGARDING DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under the applicable CFR covering New Restrictions on Government-wide Debarment and Suspension (Nonprocurement). The certification shall be treated as a material representation of fact upon which reliance will be placed when the Agency determines to award the covered transaction or cooperative agreement.

As required by Executive Order 12549, Debarment and Suspension, and implemented under the applicable CFR, for prospective participants in covered transactions, as defined in the applicable CFR

A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal State or local) with commission of any of these offenses enumerated in paragraph (1) (b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

\_\_\_\_\_  
Authorized Agent Signature

Address: \_\_\_\_\_

\_\_\_\_\_  
Printed or Typed Name

\_\_\_\_\_  
Title

## **INSTRUCTIONS FOR CERTIFICATION**

1. By signing and submitting this document, the prospective recipient of Federal assistance funds is providing the certification as set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective recipient of Federal assistance funds knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective recipient of Federal assistance funds shall provide immediate written notice to the person to whom this agreement is entered, if at any time the prospective recipient of Federal assistance funds learns that its certification was erroneous, when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549.
5. The prospective recipient of Federal assistance funds agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective recipient of Federal assistance funds further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the List of Parties Excluded from Procurement or Non Procurement Programs.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under Paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

## EXHIBIT B

### CERTIFICATION REGARDING LOBBYING

#### Certification for Contracts, Grants, Loans and Cooperative Agreements

The undersigned certifies, to the best of his or her knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form LLL "Disclosure Form to Report Lobbying" in accordance with its instructions.
3. The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
4. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352 Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

\_\_\_\_\_  
AGREEMENT NUMBER

\_\_\_\_\_  
CONTRACTOR/BORROWER/AGENCY

\_\_\_\_\_  
NAME AND TITLE OF AUTHORIZED REPRESENTATIVE

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

## EXHIBIT C

### California Governor's Office of Emergency Services FY2018 Grant Assurances (All HSGP Applicants)

**As the duly authorized representative of the Applicant, I hereby certify** that the Applicant has the legal authority to apply for federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay any non-federal share of project cost) to ensure proper planning, management and completion of the project described in this application, within prescribed timelines.

**I further acknowledge that the Applicant is responsible for reviewing and adhering to all requirements within the:**

- (a) Applicable Federal Regulations (see below);
- (b) Federal Program Notice of Funding Opportunity (NOFO);
- (c) California Supplement to the NOFO; and
- (d) Federal and State Grant Program Guidelines.

#### **Federal Regulations**

Government cost principles, uniform administrative requirements and audit requirements for federal grant programs are set forth in Title 2, Part 200 of the Code of Federal Regulations (CFR) and updates are issued by the Office of Management and Budget (OMB) and can be found at <http://www.whitehouse.gov/omb/>

**Significant state and federal grant award requirements (some of which appear in the documents listed above) are set forth below. The Applicant hereby agrees to comply with the following:**

#### **1. Proof of Authority**

The Applicant will obtain written authorization from the city council, governing board or authorized body in support of this project. This written authorization must specify that the Applicant and the city council, governing board, or authorized body agree:

- (a) To provide all matching funds required for the grant project and that any cash match will be appropriated as required.
- (b) Any liability arising out of the performance of this agreement shall be the responsibility of the Applicant and the city council, governing board or authorized body.
- (c) Grant funds shall not be used to supplant expenditures controlled by the city council, governing board or authorized body.
- (d) The official executing this agreement is, in fact, authorized to do so.

This Proof of Authority must be maintained on file and readily available upon request.

#### **2. Period of Performance**

The Applicant will initiate work after approval of the award and complete all work within the period of performance specified in the grant.

#### **3. Lobbying and Political Activities**

As required by Section 1352, Title 31 of the U.S. Code (U.S.C.), for persons entering into a contract, grant, loan or cooperative agreement from an agency or requests or receives from an agency a commitment providing for the United States to insure or guarantee a loan, the Applicant certifies that:

- (a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- (b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying", in accordance with its instructions.
- (c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

The Applicant will also comply with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and §§7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with federal funds.

Finally, the Applicant agrees that federal funds will not be used, directly or indirectly, to support the enactment, repeal, modification or adoption of any law, regulation or policy without the express written approval from the California Governor's Office of Emergency Services (Cal OES) or the federal awarding agency.

#### **4. Debarment and Suspension**

As required by Executive Orders 12549 and 12689, and 2 CFR §200.212 and codified in 2 CFR Part 180, Debarment and Suspension, the Applicant will provide protection against waste, fraud, and abuse by debarring or suspending those persons deemed irresponsible in their dealings with the federal government. The Applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal department or agency;
- (b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or contract under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
- (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (federal, state, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and
- (d) Have not within a three-year period preceding this application had one or more public transaction (federal, state, or local) terminated for cause or default.

Where the Applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

## **5. Non-Discrimination and Equal Employment Opportunity**

The Applicant will comply with all federal statutes relating to non-discrimination. These include, but are not limited to, the following:

- (a) Title VI of the Civil Rights Act of 1964 (Public Law (P.L.) 88-352 and 42 U.S.C. §2000d et. seq.) which prohibits discrimination on the basis of race, color, or national origin and requires that recipients of federal financial assistance take reasonable steps to provide meaningful access to persons with limited English proficiency (LEP) to their programs and services;
- (b) Title IX of the Education Amendments of 1972, (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex in any federally funded educational program or activity;
- (c) Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. §794), which prohibits discrimination against those with disabilities or access and functional needs;
- (d) Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability and requires buildings and structures be accessible to those with disabilities and access and functional needs;(42 U.S.C. §§ 12101-12213.);
- (e) Age Discrimination Act of 1975, (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
- (f) Public Health Service Act of 1912 (42 U.S.C. §§ 290), relating to confidentiality of patient records regarding substance abuse treatment;
- (g) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §3601 et seq.), relating to nondiscrimination in the sale, rental or financing of housing as implemented by the Department of Housing and Urban Development at 24 C.F.R. Part 100. The prohibition on disability discrimination includes the requirement that new multifamily housing with four or more dwelling units—i.e., the public and common use areas and individual apartment units (all units in buildings with elevators and ground-floor units in buildings without elevators)— be designed and constructed with certain accessible features (See 24 C.F.R. § 100.201);
- (h) Executive Order 11246, which prohibits federal contractors and federally assisted construction contractors and subcontractors, who do over \$10,000 in Government business in one year from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin;
- (i) Executive Order 11375, which bans discrimination on the basis of race, color, religion, sex, sexual orientation, gender identification, or national origin in hiring and employment in both the United States federal workforce and on the part of government contractors;
- (j) California Public Contract Code §10295.3, which prohibits discrimination based on domestic partnerships and those in same sex marriages;
- (k) DHS policy to ensure the equal treatment of faith-based organizations, under which all applicants and recipients must comply with equal treatment policies and requirements contained in 6 C.F.R. Part 19;
- (l) Any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made; and
- (m) The requirements of any other nondiscrimination statute(s) which may apply to the application.

In addition to the items listed in (a) through (m), the Applicant will comply with California's Fair

Employment and Housing Act (FEHA). FEHA prohibits harassment and discrimination in employment because of ancestry, race, color, religious creed (including religious dress and grooming practices), sex (which includes pregnancy, childbirth, breastfeeding and medical conditions related to pregnancy, childbirth, or breastfeeding), gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, mental and physical disability, genetic information, medical condition, age, pregnancy, denial of medical and family care leave, or pregnancy disability leave (California Government Code §§ 12940, 12945, 12945.2), military and veteran status, and/or retaliation for protesting illegal discrimination related to one of these categories, or for reporting patient abuse in tax supported institutions.

## **6. Drug-Free Workplace**

As required by the Drug-Free Workplace Act of 1988 (41 U.S.C. §701 et seq.), the Applicant certifies that it will maintain a drug-free workplace and a drug-free awareness program as outlined in the Act.

## **7. Environmental Standards**

The Applicant will comply with state and federal environmental standards, which may be prescribed pursuant to the following, as applicable:

- (a) California Environmental Quality Act (CEQA) (California Public Resources Code §§ 21000-21177), to include coordination with the city or county planning agency;
- (b) CEQA Guidelines (California Code of Regulations, Title 14, Division 6, Chapter 3, §§ 15000-15387);
- (c) Federal Clean Water Act (CWA) (33 U.S.C. § 1251 et seq.), which establishes the basic structure for regulating discharges of pollutants into the waters of the United States and regulating quality standards for surface waters;
- (d) Federal Clean Air Act of 1955 (42 U.S.C. § 7401) which regulates air emissions from stationary and mobile sources;
- (e) Institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190); the Council on Environmental Quality Regulations for Implementing the Procedural Provisions of NEPA; and Executive Order 12898 which focuses on the environmental and human health effects of federal actions on minority and low-income populations with the goal of achieving environmental protection for all communities;;
- (f) Evaluation of flood hazards in floodplains in accordance with Executive Order 11988;
- (g) Executive Order 11514 which sets forth national environmental standards;
- (h) Executive Order 11738 instituted to assure that each federal agency empowered to enter into contracts for the procurement of goods, materials, or services and each federal agency empowered to extend federal assistance by way of grant, loan, or contract shall undertake such procurement and assistance activities in a manner that will result in effective enforcement of the Clean Air Act and the Federal Water Pollution Control Act Executive Order Executive Order 11990 which requires preservation of wetlands;
- (i) The Safe Drinking Water Act of 1974, (P.L. 93-523);
- (j) The Endangered Species Act of 1973, (P.L. 93-205);
- (k) Assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §1451 et seq.);
- (l) Conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §7401 et seq.);
- (m) Wild and Scenic Rivers Act of 1968 (16 U.S.C. §1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

The Applicant shall not be: 1) in violation of any order or resolution promulgated by the State Air Resources Board or an air pollution district; 2) subject to a cease and desist order pursuant to § 13301 of the California Water Code for violation of waste discharge requirements or discharge prohibitions;

or 3) determined to be in violation of federal law relating to air or water pollution.

## **8. Audits**

For subrecipients expending \$750,000 or more in federal grant funds annually, the Applicant will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and Title 2 of the Code of Federal Regulations, Part 200, Subpart F Audit Requirements.

## **9. Access to Records**

In accordance with 2 CFR §200.336, the Applicant will give the awarding agency, the Comptroller General of the United States and, if appropriate, the state, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award. The Applicant will require any subrecipients, contractors, successors, transferees and assignees to acknowledge and agree to comply with this provision.

## **10. Conflict of Interest**

The Applicant will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

## **11. Financial Management**

False Claims for Payment The Applicant will comply with 31 U.S.C §3729 which sets forth that no subgrantee, recipient or subrecipient shall submit a false claim for payment, reimbursement or advance.

## **12. Reporting - Accountability**

The Applicant agrees to comply with applicable provisions of the Federal Funding Accountability and Transparency Act (FFATA) (P.L. 109-282), specifically (a) the reporting of subawards obligating \$25,000 or more in federal funds and (b) executive compensation data for first-tier subawards. This includes the provisions of FFATA, which includes requirements for executive compensation, and also requirements implementing the Act for the non-federal entity at 2 CFR part 25 Financial Assistance Use of Universal Identifier and Central Contractor Registration and 2 CFR part 170 Reporting Subaward and Executive Compensation Information.

## **13. Whistleblower Protections**

The Applicant also must comply with statutory requirements for whistleblower protections at 10 U.S.C. § 2409, 41 U.S.C. § 4712, and 10 U.S.C. § 2324, 41 U.S.C. § 4304 and § 4310.

## **14. Human Trafficking**

The Applicant will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104) which prohibits grant award recipients or a subrecipient from: (1) engaging in trafficking in persons during the period of time that the award is in effect: (2) procuring a commercial sex act during the period of time that the award is in effect: or (3) using forced labor in the performance of the award or subawards under the award.

## **15. Labor Standards**

The Applicant will comply with the following federal labor standards:

- (a) the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), as applicable, and the Copeland Act (40 U.S.C. § 3145 and 18 U.S.C. § 874) and the Contract Work Hours and Safety Standards Act



(40 U.S.C. §§ 327-333), regarding labor standards for federally-assisted construction contracts or subcontracts.

- (b) the Federal Fair Labor Standards Act (29 U.S.C. § 201 et al.) as they apply to employees of institutes of higher learning (IHE), hospitals and other non-profit organizations.

#### **16. Worker's Compensation**

The Applicant must comply with provisions which require every employer to be insured to protect workers who may be injured on the job before commencing performance of the work of this Agreement, as per the workers compensation laws set forth in California Labor Code §§ 3700 et seq.

#### **17. Property-Related**

If applicable to the type of project funded by this federal award, the Applicant will:

- (a) Comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchase.
- (b) Comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires subrecipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- (c) Assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. § 470), Executive Order 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. § 469a-1 et seq.).
- (d) Comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. § 4831 and 24 CFR Part 35) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

#### **18. Certifications Applicable Only to Federally-Funded Construction Projects**

For all construction projects, the Applicant will:

- (a) Not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project.
- (b) Comply with the requirements of the awarding agency with regard to the drafting, review and approval of construction plans and specifications.
- (c) Provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.

#### **19. Use of Cellular Device While Driving is Prohibited**

Applicants are required to comply with California Vehicle Code sections 23123 and 23123.5. These laws prohibit driving a motor vehicle while using an electronic wireless communications

device to write, send, or read a text-based communication. Drivers are also prohibited from the use of a wireless telephone without hands-free listening and talking, unless to make an emergency call to 911, law enforcement, or similar services.

## **20. California Public Records Act and Freedom of Information Act**

The Applicant acknowledges that all information submitted in the course of applying for funding under this program, or provided in the course of an entity's grant management activities that are under Federal control, is subject to the Freedom of Information Act (FOIA), 5 U.S.C. § 552, and the California Public Records Rights Act, California Government Code section 6250 et seq. The Applicant should consider these laws and consult its own State and local laws and regulations regarding the release of information when reporting sensitive matters in the grant application, needs assessment, and strategic planning process.

## **HOMELAND SECURITY GRANT PROGRAM - PROGRAM SPECIFIC ASSURANCES / CERTIFICATIONS**

### **21. Reporting Accusations and Findings of Discrimination**

If during the past three years the recipient has been accused of discrimination on any basis the recipient must provide a list of all such proceedings, pending or completed, including outcome and copies of settlement agreements to the OHS financial assistance office and the OHS Office of Civil Rights and Civil Liberties (CRCL) by e-mail at [crcl@hq.dhs.gov](mailto:crcl@hq.dhs.gov) or by mail at U.S. Department of Homeland Security Office for Civil Rights and Civil Liberties Building 410, Mail Stop #0190 Washington, D.C. 20528.

In the event any court or administrative agency makes a finding of discrimination against the recipient, or the recipient settles a case or matter alleging such discrimination, recipients must forward a copy of the complaint and findings to the OHS Component financial assistance office and the CRCL office by e-mail or mail at the addresses listed above.

The United States has the right to seek judicial enforcement of these obligations.

### **22. Acknowledgment of Federal Funding from DHS**

All recipients must acknowledge their use of federal funding when issuing statements, press releases, requests for proposals, bid invitations, and other documents describing projects or programs funded in whole or in part with federal funds.

### **23. Activities Conducted Abroad**

All recipients must ensure that project activities carried on outside the United States are coordinated as necessary with appropriate government authorities and that appropriate licenses, permits, or approvals are obtained.

### **24. Best Practices for Collection and Use of Personally Identifiable Information (PII)**

DHS defines personally identifiable information (PII) as any information that permits the identity of an individual to be directly or indirectly inferred, including any information that is linked or linkable to that individual. All recipients who collect PII are required to have a publically-available privacy policy that describes standards on the usage and maintenance of PII they collect. Award recipients may also find as a useful resource the OHS Privacy Impact Assessments: Privacy Guidance and Privacy template respectively.

### **25. Copyright**

All recipients must affix the applicable copyright notices of 17 U.S.C. §§ 401 or 402 and an acknowledgement of Government sponsorship (including award number) to any work first produced under federal financial assistance awards.

**26. Energy Policy and Conservation Act**

All recipients must comply with the requirements of 42 U.S.C. § 6201 which contain policies relating to energy efficiency that are defined in the state energy conservation plan issued in compliance with this Act.

**27. Federal Debt Status**

All recipients are required to be non-delinquent in their repayment of any federal debt. Examples of relevant debt include delinquent payroll and other taxes, audit disallowances, and benefit overpayments. See OMB Circular A-129.

**28. Fly America Act of 1974**

All recipients must comply with Preference for U.S. Flag Air Carriers: (air carriers holding certificates under 49 U.S.C. § 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. § 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B-138942

**29. Hotel and Motel Fire Safety Act of 1990**

In accordance with Section 6 of the Hotel and Motel Fire Safety Act of 1990, all recipients must ensure that all conference, meeting, convention, or training space funded in whole or in part with federal funds complies with the fire prevention and control guidelines of the Federal Fire Prevention and Control Act of 1974, as amended, 15 U.S.C. § 2225a.

**30. Non-supplanting Requirements**

All Applicants who receive awards made under programs that prohibit supplanting by law must ensure that federal funds do not replace (supplant) funds that have been budgeted for the same purpose through non-federal sources.

**32. Patents and Intellectual Property Rights**

Unless otherwise provided by law, recipients are subject to the Bayh-Dole Act, Pub. L. No. 96-517, as amended, and codified in 35 U.S.C. § 200 et seq. All recipients are subject to the specific requirements governing the development, reporting, and disposition of rights to inventions and patents resulting from financial assistance awards located at 37 C.F.R. Part 401 and the standard patent rights clause located at 37 C.F.R. § 401.14.

**33. SAFECOM**

All Applicants who receive awards made under programs that provide emergency communication equipment and its related activities must comply with the SAFECOM Guidance for Emergency Communication Grants, including provisions on technical standards that ensure and enhance interoperable communications.

**34. Terrorist Financing**

All Applicants must comply with Executive Order 13224 and U.S. law that prohibit transactions with,

and the provisions of resources and support to, individuals and organizations associated with terrorism. It is the legal responsibility of recipients to ensure compliance with the Order and laws.

### **35. Reporting of Matters Related to Recipient Integrity and Performance**

If the total value of the Applicant's currently active grants, cooperative agreements, and procurement contracts from all federal assistance office exceeds \$10,000,000 for any period of time during the period of performance of this federal award, the Applicant must comply with the requirements set forth in the government-wide Award Term and Condition for Recipient Integrity and Performance Matters located at 2 C.F.R. Part 200, Appendix XII, the full text of which is incorporated here by reference in the terms and conditions of your award.

### **36. USA Patriot Act of 2001**

All recipients must comply with requirements of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), which amends 18 U.S.C. §§ 175-175c.

### **37. Use of DHS Seal, Logo, and Flags**

All recipients must obtain permission from their DHS Financial Assistance Office, prior to using the DHS seal(s), logos, crests or reproductions of flags or likenesses of DHS agency officials, including use of the United States Coast Guard seal, logo, crests or reproductions of flags or likenesses of Coast Guard officials.

### **IMPORTANT**

The purpose of the assurance is to obtain federal and state financial assistance, including any and all federal and state grants, loans, reimbursement, contracts, etc. The Applicant recognizes and agrees that state financial assistance will be extended based on the representations made in this assurance. This assurance is binding on the Applicant, its successors, transferees, assignees, etc. Failure to comply with any of the above assurances may result in suspension, termination, or reduction of grant funds.

All appropriate documentation, as outlined above, must be maintained on file by the Applicant and available for Cal OES or public scrutiny upon request. Failure to comply with these requirements may result in suspension of payments under the grant or termination of the grant or both and the subrecipient may be ineligible for award of any future grants if the Cal OES determines that any of the following has occurred: (1) the recipient has made false certification, or (2) violates the certification by failing to carry out the requirements as noted above.

All of the language contained within this document must be included in the award documents for all subawards at all tiers, including contracts under grants and cooperative agreements and subcontracts. All recipients are bound by the Department of Homeland Security Standard Terms and Conditions 2016, Version 6.0, hereby incorporated by reference, which can be found at: <http://www.dhs.gov/publication/fy15-dhs-standard-terms-and-conditions>.

The undersigned represents that he/she is authorized to enter into this agreement for and on behalf of the said Applicant.

Signature of Authorized Agent: \_\_\_\_\_

Printed Name of Authorized Agent: \_\_\_\_\_

Title: \_\_\_\_\_ Date: \_\_\_\_\_



**ACTION ITEM**

March 18, 2020

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

**FROM:** Robert Hunter, General Manager

**SUBJECT:** AMENDMENT TO ADMINISTRATIVE CODE RE DIRECTOR VACANCY

**STAFF RECOMMENDATION**

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Staff recommends the Administration & Finance Committee: Review and discuss the information presented by Director Barbre.

**COMMITTEE RECOMMENDATION**

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The Committee discussed this item and did not advance the first suggested change (“any vacancy shall be filled with a minimum of five affirmative votes”) to the Board. The Committee did advance (without a recommendation) the second suggested change (“If the vacancy occurs within 90 days of the call of election for a regularly scheduled general election, the vacancy shall be automatically be filled via election”) for further discussion by the Board.

**DETAILED REPORT**

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Director Barbre requested the following language be included in the Administrative Code and A&F Chairman Thomas suggested a Board discussion on the issue.

The Committee discussed both of the suggested changes:

1. **~~“Any vacancy shall be filled with a minimum of five (5) affirmative votes.”~~**  
The Committee members did not recommend the Board adopt this amendment to the Administrative Code. As the Committee did not advance this language to the Board, it has been stricken to avoid any confusion.
2. **“If the vacancy occurs within 90 days of the call of election for a regularly scheduled general election, the vacancy shall automatically be filled via election”** Committee discussed the 90 day requirement and it appears the intent

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

is to require that the Board call for a special election if the vacancy occurs within 90 days of the last day to notify the Registrar of Voters for the next General election. For purposes of this discussion, it would be the 90 days prior to June 26, 2020 (as detailed below).

The Committee discussed this item and legal counsel clarified the law pertaining to vacancies within a Municipal Water District. For ease of understanding, Legal Counsel used the November 2020 general election as a starting point.

**I. Vacancy Occurs before June 26, 2020** (130 days before the next general election).

- The District has 15 days to notify the County Registrar of the vacancy.
- The Board may:
  1. Call an election\* within 60 days of the date the seat is vacated. If an election is called, the seat will remain vacant and the Board position will be on the ballot at the general election on November 3, 2020. Whomever is elected will serve a two year term (finishing the term of the vacated seat - 2022); or
  2. Appoint a successor within 60 days of the date the seat is vacated. Whomever is appointed will serve until the next general election, which is **November 3, 2020**. The seat will be on the ballot and the appointed Board member, along with any other qualifying member of the public, may file to run for the seat. Whomever is elected will serve the remainder of the original term, which is two years until 2022; or
  3. Do nothing. If the Board takes no action within 60 days of the vacancy, the Board of Supervisors will have 30 additional days to appoint a successor. If the Board of Supervisors appoint someone, they will serve until the November 3, 2020 election, and as with all options above, the seat will be on the 2020 ballot and the winner will serve a 2 year term to 2022.

\*This option is parallel to Director Barbre's request.

**II. Vacancy occurs after June 26, 2020** (Less than 130 days before next general election)

- The District has 15 days to notify the County Registrar of the vacancy.
- The Board may:
  1. Call an election within 60 days of the date the seat is vacated. If an election is called, the seat will remain vacant and the Board position will be on the ballot at the election **after** the next general election, which would be in **March 2021**. Whomever is elected will finish the remainder of the original term (2022); or
  2. Appoint a successor within 60 days of the date the seat is vacated. Whomever is appointed **will serve until the term expires after the 2022 election**; or
  3. Do nothing. If the Board takes no action within 60 days of the vacancy, the Board of Supervisors will have 30 additional days to appoint a successor. If the Board of Supervisors appoint someone, **they will serve until the end of the term after the 2022 election**.

# MWDOC ADMINISTRATIVE CODE AMENDMENTS

## **ARTICLE 3 GOVERNING BODY BOARD OF DIRECTORS**

**Article 3 is amended to read (in BLUE):**

**Vacancy in Office of Director** - If a vacancy occurs in the office of Director, the remaining Directors shall, within 60 days, appoint a qualified person residing in the division in which the vacancy occurs to hold the office until the next District general election which is 130 days or more after the occurrence of the vacancy or call a special election to be held in the division affected as provided for by law.

**Any vacancy shall be filled with a minimum of five (5) affirmative votes.**

**If the vacancy occurs within 90 days of the call of election for a regularly scheduled general election, the vacancy shall automatically be filled via election.**

If the Board of Directors fails to fill a vacancy or call an election within 60 days, the Board of Supervisors may fill the vacancy or call an election to fill the vacancy. If the Board of Supervisors fails to fill the vacancy or call an election within 90 days of the office becoming vacant, the District shall call an election on the next available election date that is 130 or more days after the vacancy occurs.

Persons appointed to fill a vacancy shall hold office until the next District general election and thereafter until the person elected at such election to fill the vacancy has been qualified. Persons elected to fill a vacancy shall hold office for the unexpired balance of the term of office.

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CA Water Code 71254; Gov. Code 1780



**ACTION ITEM**  
March 18, 2020

**TO:** Board of Directors

**FROM:** **Public Affairs and Legislation Committee**  
(Directors Yoo Schneider, Barbre and McVicker)

Robert Hunter  
General Manager

Staff Contact: Heather Baez

**SUBJECT: CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) 2020-2022  
BOARD OF DIRECTORS – SOUTHERN NETWORK REGION, SEAT B**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors:

- Discuss the candidates who have applied for the CSDA Board of Directors, Southern Network, Seat B
- Determine which candidate(s), if any, to support for the vacant seat
- Send a letter to the CSDA Board of Directors stating support for MWDOC's preferred candidate(s), if so determined

**COMMITTEE RECOMMENDATION**

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Committee will review this item on March 16, 2020 and make a recommendation to the Board.

**BACKGROUND**

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Last month, the PAL Committee discussed the CSDA Board of Directors, Call for Candidates for the Southern Network, Seat B. While it was determined that no member of the MWDOC Board was interested in running for the seat, there was an expressed interest in supporting a candidate. The Committee directed staff to return the following month with a full list of candidates running for the seat to review and determine support for one.

<b>Budgeted (Y/N):</b> n/a	<b>Budgeted amount:</b> n/a	<b>Core</b> X	<b>Choice</b> __
<b>Action item amount:</b> None		Line item:	
<b>Fiscal Impact (explain if unbudgeted):</b>			



The deadline for receiving nomination applications was March 6, 2020.

The following candidates have applied for the vacancy:

- Dennis D. LaMoreaux, Palmdale Water District
- Ronald Coats, East Valley Water District
- Cheryl Brothers, Orange County Vector Control
- Don Bartz, Phelan Pinon Hills Community Services District
- Kelly Rivers, Orange County Cemetery District
- Michael Mack, Rainbow Municipal Water District
- Jennifer DeMeo, Fallbrook Public Utility District
- Richard Hall, Mojave Water Agency
- Denise Jackman, Three Valleys Municipal Water District
- Dennis Coleman, Valley Sanitary District
- Greg Mills, Serrano Water District
- June Hayes, San Bernardino Valley Municipal Water District
- Mark Gracyk, Helix Water District

CSDA Southern Network Board Members will conduct interviews of candidates that submit nominations March 9-13, 2020, and will submit a Board appointment recommendation for consideration by the full CSDA Board on March 27, 2020. The newly appointed Board Member for the Southern Network Seat B will take office April 1, 2020.

## BOARD OPTIONS

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### Option #1

- Discuss and determine which candidate(s) to support for the CSDA Board of Directors, Seat B
- Send a letter to the CSDA Board of Directors stating support for the MWDOC Board recommended candidate(s)

**Fiscal Impact:** None

**Business Analysis:** CSDA provides a strong voice for special districts in Sacramento and throughout California. Having a director from Orange Count serving on their Board of Directors would provide the region with a direct voice for special districts.

### Option #2

- Take no action

**Fiscal Impact:** None

**Business Analysis:** None

## STAFF RECOMMENDATION

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Option #1



**ACTION ITEM**  
March 20, 2020

**TO:** Board of Directors

**FROM:** **Public Affairs and Legislation Committee**  
(Directors Yoo Schneider, Barbre, and McVicker)

Robert Hunter  
General Manager

Staff Contact: Heather Baez

**SUBJECT: CALIFORNIA SPECIAL DISTRICTS ASSOCIATION (CSDA) 2021-2023  
BOARD OF DIRECTORS CALL FOR NOMINATIONS – SOUTHERN  
NETWORK REGION, SEAT C**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors discuss and determine if a member of the MWDOC Board of Directors would like to be nominated and run for the CSDA Board of Directors Southern Network, Seat C.

**COMMITTEE RECOMMENDATION**

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Committee will review this item on March 16, 2020 and make a recommendation to the Board.

**SUMMARY**

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An 18-member Board of Directors elected from its six geographical networks governs CSDA. Each of the six networks (Northern, Sierra, Bay Area, Central, Coastal and Southern) have three seats on the board with staggered three-year terms. Candidates must be affiliated with an independent special district that is a CSDA Regular Member in good standing located within the geographic network they seek to represent.

<b>Budgeted (Y/N):</b> n/a	<b>Budgeted amount:</b> n/a	<b>Core</b> X	<b>Choice</b> __
<b>Action item amount:</b> None		Line item:	
<b>Fiscal Impact (explain if unbudgeted):</b>			

CSDA is conducting a Call for Nominations for Seat C. The Southern Network Seat C is currently represented by the Honorable Arlene Schafer of the Costa Mesa Sanitary District. She intends to run for reelection.

The CSDA Board of Directors is the governing body responsible for all policy decisions related to CSDA's member services, legislative advocacy, education and resources. The Board of Directors is crucial to the operation of the association and to the representation of the common interests of all California's special districts before the Legislature and the state administration.

### **Commitment and Expectations:**

- Attend all Board meetings, held every other month at the CSDA office in Sacramento.
- Participate on at least one committee, meets 3-5 times a year at the CSDA office in Sacramento.

(CSDA reimburses Directors for their related expenses for Board and committee meetings as outlined in Board policy).

- Attend CSDA's two annual events: Special Districts Legislative Days (held in the spring) and the CSDA Annual Conference (held in the fall).
- Complete all four modules of CSDA's Special District Leadership Academy within two years.

(CSDA does not reimburse for expenses for the two conferences or the Academy classes even if a Board or committee meeting is held in conjunction with the events).

### **Nomination Procedure:**

Any Regular Member in good standing is eligible to nominate one person, a board member or managerial employee (as defined by that district's Board of Directors) for election to the CSDA Board of Directors. A copy of the member district's resolution or minute action along with the Nomination Form and Candidate Information Sheet must accompany the nomination.

Deadline for receiving nomination applications is March 26, 2020.

Nominations and supporting documentation will be accepted by mail and email. Nominees will receive a Candidate's Packet in the mail. The packet will include campaign guidelines.

## **BOARD OPTIONS**

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### **Option #1**

- Discuss and determine if a member of the MWDOC Board would like to run for the CSDA Board, Southern Network, Seat C.

**Fiscal Impact:** Travel costs associated with attending the CSDA Board meetings in Sacramento

**Business Analysis:** CSDA provides a strong voice for special districts in Sacramento and throughout California. Serving on their Board of Directors would provide MWDOC with a direct voice for special districts in our region. However, the incumbent is from Orange County, and can provide that as well.

**Option #2**

- Take no action

**Fiscal Impact:** None

**Business Analysis:** MWDOC would not have an opportunity to have a Board member on the CSDA Board.

**STAFF RECOMMENDATION**

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Option #1

**Attached:**

CSDA Nomination Form  
CSDA Candidate Information Sheet



**California Special  
Districts Association**

*Districts Stronger Together*

**DATE:** January 27, 2020

**TO:** CSDA Voting Member Presidents and General Managers

**FROM:** CSDA Elections and Bylaws Committee

**SUBJECT: CSDA BOARD OF DIRECTORS CALL FOR NOMINATIONS  
SEAT C**

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The Elections and Bylaws Committee is looking for Independent Special District Board Members or their General Managers who are interested in leading the direction of the California Special Districts Association for the 2021 - 2023 term.

The leadership of CSDA is elected from its six geographical networks. Each of the six networks has three seats on the Board with staggered 3-year terms. Candidates must be affiliated with an independent special district that is a CSDA Regular Member in good standing and located within the geographic network that they seek to represent.  
(See attached CSDA Network Map)

The CSDA Board of Directors is the governing body responsible for all policy decisions related to CSDA's member services, legislative advocacy, education and resources. The Board of Directors is crucial to the operation of the Association and to the representation of the common interests of all California's special districts before the Legislature and the State Administration. Serving on the Board requires one's interest in the issues confronting special districts statewide.

**Commitment and Expectations:**

- Attend all Board meetings, usually 4-5 meetings annually, at the CSDA office in Sacramento.
- Participate on at least one committee, meets 3-5 times a year at the CSDA office in Sacramento.  
*(CSDA reimburses Directors for their related expenses for Board and committee meetings as outlined in Board policy).*
- Attend, at minimum, the following CSDA annual events: Special Districts Legislative Days - held in the spring, and the CSDA Annual Conference - held in the fall.  
*(CSDA does **not** reimburse expenses for the two conferences even if a Board or committee meeting is held in conjunction with the event, however does comp registration for the two events)*
- Complete all four modules of CSDA's Special District Leadership Academy within 2 years of being elected.  
*(CSDA does **not** reimburse expenses for the Academy classes even if a Board or committee meeting is held in conjunction with the event).*

- Complete Annual Chief Executive Officer Evaluation.

**Nomination Procedures:** Any Regular Member in good standing is eligible to nominate one person, a board member or managerial employee (as defined by that district's Board of Directors), for election to the CSDA Board of Directors. **A copy of the member district's resolution or minute action and Candidate Information Sheet must accompany the nomination. The deadline for receiving nominations is March 26, 2020. Nominations and supporting documentation may be mailed, faxed, or emailed.**

Mail: 1112 I Street, Suite 200, Sacramento, CA 95814  
 Fax: 916.442.7889  
 E-mail: [amberp@csda.net](mailto:amberp@csda.net)

Once received, nominees will receive a candidate's letter in the mail. The letter will serve as confirmation that CSDA has received the nomination and will also include campaign guidelines.

CSDA will begin electronic voting on May 25, 2020. All votes must be received through the system no later than 5:00 p.m. July 10, 2020. The successful candidates will be notified no later than July 14, 2020. All selected Board Members will be introduced at the Annual Conference in Palm Desert, CA in August 2020.

### **Expiring Terms**

(See enclosed map for Network breakdown)

**Northern Network** Seat C-Fred Ryness, Director, Burney Water District\*  
**Sierra Network** Seat C-Pete Kampa, GM, Saddle Creek Community Services District\*  
**Bay Area Network** Seat C-Stanley Caldwell, Director, Mt. View Sanitary District\*  
**Central Network** Seat C-Sandi Miller, GM, Selma Cemetery District\*  
**Coastal Network** Seat C-Vincent Ferrante, Director, Moss Landing Harbor District\*  
**Southern Network** Seat C-Arlene Schafer, Director, Costa Mesa Sanitary District\*

(\* = Incumbent is running for re-election)

If you have any questions, please contact Amber Phelen at [amberp@csda.net](mailto:amberp@csda.net).

**AGAIN, THIS YEAR!**

**This year we will be using a web-based online voting system, allowing your district to cast your vote easily and securely.** *Electronic Ballots will be emailed to the main contact in your district May 25, 2020. All votes must be received through the system no later than 5:00 p.m. July 10, 2020.*

*Districts can opt to cast a paper ballot instead; but you must contact Amber Phelen by e-mail [Amberp@cda.net](mailto:Amberp@cda.net) **by March 26, 2020** in order to ensure that you will receive a paper ballot on time.*

CSDA will mail paper ballots on May 25, 2020 per district request only. ALL ballots must be received by CSDA no later than 5:00 p.m. July 10, 2020.

The successful candidates will be notified no later than July 14, 2020. All selected Board Members will be introduced at the Annual Conference in Palm Desert, CA in August 2020.



**California Special  
Districts Association**  
*Districts Stronger Together*

## 2021-2023 BOARD OF DIRECTORS NOMINATION FORM

Name of Candidate: \_\_\_\_\_

District: \_\_\_\_\_

Mailing Address: \_\_\_\_\_  
\_\_\_\_\_

Network: \_\_\_\_\_ (see map)

Telephone: \_\_\_\_\_  
(PLEASE BE SURE THE PHONE NUMBER IS ONE WHERE WE CAN REACH THE CANDIDATE DIRECTLY)

Fax: \_\_\_\_\_

E-mail: \_\_\_\_\_

Nominated by (optional): \_\_\_\_\_

**Return this form and a Board resolution/minute action supporting the candidate and Candidate Information Sheet by mail, or email to:**

CSDA  
Attn: Amber Phelen  
1112 I Street, Suite 200  
Sacramento, CA 95814  
(877) 924-2732 (916) 442-7889 fax  
amberp@csda.net

***DEADLINE FOR RECEIVING NOMINATIONS – March 26, 2020***





California Special  
Districts Association  
*Districts Stronger Together*

## 2021-2023 CSDA BOARD CANDIDATE INFORMATION SHEET

The following information **MUST** accompany your nomination form and Resolution/minute order:

Name: \_\_\_\_\_

District/Company: \_\_\_\_\_

Title: \_\_\_\_\_

Elected/Appointed/Staff: \_\_\_\_\_

Length of Service with District: \_\_\_\_\_

1. Do you have current involvement with CSDA (such as committees, events, workshops, conferences, Governance Academy, etc.):

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2. Have you ever been associated with any other state-wide associations (CSAC, ACWA, League, etc.):

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3. List local government involvement (such as LAFCo, Association of Governments, etc.):

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4. List civic organization involvement:

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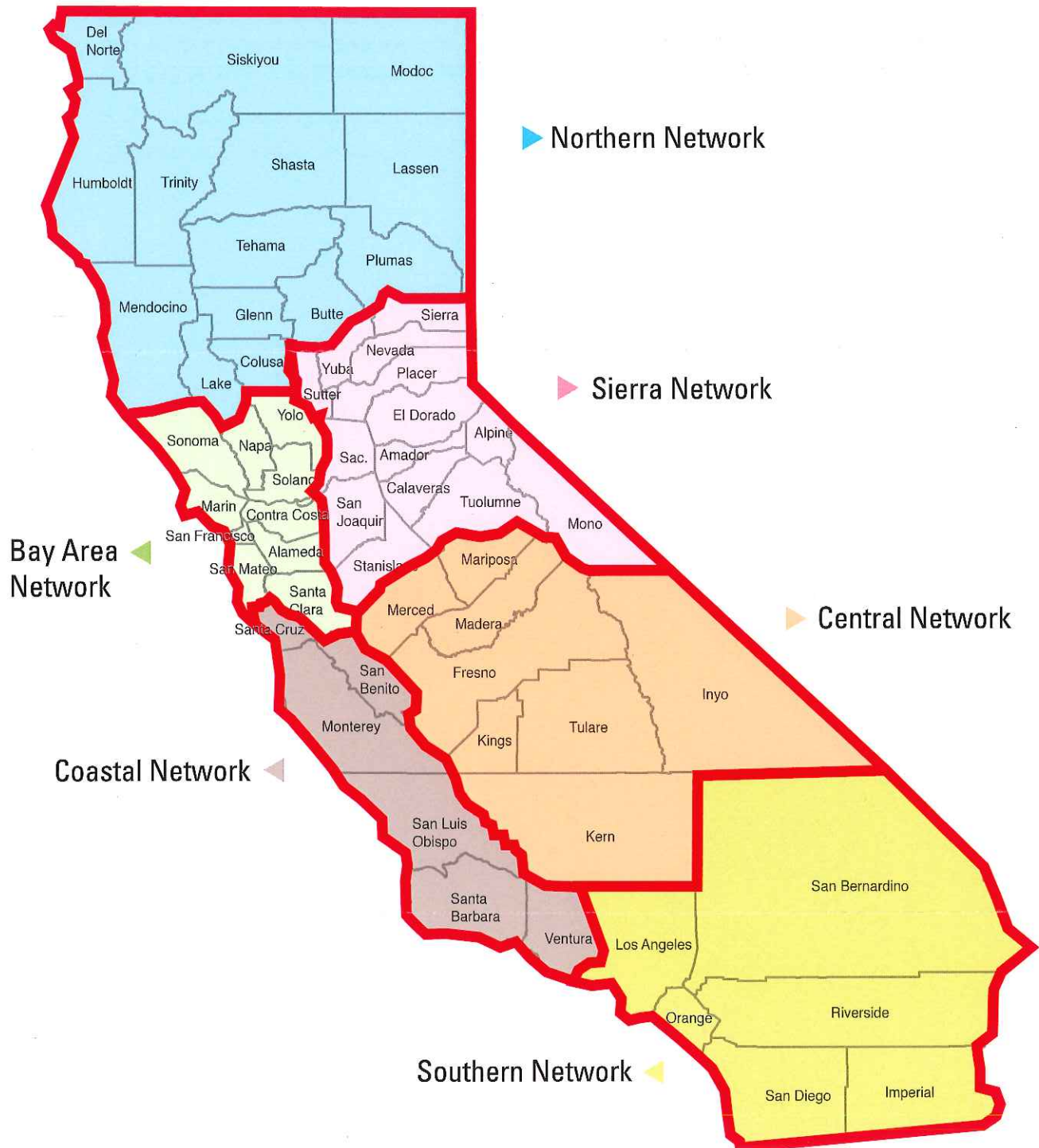
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**\*\*Candidate Statement** – Although it is not required, each candidate is requested to submit a candidate statement of no more than 300 words in length. **Any statements received in the CSDA office after March 26, 2020 will not be included with the ballot.**



California Special Districts Association

## DISTRICT NETWORKS





**ACTION ITEM**  
March 18, 2020

**TO:** Board of Directors

**FROM:** **Public Affairs and Legislation Committee**  
(Directors Yoo Schneider, Barbre, and McVicker)

Robert Hunter  
General Manager

Staff Contact: Heather Baez

**SUBJECT: LOCAL AREA FORMATION COMMISSIONS (LAFCO) DUES  
REAPPORTIONMENT FOR SPECIAL DISTRICTS**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors:

- 1) Review and discuss the proposed formula updated the LAFCO dues apportionment for special districts;
- 2) Alternatively, authorize/direct President Tamaribuchi's vote on MWD OC's behalf;

**COMMITTEE RECOMMENDATION**

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Committee will review this item on March 16, 2020 and make a recommendation to the Board.

**BACKGROUND**

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In 2001, AB 2838 (Hertzberg) took effect and changed the way Local Agency Formation Commissions (LAFCO) operate. One of those changes affected the way LAFCO funds its net operating budget. In the past, only the county government was required to fund LAFCO, in keeping with the premise that LAFCO was a countywide regional planning

<b>Budgeted (Y/N): Y</b>	Budgeted amount: \$36,230	Core X	Choice ____
<b>Action item amount:</b> \$38,431	Line item: 11-7210		
<b>Fiscal Impact (explain if unbudgeted):</b> An estimated increase of \$12,000 from FY 2019-2020			

organization. Under AB 2838, LAFCO remains a countywide regional planner, but responsibility for funding the Commission is split between the county, the cities, and independent special districts.

AB 2838 (2000, Hertzberg) states that the independent special districts' share shall be apportioned according to each district's revenues for general purpose transactions, as reported in the most recent edition of the "Financial Transactions Concerning Special Districts" published by the Controller, or by an alternative method approved by a majority of the agencies, representing a majority of their combined populations.

In 2001, the independent special districts of Orange County voted 13-11 (two districts did not vote) to adopt an alternative formula for apportioning the special districts share of the LAFCO budget. This formula was reaffirmed by vote of the special districts in 2005, but has not been revisited since.

In 2017, Director Al Nederhood of the Yorba Linda Water District approached the Independent Special Districts of Orange County (ISDOC) Executive Committee asking for the formula to be revisited as it had not been reviewed and/or voted on by special districts since 2005 and districts' operating budgets have grown since then. An ad-hoc committee was formed to review AB 2838 (2000, Hertzberg) as well as propose an updated formula. The committee met numerous times throughout 2017-2020 and ultimately settled on the formula attached. It was brought to the ISDOC Executive Committee on February 4, 2020. The Executive Committee unanimously voted to bring the updated LAFCO dues reapportionment formula to the full Special Districts Selection Committee for a vote.

## **NEW FORMULA**

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The LAFCO Dues Ad-Hoc Committee reviewed a number of different formulas, including a strictly revenue based formula as outlined in AB 2838 (2000, Hertzberg). The recommended formula that was approved to bring to a full vote of all Orange County special districts builds on the methodology originally adopted in 2001, updated to reflect 2020 revenues, while also recognizing the ability to pay between enterprise and non-enterprise districts. The committee also acknowledged that larger, enterprise districts might not receive a greater share of services from LAFCO merely due to the fact that they have greater revenues. Additionally, the committee recommended that this formula be revisited every five (5) years.

Under the proposed formula, thirteen (13) special districts, including MWDOC, will see an annual estimated increase in LAFCO dues ranging from \$402/year to \$12,012/year. The other fourteen (14) special districts will see a decrease in annual LAFCO dues ranging from \$20/year to \$7,373/year. MWDOC's LAFCO dues, based on our annual revenue reported to the State Controller's Office will increase by \$12,012/year. In fiscal year 2019-2020 MWDOC's share of the LAFCO dues were \$27,333. For fiscal year 2020-2021, it is estimated that MWDOC's share will increase to \$38,431.

## BOARD OPTIONS

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### Option #1

- Review and discuss the proposed formula updating the LAFCO dues apportionment for special districts. Alternatively authorize/direct President Tamaribuchi's vote on MWDOC's behalf.

#### **Fiscal Impact:**

- An estimated increase of \$12,012 per year

**Business Analysis:** While a "yes" vote would increase MWDOC's share of the LAFCO dues yearly, the formula has not been updated in almost twenty years. Some mid-sized agencies felt their dues were unfairly high because the formula had not been updated to reflect growing revenues. The updated formula is still a cost savings for MWDOC if the "revenue only" formula was used, as is outlined in AB 2838 (2000, Hertzberg). Under that formula, MWDOC's share of the LAFCO budget would be roughly \$97,000/year based on annual revenue reported to the State Controller's Office, an increase of nearly \$50,000/year.

### Option #2

- Take no action

**Fiscal Impact:** Unknown, depends on the election results

**Business Analysis:** MWDOC would not have a say in the election that could potentially change the amount the district pays yearly in LAFCO dues

## STAFF RECOMMENDATION

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Option #1

### ATTACHED:

- Letter from ISDOC President Sandra Jacobs
- Updated LAFCO dues structure spreadsheet
- Official Ballot

LAFCO Dues by Agency

Annual Dues: \$389,833.33

#	District	Revenue 2017	Recommended Revenue Based Factors	Percentage Share of Annual Dues	Previous Dues	Estimated 2000-2021 LAFCO Dues	Change from Previous Year
1	Silverado-Modjeska Rec & Park	\$312,556	0.1	0.12%	500	480	(20)
2	Surfside Colony Stormwater	\$312,929	0.1	0.12%	500	480	(20)
3	Rossmoor-Los Alamitos Sewer District	\$479,985	0.1	0.12%	500	480	(20)
4	Surfside Colony CSD	\$797,129	0.1	0.12%	500	480	(20)
5	Capistrano Bay CSD	\$1,151,362	0.5	0.62%	2,000	2,402	402
6	Rossmoor CSD	\$1,377,917	0.5	0.62%	2,000	2,402	402
7	Three Arch Bay CSD	\$1,859,915	0.5	0.62%	2,000	2,402	402
8	Emerald Bay CSD	\$2,188,987	0.5	0.62%	9,775	2,402	(7,373)
9	Buena Park Library	\$2,362,865	0.5	0.62%	2,000	2,402	402
10	Placentia Library	\$2,675,129	0.5	0.62%	2,000	2,402	402
11	Orange County Cemetery	\$5,988,529	0.75	0.92%	2,000	3,603	1,603
12	Orange County Vector Control	\$13,682,024	1	1.23%	2,000	4,804	2,804
13	Sunset Beach Sanitary District	\$1,083,390	1	1.23%	9,775	4,804	(4,971)
14	Serrano Irrigation District	\$6,045,914	3	3.70%	14,794	14,412	(383)
15	East Orange County Water	\$6,286,331	3	3.70%	14,794	14,412	(383)
16	Midway City Sanitary	\$9,685,641	3	3.70%	20,078	14,412	(5,667)
17	Trabuco Canyon Water District	\$11,320,583	4	4.93%	20,078	19,215	(863)
18	Costa Mesa Sanitary District	\$12,041,937	4	4.93%	20,078	19,215	(863)
19	El Toro Water District	\$27,600,993	5	6.16%	20,078	24,019	3,941
20	Mesa Water	\$31,150,322	5	6.16%	26,419	24,019	(2,399)
21	Yorba Linda Water	\$35,160,485	5	6.16%	26,419	24,019	(2,399)
22	South Coast Water District	\$36,197,754	5	6.16%	26,419	24,019	(2,399)
23	Moulton Niguel Water District	\$87,485,580	7	8.63%	26,419	33,627	7,208
24	Santa Margarita Water District	\$104,567,483	7	8.63%	26,419	33,627	7,208
25	MWD OC	\$163,412,555	8	9.86%	26,419	38,431	12,012
26	OCWD	\$165,150,987	8	9.86%	26,419	38,431	12,012
27	Irvine Ranch Water District	\$215,481,000	8	9.86%	26,419	38,431	12,012
					81.15	356,800	389,833
					100.00%		

Non-Enterprise Agencies			
Group Min	Group Max	Factor	
\$ -	\$ 999,999	0.1	
\$ 1,000,000	\$ 4,999,999	0.5	
\$ 5,000,000	\$ 9,999,999	0.75	
\$ 10,000,000		1	

Enterprise Agencies			
Group Min	Group Max	Factor	
\$ -	\$ 999,999	0.1	
\$ 1,000,000	\$ 1,999,999	1	
\$ 2,000,000	\$ 4,999,999	2	
\$ 5,000,000	\$ 9,999,999	3	
\$ 10,000,000	\$ 19,999,999	4	
\$ 20,000,000	\$ 39,999,999	5	
\$ 40,000,000	\$ 79,999,999	6	
\$ 80,000,000	\$ 159,999,999	7	
\$ 160,000,000	\$ 239,999,999	8	
\$ 240,000,000		9	

# INDEPENDENT SPECIAL DISTRICTS OF ORANGE COUNTY (ISDOC)

## **LAFCO DUES REAPPORTIONMENT FOR SPECIAL DISTRICTS**

### **The Question:**

"Does your special district approve the updated LAFCO dues structure for Special Districts?"

### **How to Vote:**

Please cast your vote by using an "X" on the line next to "Yes" or "No" below.

\_\_\_\_\_ YES

\_\_\_\_\_ NO

-----  
\_\_\_\_\_  
DISTRICT NAME

\_\_\_\_\_  
SIGNATURE OF VOTING REPRESENTATIVE

**Ballots must be received no later than 5 p.m. April 24, 2020.**

You may return your ballot by mail or email to:

Heather Baez  
P.O. Box 20895  
Fountain Valley, CA 92728  
**Attention: ISDOC**  
OR Email: [hbaez@mwdoc.com](mailto:hbaez@mwdoc.com)



February 24, 2020

Dear Members,

The ISDOC Executive Committee voted unanimously to approve the Ad Hoc committee recommendation for a new LAFCO dues structure to pay for our Special District portion of the LAFCO budget.

As a brief background, the ISDOC dues formula has not been updated since 2001. As such, several inequities in the dues apportionment were brought to the attention of the ISDOC Executive Committee by Director Nederhood with Yorba Linda Water District.

The Ad Hoc committee was formed to review a new dues structure. After numerous meetings and dues structure iterations, the Ad Hoc committee selected a Revenues-Based Factoring formula that will adjust as Special District revenues increase.

The recommended dues calculation builds upon the methodology that was originally adopted and implemented in 2001. In developing the proposed approach, the Ad Hoc committee wished to achieve the following objectives:

- Balance an agency's ability to pay with its share of service received from LAFCO;
- Limit significant cost shifts between agencies; and
- Create a methodology that was dynamic and easy to administer by LAFCO staff.

The committee recognized that non-enterprise agencies, which are primarily supported by property taxes, have less ability to increase revenues to account for higher dues. The committee also acknowledged that larger, enterprise agencies might not receive a greater share of services from LAFCO merely due the fact that they have greater annual revenues. These two factors, along with the requirement to proportionally allocate costs under Proposition 26, guided the committee's approach and its recommended methodology. The full methodology and spreadsheet are attached to this letter.

Lastly, the Ad Hoc committee recommended that this dues structure be reviewed every 5 years.

Today we ask for your support of this new dues formula and 5-year review. If approved by a majority of the membership, this formula would take effect in FY 2021-22. If a majority of the membership vote No, the current formula remains in place.

**Mailing Address**

P.O. Box 20895  
Fountain Valley, CA 92728

**Meeting Location**

MWDOC/OCWD  
18700 Ward Street  
Fountain Valley, CA 92708

(714) 963-3058  
(714) 964-5930 fax

[www.mwdoc.com/isdoc](http://www.mwdoc.com/isdoc)

**Executive Committee**

**President**

**Hon. Sandra Jacobs**  
*Santa Margarita Water District*

**1<sup>st</sup> Vice President**

**Hon. Mark Monin**  
*El Toro Water District*

**2<sup>nd</sup> Vice President**

**Hon. Arlene Schafer**  
*Costa Mesa Sanitary District*

**3<sup>rd</sup> Vice President**

**Hon. Mary Aileen Matheis**  
*Irvine Ranch Water District*

**Secretary**

**Hon. William "Bill" Green**  
*South Coast Water District*

**Treasurer**

**Hon. Joan C. Finnegan**  
*Municipal Water District of  
Orange County*

**Immediate Past President**

**Hon. James Fisler**  
*Mesa Water District*

**Staff Administration**

**Heather Baez**

*Municipal Water District of Orange  
County*

**Christina Hernandez**

*Municipal Water District of Orange  
County*



I would like to personally thank the Ad Hoc committee members for all their hard work, time and diligence to this matter: First and foremost Director Al Nederhood with Yorba Linda Water District who tirelessly pursued this change for nearly 2 years; General Manager Mike Dunbar with Emerald Bay CSD who was at the table in 2001 and brought with him historic knowledge and current know-how to move us forward; Director Bill Nelson Orange County Cemetery District & Orange County Vector Control represented non-enterprise districts, and staff from Santa Margarita Water District CFO Robb Grantham and Mesa Water District CFO Marwan Khalifa both of whom were our financial heavy-hitters and made sure our formulas made sense.

Your vote to support this new dues structure will be greatly appreciated.

Thank you.

*Saundra F. Jacobs*

Saundra F. Jacobs, President ISDOC, Ad Hoc Committee Chair, and Director, Santa Margarita Water District

### **METHODOLOGY**

Consistent with the 2001 dues, the proposed methodology groups agencies into non-enterprise and enterprise categories. These general groups were further subdivided based on total annual revenues. For non-enterprise agencies, the Ad Hoc committee recommended four groups based on annual revenues. For enterprise agencies, the committee recommended ten revenue groups. Based on the assigned agency type and revenue, each group was assigned a revenue factor, which is used to apportion annual dues. The following tables illustrate the revenue groupings and assigned factors.

Non-Enterprise Agencies		
Group Min	Group Max	Factor
\$ -	\$ 999,999	0.1
\$ 1,000,000	\$ 4,999,999	0.5
\$ 5,000,000	\$ 9,999,999	0.75
\$ 10,000,000		1

Enterprise Agencies		
Group Min	Group Max	Factor
\$ -	\$ 999,999	0.1
\$ 1,000,000	\$ 1,999,999	1
\$ 2,000,000	\$ 4,999,999	2
\$ 5,000,000	\$ 9,999,999	3
\$ 10,000,000	\$ 19,999,999	4
\$ 20,000,000	\$ 39,999,999	5
\$ 40,000,000	\$ 79,999,999	6
\$ 80,000,000	\$ 159,999,999	7
\$ 160,000,000	\$ 239,999,999	8
\$ 240,000,000		9

The committee wishes to implement a methodology that is easy to administer and update annually. Using revenue factors helps to achieve this objective. The assigned factor is based on annual revenues. As an agency's revenue grows, the agency is then moved into the next revenue group, that agency will then be assigned a higher revenue factor.

Each year, the allocation of the LAFCO Special District dues will be allocated based on each agency's percentage share of the revenue factors as shown in the following formula.

$$\text{LAFCO Dues} \div \text{Sum of Total Revenue Factors} \times \text{Agency Revenue Factor}$$

For Fiscal Year 2021, the total dues to be collected from the Special Districts is estimated to be \$367,504. Based on the Revenue Groupings, the total Revenue Factors is 81.15. For each Revenue Factor of 1.0, an agency would have annual dues of \$4,529, or  $\$367,504 \div 81.15$ .

The following table shows the recommended revenue factors, the current LAFCO dues for 2020, and the estimated dues for FY 2021. To note, as of the writing of this memorandum, the latest revenues available from the State Controller's website are for 2017. Additionally, for the purpose of illustration, the FY 2021 dues are assumed to be 3% higher than the FY 2020 total dues.

A larger spreadsheet is also attached to this letter.

LAFCO Dues by Agency			Annual Dues <sup>(1)</sup> : \$ 367,504				
#	District	Revenue 2017	Recommended Revenue Based Factors	Percentage Share of Annual Dues	FY 2020 Dues	Estimated 2021 LAFCO Dues	Change from Previous Year
1	Silverado-Modjeska Rec & Park	\$312,556	0.1	0.12%	500	453	(47)
2	Surfside Colony Stormwater	\$312,929	0.1	0.12%	500	453	(47)
3	Rossmoor-Los Alamitos Sewer District	\$479,985	0.1	0.12%	500	453	(47)
4	Surfside Colony CSD	\$797,129	0.1	0.12%	500	453	(47)
5	Capistrano Bay CSD	\$1,151,362	0.5	0.62%	2,000	2,264	264
6	Rossmoor CSD	\$1,377,917	0.5	0.62%	2,000	2,264	264
7	Three Arch Bay CSD	\$1,859,915	0.5	0.62%	2,000	2,264	264
8	Emerald Bay CSD	\$2,188,987	0.5	0.62%	9,775	2,264	(7,511)
9	Buena Park Library	\$2,362,865	0.5	0.62%	2,000	2,264	264
10	Placentia Library	\$2,675,129	0.5	0.62%	2,000	2,264	264
11	Orange County Cemetery	\$5,988,529	0.75	0.92%	2,000	3,397	1,397
12	Orange County Vector Control	\$13,682,024	1	1.23%	2,000	4,529	2,529
13	Sunset Beach Sanitary District	\$1,083,390	1	1.23%	9,775	4,529	(5,246)
14	Serrano Irrigation District	\$6,045,914	3	3.70%	14,794	13,586	(1,208)
15	East Orange County Water	\$6,286,331	3	3.70%	14,794	13,586	(1,208)
16	Midway City Sanitary	\$9,685,641	3	3.70%	20,078	13,586	(6,492)
17	Trabuco Canyon Water District	\$11,320,583	4	4.93%	20,078	18,115	(1,963)
18	Costa Mesa Sanitary District	\$12,041,937	4	4.93%	20,078	18,115	(1,963)
19	El Toro Water District	\$27,600,993	5	6.16%	20,078	22,643	2,565
20	Mesa Water	\$31,150,322	5	6.16%	26,419	22,643	(3,775)
21	Yorba Linda Water	\$35,160,485	5	6.16%	26,419	22,643	(3,775)
22	South Coast Water District	\$36,197,754	5	6.16%	26,419	22,643	(3,775)
23	Moulton Niguel Water District	\$87,485,580	7	8.63%	26,419	31,701	5,282
24	Santa Margarita Water District	\$104,567,483	7	8.63%	26,419	31,701	5,282
25	MWD OC	\$163,412,555	8	9.86%	26,419	36,230	9,811
26	OCWD	\$165,150,987	8	9.86%	26,419	36,230	9,811
27	Irvine Ranch Water District	\$215,481,000	8	9.86%	26,419	36,230	9,811
			<b>81.15</b>	<b>100.00%</b>	<b>356,800</b>	<b>367,504</b>	
(1) Revenue requirement based on FY 2020 dues plus 3 percent							



**ACTION ITEM**  
March 18, 2020

**TO:** Board of Directors

**FROM:** **Public Affairs and Legislation Committee**  
(Directors Yoo Schneider, Barbre, and McVicker)

Robert Hunter  
General Manager

Staff Contact: Heather Baez

**SUBJECT: AB 2093 (GLORIA) – PUBLIC RECORDS RETENTION**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors vote to adopt an oppose position on AB 2093 (Gloria), and join the California Special Districts Association's (CSDA) coalition letter.

**COMMITTEE RECOMMENDATION**

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Committee will review this item on March 16, 2020 and make a recommendation to the Board.

**BILL SUMMARY**

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Assembly Bill 2093 (Gloria) will require all public agencies, including special districts, to retain all emails related to the public's business for two years. The practical effect of this is that every public agency will need to keep all emails, sent and received, including out-of-office and spam emails for two years. The bill states that this is to be done in furtherance of the California Public Records Act (CPRA) to ensure that the State will not need to reimburse public agencies for any additional costs associated with this new mandate.

<b>Budgeted (Y/N):</b> n/a	Budgeted amount: n/a	Core X	Choice ____
<b>Action item amount:</b> None	Line item:		
<b>Fiscal Impact (explain if unbudgeted):</b>			

## BACKGROUND

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AB 2093 is identical to a bill from last year, AB 1184 (Gloria, 2019), which was opposed by CSDA and vetoed by Governor Newsom.

In his veto message he said, “This bill would require state and local public agencies to retain every public record transmitted by e-mail for at least two years. This bill does not strike the appropriate balance between the benefits of greater transparency through the public's access to public records, and the burdens of a dramatic increase in records-retention requirements, including associated personnel and data-management costs to taxpayer.”

## ARGUMENTS IN SUPPORT

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According to the author, AB 2093 will require public agencies to retain public records that are transmitted by email for at least two years. Current law requires cities to keep emails for a minimum of two years but as a recent Voice of San Diego investigation found, local governments have established policies that result in cities like Encinitas and Poway deleting emails after 30 days. Emails are the primary way public servants conduct their work and as it stands today, many of these emails automatically purged and therefore unavailable for pending or future Public Records Act Requests. AB 2093 ensures that our public record retention requirements are appropriately applied to emails, given their increasing importance in how public agencies conduct their work.

## ARGUMENTS IN OPPOSITION

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This is not a transparency measure, it is a records retention measure. Opponents contend that retention will prove costly but, because the provision is placed in the CPRA, these costs will not be reimbursed as a state mandate. Opponents contend that CPRA already creates burdens on public agencies in terms of staff time responding to requests. Given the volume of electronic mail generated, opponents contend, a mandatory retention period of two years would place even greater burdens on agencies in terms of reviewing and identifying relevant e-mail.

## BOARD OPTIONS

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### Option #1

- Adopt an oppose position on AB 2093 (Gloria) and join CSDA's coalition letter.

**Fiscal Impact:** State General Fund costs would be in the low hundreds of thousands of dollars annually for state agencies to obtain additional servers or contract for additional server space, if needed, in order to retain two years of agency emails.

**Business Analysis:** As members of CSDA, it is important for MWDOC to be an active participant in the association. This is one of their priority bills this year and are asking all of their members to join their coalition. To date, they have over 150 special districts in opposition.

**Option #2**

- Take no action

**Fiscal Impact:** Same as Option #1

**Business Analysis:** There is little impact to taking no action, other than not supporting CSDA's sponsored legislation, and therefore supporting the association's priority legislation.

**STAFF RECOMMENDATION**

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Option #1

**ATTACHED:**

- AB 2093 Full Text

**ASSEMBLY BILL**

**No. 2093**

---

**Introduced by Assembly Member Gloria**

February 5, 2020

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An act to add Section 6253.32 to the Government Code, relating to public records.

LEGISLATIVE COUNSEL'S DIGEST

AB 2093, as introduced, Gloria. Public records: writing transmitted by electronic mail: retention.

Existing law, the California Public Records Act, requires a public agency, defined to mean any state or local agency, to make public records available for inspection, subject to certain exceptions. Existing law specifies that public records include any writing containing information relating to the conduct of the public's business, including writing transmitted by electronic mail. Existing law requires any agency that has any information that constitutes a public record not exempt from disclosure to make that public record available in accordance with certain provisions, and authorizes every agency to adopt regulations stating the procedures to be followed when making its records available, if the regulations are consistent with those provisions. Existing law authorizes cities, counties, and special districts to destroy or to dispose of duplicate records that are less than two years old when they are no longer required by the city, county, or special district, as specified.

This bill would, unless a longer retention period is required by statute or regulation, or established by the Secretary of State pursuant to the State Records Management Act, require a public agency, for purposes of the California Public Records Act, to retain and preserve for at least

2 years every public record, as defined, that is transmitted by electronic mail.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 6253.32 is added to the Government  
2 Code, immediately following Section 6253.31, to read:

3 6253.32. Unless a longer retention period is required by statute  
4 or regulation, or established by the Secretary of State pursuant to  
5 the State Records Management Act (Article 7 (commencing with  
6 Section 12270) of Chapter 3 of Part 2 of Division 3 of Title 2), a  
7 public agency shall, for the purpose of this chapter, retain and  
8 preserve for at least two years every public record, as defined in  
9 subdivision (e) of Section 6252, that is transmitted by electronic  
10 mail.

11 SEC. 2. The Legislature finds and declares that Section 1 of  
12 this act, which adds Section 6253.32 to the Government Code,  
13 furthers, within the meaning of paragraph (7) of subdivision (b)  
14 of Section 3 of Article I of the California Constitution, the purposes  
15 of that constitutional section as it relates to the right of public  
16 access to the meetings of local public bodies or the writings of  
17 local public officials and local agencies. Pursuant to paragraph (7)  
18 of subdivision (b) of Section 3 of Article I of the California  
19 Constitution, the Legislature makes the following findings:

20 This act furthers the right of public access to the writings of local  
21 public officials and local agencies by requiring that public agencies



1 preserve for at least two years every public record that is  
2 transmitted by electronic mail.

3 SEC. 3. No reimbursement is required by this act pursuant to  
4 Section 6 of Article XIII B of the California Constitution because  
5 the only costs that may be incurred by a local agency or school  
6 district under this act would result from a legislative mandate that  
7 is within the scope of paragraph (7) of subdivision (b) of Section  
8 3 of Article I of the California Constitution.

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**ACTION ITEM**  
March 18, 2020

**TO:** Board of Directors

**FROM:** **Public Affairs and Legislation Committee**  
(Directors Yoo Schneider, Barbre, and McVicker)

Robert Hunter  
General Manager

Staff Contact: Heather Baez

**SUBJECT: AB 2178 (LEVINE) – EMERGENCY SERVICES: DE-ENERGIZATION  
DEFINITION**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors vote to adopt a support position on AB 2178 (Levine).

**COMMITTEE RECOMMENDATION**

---

Committee will review this item on March 16, 2020 and make a recommendation to the Board.

**BILL SUMMARY**

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AB 2178 would expand the definition of energy shortage constituting a state of emergency and a local emergency, to include a planned de-energization event.

**BACKGROUND**

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The state of California is no stranger to the devastating effects of a now-prolonged wildfire season.

<b>Budgeted (Y/N):</b> n/a	<b>Budgeted amount:</b> n/a	<b>Core</b> X	<b>Choice</b> ___
<b>Action item amount:</b> None		Line item:	
<b>Fiscal Impact (explain if unbudgeted):</b>			

In 2018, California experienced the Camp Fire, one of the deadliest and most destructive wildfires to date. It began in Butte County and resulted in 85 deaths and the destruction of over 18,000 homes, businesses, and other structures.

Investigators for the California Department of Forestry and Fire Protection (CalFire) determined that the fire was caused by electrical transmission lines owned and operated by Pacific Gas and Electricity (PG&E), adding to the liability already incurred by PG&E in the 2017 Tubbs Fire.

In an effort to reduce the potential for liability, PG&E executed several Public Safety Power Shutoff (PSPS) events throughout the month of October 2019. These planned de-energization events shut off power to electric lines passing through high fire-threat areas during high-wind events. What resulted was a series of PSPS events that affected millions of PG&E customers and left state and local government officials to respond to numerous public safety impacts.

### **ARGUMENTS IN SUPPORT**

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AB 2178 would uniformly clarify that PSPS events constitute a state of emergency and a local emergency. In previous years, a number of challenges related to the use of backup generators during a PSPS event have risen, including whether or not this use of emergency backup power is considered “emergency use” under state and local rules. While the California Air Resources Board issued guidance that PSPS events should be considered emergency use for generators, this is not being uniformly applied at the local level.

Additionally, this bill could potentially provide an avenue for MWDOC and other agencies to receive disaster funding reimbursement for PSPS events.

### **ARGUMENTS IN OPPOSITION**

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None on file

### **BOARD OPTIONS**

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#### **Option #1**

- Adopt a support position on AB 2178 (Levine)
- Fiscal Impact:** Potential cost reimbursement

#### **Option #2**

- Take no action
- Fiscal Impact:** Same as Option #1

### **STAFF RECOMMENDATION**

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Option #1

#### **ATTACHED:**

- AB 2178 Full Text

**ASSEMBLY BILL**

**No. 2178**

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**Introduced by Assembly Member Levine**

February 11, 2020

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An act to amend Sections 8557 and 8558 of the Government Code, relating to emergency services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2178, as introduced, Levine. Emergency services.

Existing law, the California Emergency Services Act, authorizes the Governor to proclaim a state of emergency, and local officials and local governments to proclaim a local emergency, when specified conditions of disaster or extreme peril to the safety of persons and property exist, and authorizes the Governor or the appropriate local government to exercise certain powers in response to that emergency. Existing law defines the terms “state of emergency” and “local emergency” to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by, among other things, fire, storm, or riot.

This bill would additionally include a deenergization, defined as a planned public safety power shutoff, as specified, within those conditions constituting a state of emergency and a local emergency.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 8557 of the Government Code is amended  
2     to read:

1 8557. (a) “State agency” means any department, division,  
2 independent establishment, or agency of the executive branch of  
3 the state government.

4 (b) “Political subdivision” includes any city, city and county,  
5 county, district, or other local governmental agency or public  
6 agency authorized by law.

7 (c) “Governing body” means the legislative body, trustees, or  
8 directors of a political subdivision.

9 (d) “Chief executive” means that individual authorized by law  
10 to act for the governing body of a political subdivision.

11 (e) “Disaster council” and “disaster service worker” have the  
12 meaning prescribed in Chapter 1 (commencing with Section 3201)  
13 of Part 1 of Division 4 of the Labor Code.

14 (f) “Public facility” means any facility of the state or a political  
15 subdivision, which facility is owned, operated, or maintained, or  
16 any combination thereof, through moneys derived by taxation or  
17 assessment.

18 (g) “Sudden and severe energy shortage” means a rapid,  
19 unforeseen shortage of energy, resulting from, but not limited to,  
20 events such as an embargo, sabotage, or natural disasters, and  
21 which has statewide, regional, or local impact.

22 (h) *“Deenergization” means a planned public safety power*  
23 *shutoff that is consistent with the requirements of subdivision (a)*  
24 *of Section 399.2 of, and of Section 451 of, the Public Utilities Code.*

25 SEC. 2. Section 8558 of the Government Code is amended to  
26 read:

27 8558. Three conditions or degrees of emergency are established  
28 by this chapter:

29 (a) “State of war emergency” means the condition that exists  
30 immediately, with or without a proclamation thereof by the  
31 Governor, whenever this state or nation is attacked by an enemy  
32 of the United States, or upon receipt by the state of a warning from  
33 the federal government indicating that such an enemy attack is  
34 probable or imminent.

35 (b) “State of emergency” means the duly proclaimed existence  
36 of conditions of disaster or of extreme peril to the safety of persons  
37 and property within the state caused by conditions such as air  
38 pollution, fire, flood, storm, epidemic, riot, drought, cyberterrorism,  
39 sudden and severe energy shortage, plant or animal infestation or  
40 disease, the Governor’s warning of an earthquake or volcanic

1 prediction, or an earthquake, or other conditions, other than  
2 conditions resulting from a labor controversy or conditions causing  
3 a “state of war emergency,” which, by reason of their magnitude,  
4 are or are likely to be beyond the control of the services, personnel,  
5 equipment, and facilities of any single county, city and county, or  
6 city and require the combined forces of a mutual aid region or  
7 regions to combat, or with respect to regulated energy utilities, *a*  
8 *deenergization* or a sudden and severe energy shortage *that* requires  
9 extraordinary measures beyond the authority vested in the  
10 California Public Utilities Commission.

11 (c) “Local emergency” means the duly proclaimed existence of  
12 conditions of disaster or of extreme peril to the safety of persons  
13 and property within the territorial limits of a county, city and  
14 county, or city, caused by conditions such as air pollution, fire,  
15 flood, storm, epidemic, riot, drought, cyberterrorism, sudden and  
16 severe energy shortage, plant or animal infestation or disease, the  
17 Governor’s warning of an earthquake or volcanic prediction, or  
18 an earthquake, or other conditions, other than conditions resulting  
19 from a labor controversy, which are or are likely to be beyond the  
20 control of the services, personnel, equipment, and facilities of that  
21 political subdivision and require the combined forces of other  
22 political subdivisions to combat, or with respect to regulated energy  
23 utilities, *a deenergization* or a sudden and severe energy shortage  
24 *that* requires extraordinary measures beyond the authority vested  
25 in the California Public Utilities Commission.

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**ACTION ITEM**  
March 18, 2020

**TO:** Board of Directors

**FROM:** **Public Affairs and Legislation Committee**  
(Directors Yoo Schneider, Barbre, and McVicker)

Robert Hunter  
General Manager

Staff Contact: Heather Baez

**SUBJECT: AB 2182 (RUBIO) – EMERGENCY BACKUP GENERATORS, WATER AND WASTEWATER FACILITIES: EXEMPTION**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors vote to adopt a support position on AB 2182 (Rubio), and send a letter to the author and the Association of California Water Agencies (bill sponsor).

**COMMITTEE RECOMMENDATION**

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Committee will review this item on March 16, 2020 and make a recommendation to the Board.

**BILL SUMMARY**

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AB 2182 would provide flexibility for all critical service providers to use and maintain emergency power generators for Public Safety Power Shutoff (PSPS) events. This flexibility would be accomplished by: (1) confirming that backup power generation during PSPS events is considered emergency use of generators; (2) ensuring that generator use for PSPS events is not limited by any time constraints; and, (3) by providing testing and maintenance flexibility for these backup generators due to the strenuous nature of their use during PSPS events.

<b>Budgeted (Y/N):</b> n/a	Budgeted amount: n/a	Core X	Choice ____
<b>Action item amount:</b> None	Line item:		
<b>Fiscal Impact (explain if unbudgeted):</b>			

## **BACKGROUND**

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California's investor-owned electric utilities are taking steps to ensure their equipment does not start a wildfire, in part by implementing PSPS. These PSPS events, however, leave many critical service providers without power, including water and wastewater agencies. Water and wastewater agencies are responsible for providing essential public health and safety services, including drinking water, wastewater treatment, and water for fire suppression. Supplying and treating water and wastewater requires reliable energy, and without electric utilities providing that power, water agencies must secure alternative reliable sources of power. In a worst-case scenario, without electricity, there is the potential for public water agencies to issue boil-orders to the public, water delivery to temporarily stop, or raw sewage to enter public waterways.

When PSPS protocols were implemented last fall, a number of challenges related to backup power generation came to light. First, it was unclear if use of generators during PSPS events was considered "emergency use" under state and local rules. While the California State Air Resources Board (CARB) has issued guidance that it is considered emergency use, uncertainty remains.

Second, rules regarding emergency generator use vary significantly around the state, and in some regions, the local air quality management districts have implemented strict limits on the amount of time that an emergency generator can be used, which has catastrophic implications if a critical facility runs up against that limit during a PSPS event.

Finally, CARB has established rules regarding testing and maintenance limits for emergency generators. While these rules may be adequate for normal generator use, PSPS events last several days and these generators are under tremendous strain for which they were not designed. Ultimately, a lack of rigorous testing and maintenance of these generators can and has led to failures of backup power systems during PSPS events.

## **ARGUMENTS IN SUPPORT**

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This bill provides that the use of backup generators by critical public health and safety providers during a PSPS event is considered "emergency use" regardless of whether an emergency has been declared by the Governor. In addition, the bill would allow providers of critical public health and safety services to rely upon backup generators for the duration of PSPS events without possible violation of local or state regulations. Finally, due to the unprecedented duration of reliance on these generators, this proposal would also allow these service providers to test this backup equipment consistent with the testing procedures for maintenance of emergency power standby systems established by the National Fire Protection Association.

## **ARGUMENTS IN OPPOSITION**

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Opponents will argue that the bill is unnecessary because no fines have ever been levied against a city or special district for running a generator during an emergency, and that they already have the authority to waive the runtime limitations where appropriate. Opponents will further argue that the limitations on testing generators has never been shown to be



inadequate, or that the national testing protocols cannot be met within the 20 hour limit. Opponents believe that this bill will allow older and dirtier generators to stay in use longer.

## BOARD OPTIONS

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### Option #1

- Adopt a support position on AB 2182 (Rubio), and send a letter to the author and the Association of California Water Agencies (bill sponsor).

**Fiscal Impact:** Potentially lowers administrative cost of compliance with AQMD regulations.

**Business Analysis:** This bill is not expected to have impacts on business since backup generator are an existing ongoing cost.

### Option #2

- Take no action

**Fiscal Impact:** Potentially higher cost for regulatory compliance with AQMD regulations and possible fines.

**Business Analysis:** Same as #1 above.

## STAFF RECOMMENDATION

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Option #1

### ATTACHED:

- AB 2182 Full Text

**ASSEMBLY BILL**

**No. 2182**

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**Introduced by Assembly Member Blanca Rubio**

February 11, 2020

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An act to add Article 9.4 (commencing with Section 42005) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to nonvehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2182, as introduced, Blanca Rubio. Emergency backup generators: water and wastewater facilities: exemption.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law requires the State Air Resources Board to identify toxic air contaminants that are emitted into the ambient air of the state and to establish airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources.

This bill would exempt the operation of an alternative power source, as defined, to provide power to a critical facility, as defined, from any local, regional, or state regulation regarding the operation of that source. The bill would authorize providers of essential public services, in lieu of compliance with applicable legal requirements, to comply with the maintenance and testing procedure set forth in the National Fire Protection Association Standard for Emergency and Standby Power System, NFPA 110, for alternative power sources designated by the providers for the support of critical facilities.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Due to climate change, California's risk for catastrophic  
4 wildfires has increased substantially and California's wildfire  
5 season is now longer and more intense.

6 (b) Catastrophic wildfires have had and continue to have an  
7 enormous impact on California, taking and threatening life,  
8 property, and our environment, and costing the state billions of  
9 dollars.

10 (c) Public safety power shutoffs and deenergization events,  
11 while necessary to protect California from catastrophic wildfires,  
12 impact essential public services, including firefighting, police, and  
13 water services, which are necessary to respond to a wildfire.

14 (d) Given the importance of essential public services in  
15 responding to wildfire, it is crucial to ensure the essential public  
16 service provider has access to alternative power sources during  
17 public safety power shutoffs and other deenergization events to  
18 maintain California's ability to respond to wildfire.

19 SEC. 2. Article 9.4 (commencing with Section 42005) is added  
20 to Chapter 3 of Part 4 of Division 26 of the Health and Safety  
21 Code, to read:

22  
23 Article 9.4. Standby Electric Generation  
24

25 42005. For purposes of this article, the following terms apply:

26 (a) "Alternative power source" means equipment that is used  
27 by an essential public service provider to produce electricity to  
28 directly run a critical facility during a deenergization event.

29 (b) "Critical facility" means a facility necessary or convenient  
30 in providing essential public services, including, but not limited  
31 to, facilities such as police stations, fire stations, emergency  
32 operations centers, water and wastewater treatment facilities,  
33 incident command posts, and communication systems used to  
34 support essential public services.

1 (c) “Deenergization event” means the loss of electricity to a  
2 critical facility due to an emergency, including, but not limited to,  
3 wildfire.

4 (d) “Essential public service” means fire prevention, protection,  
5 and response, law enforcement, provision of water and wastewater  
6 service, disaster medical response, and other emergency response  
7 services.

8 (e) “Water and wastewater facilities” mean water and wastewater  
9 facilities critical to maintain public health and safety standards,  
10 including, but not limited to, treatment plants, pumping stations  
11 and other storage facilities, and water facilities needed to maintain  
12 water service and water pressure necessary for firefighting.

13 42007. (a) Notwithstanding other law, the use of an alternative  
14 power source by a provider of essential services to operate a critical  
15 facility during a deenergization event shall not be subject to any  
16 local, regional, or state regulation regarding the operation of an  
17 alternative power source.

18 (b) Notwithstanding other law, in lieu of compliance with any  
19 applicable legal requirements, a provider of essential public service  
20 may comply with the maintenance and testing procedure set forth  
21 in the National Fire Protection Association Standard for Emergency  
22 and Standby Power Systems, NFPA 110, or any successor standard  
23 adopted by the association, for an alternative power source  
24 designated by the provider for the support of a critical facility  
25 during a deenergization event.

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**ACTION ITEM**  
March 18, 2020

**TO:** Board of Directors

**FROM:** **Public Affairs and Legislation Committee**  
(Directors Yoo Schneider, Barbre, and McVicker)

Robert Hunter  
General Manager

Staff Contact: Heather Baez

**SUBJECT: AB 2246 (MAYES) – SURFACE MINING RECLAMATION ACT OF 1975:  
METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors vote to adopt a support position on AB 2246 (Mayes), and authorize staff to sign onto the Metropolitan Water District (MWD) Southern California's coalition letter.

**COMMITTEE RECOMMENDATION**

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Committee will review this item on March 16, 2020 and make a recommendation to the Board.

**BILL SUMMARY**

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AB 2246 would amend the Surface Mining and Reclamation Act (SMARA) to grant Metropolitan special status under SMARA regulations for routine maintenance and emergency repairs of critical water infrastructure in Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura counties.

<b>Budgeted (Y/N):</b> n/a	<b>Budgeted amount:</b> n/a	<b>Core</b> X	<b>Choice</b> ___
<b>Action item amount:</b> None		Line item:	
<b>Fiscal Impact (explain if unbudgeted):</b>			

## **BACKGROUND**

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When Metropolitan completed construction of the Colorado River Aqueduct (CRA) and began operation in 1941, it retained ownership of the land beneath and adjacent to the Aqueduct, including the excess stone, gravel, and sand used to construct the project. To this day, Metropolitan uses those materials to restore CRA facilities from storm and flood damage, and make repairs to the CRA, adjacent roads, and related infrastructure.

Enacted in 1975, SMARA provides for the regulation of surface mining operations to encourage mineral production and conservation and to ensure mined lands are reclaimed to a usable condition to prevent environmental effects and ensure public health and safety.

In 2017, the County of San Bernardino notified Metropolitan that it needed to comply with SMARA for its use of materials obtained from land owned by Metropolitan for repair and maintenance activities on its conveyance and distribution system in the County. Riverside County followed suit.

Metropolitan's distribution system crosses six counties with differing regulations and processes. Therefore, compliance with SMARA for each county will be costly and inefficient requiring the preparation of separate reclamation plans, associated CEQA documents, regulatory permits, and annual inspections.

## **ARGUMENTS IN SUPPORT**

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Maintaining critical water infrastructure requires coordinated regulatory compliance. AB 2246 proposes special status under SMARA, so Metropolitan can consistently administer and enforce SMARA compliance for the purpose of responding to emergencies, repairing, maintaining, or replacing any pipelines, infrastructure, or related transmission systems used for the distribution of water located in Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura counties.

Metropolitan must work quickly and efficiently to protect, maintain, and operate critical infrastructure across a vast area to ensure the delivery of reliable and safe water to nearly 19 million people in its service area – or one in every two Californians.

AB 2246 would not exempt Metropolitan from SMARA compliance. In fact, Metropolitan would still complete a reclamation plan and comply with CEQA. What would be different is Metropolitan staff would perform the annual inspections and submit the annual report directly to the California Department of Conservation rather than going through individual counties. This approach would make compliance with SMARA more efficient and generate cost savings for ratepayers.

## **ARGUMENTS IN OPPOSITION**

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None on file.

## **BOARD OPTIONS**

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### **Option #1**

- Adopt a support position on AB 2246 (Mayes) and authorize MWDOC staff to sign on to MWD's coalition letter

**Fiscal Impact:** Cost savings to ratepayers via reduced staff time filing for permits in multiple counties

**Business Analysis:** MWD is asking its member agencies to support AB 2246 and join their coalition letter. Orange County purchases Colorado River water from MWD and keeping costs down by increasing staff efficiency benefits the region's ratepayers.

**Option #2**

- Take no action

**Fiscal Impact:** Same as Option #1

**STAFF RECOMMENDATION**

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Option #1

**ATTACHED:**

- AB 2246 Full Text

**ASSEMBLY BILL**

**No. 2246**

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**Introduced by Assembly Member Mayes**

February 13, 2020

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An act to amend Section 2714 of the Public Resources Code, relating to surface mining.

LEGISLATIVE COUNSEL'S DIGEST

AB 2246, as introduced, Mayes. Surface Mining and Reclamation Act of 1975: exemption: Metropolitan Water District of Southern California.

(1) The Surface Mining and Reclamation Act of 1975 prohibits a person, with exceptions, from conducting surface mining operations unless, among other things, a permit is obtained from, a specified reclamation plan is submitted to and approved by, and financial assurances for reclamation have been approved by the lead agency for the operation of the surface mining operation. The act exempts certain activities from the provisions of the act, including, among others, emergency excavations or grading conducted by the Department of Water Resources or the Central Valley Flood Protection Board for the specified purposes; surface mining operations conducted on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the Department of Water Resources for the purpose of the State Water Resources Development System or flood control; and surface mining operations on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the Central Valley Flood Protection Board for the purpose of flood control.

This bill would additionally exempt from the provisions of the act emergency excavations or grading conducted by the Metropolitan Water



District of Southern California for the specified purposes and surface mining operations conducted on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the Metropolitan Water District of Southern California for the purpose of repairing, maintaining, or replacing pipelines, infrastructure, or related transmission systems used for the distribution of water in the specified counties. The bill would require the Metropolitan Water District of Southern California to provide an annual report to the Department of Conservation and any affected county by the date specified by the department on these surface mining operations. To the extent this bill adds to the duties of local governments acting as a lead agency, the bill would impose a state-mandated local program.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute for the Metropolitan Water District of Southern California.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2714 of the Public Resources Code is  
2 amended to read:  
3 2714. This chapter does not apply to any of the following  
4 activities:  
5 (a) Excavations or grading of lands conducted for farming.  
6 (b) Onsite excavation and onsite earthmoving activities that are  
7 integral and necessary for the construction of structures and that  
8 are undertaken to prepare a site for the construction of those  
9 structures, including landscaping or other land improvements  
10 associated with those structures, including the related excavation,  
11 grading, compaction, or the creation of fills, road cuts, and  
12 embankments, whether or not surplus materials are exported from  
13 the site, subject to all of the following conditions:  
14 (1) All required permits for the construction and any associated  
15 landscaping or related land improvements have been approved by

1 a public agency in accordance with applicable provisions of state  
2 law and locally adopted plans and ordinances, including, but not  
3 limited to, the California Environmental Quality Act (Division 13  
4 (commencing with Section 21000)).

5 (2) The lead agency's approval of the construction project  
6 included consideration of the onsite excavation and onsite  
7 earthmoving activities pursuant to the California Environmental  
8 Quality Act (Division 13 (commencing with Section 21000)).

9 (3) The approved construction project is consistent with the  
10 general plan or zoning of the site.

11 (4) Surplus materials shall not be exported from the site unless  
12 and until actual construction work has commenced and shall cease  
13 if it is determined that construction activities have terminated, have  
14 been indefinitely suspended, or are no longer being actively  
15 pursued.

16 (c) Operation of a plant site used for mineral processing,  
17 including associated onsite structures, equipment, machines, tools,  
18 or other materials, including the onsite stockpiling and onsite  
19 recovery of mined materials, subject to all of the following  
20 conditions:

21 (1) The plant site is located on lands designated for industrial  
22 or commercial uses in the applicable county or city general plan.

23 (2) The plant site is located on lands zoned as industrial or  
24 commercial or are contained within a zoning category intended  
25 exclusively for industrial activities by the applicable city or county.

26 (3) None of the minerals being processed are being extracted  
27 onsite.

28 (4) All reclamation work has been completed pursuant to the  
29 approved reclamation plan for any mineral extraction activities  
30 that occurred onsite after January 1, 1976.

31 (d) Prospecting for or the extraction of minerals for commercial  
32 purposes where the removal of overburden or mineral product  
33 totals less than 1,000 cubic yards in any one location and the total  
34 surface area disturbed is less than one acre.

35 (e) Surface mining operations that are required by federal law  
36 in order to protect a mining claim, if those operations are conducted  
37 solely for that purpose.

38 (f) Any other surface mining operations that the board  
39 determines to be of an infrequent nature and that involve only  
40 minor surface disturbances.

1 (g) The solar evaporation of sea water or bay water for the  
2 production of salt and related minerals.

3 (h) (1) Emergency excavations or grading conducted by the  
4 Department of Water Resources or the Central Valley Flood  
5 Protection Board for the purpose of averting, alleviating, repairing,  
6 or restoring damage to property due to imminent or recent floods,  
7 disasters, or other emergencies.

8 (2) *Emergency excavations or grading conducted by the*  
9 *Metropolitan Water District of Southern California for the purpose*  
10 *of averting, alleviating, repairing, or restoring damage to property*  
11 *due to imminent or recent floods, disasters, or other emergencies.*

12 (i) (1) Surface mining operations conducted on lands owned  
13 or leased, or upon which easements or rights-of-way have been  
14 obtained, by the Department of Water Resources for the purpose  
15 of the State Water Resources Development System or flood control,  
16 and surface mining operations on lands owned or leased, or upon  
17 which easements or rights-of-way have been obtained, by the  
18 Central Valley Flood Protection Board for the purpose of flood  
19 control, if the Department of Water Resources adopts, after  
20 submission to and consultation with, the Division of Mine  
21 Reclamation, a reclamation plan for lands affected by these  
22 activities, and those lands are reclaimed in conformance with the  
23 standards specified in regulations of the board adopted pursuant  
24 to this chapter. The Department of Water Resources shall provide  
25 an annual report to the department by the date specified by the  
26 department on these ~~mining activities~~ *surface mining operations*.

27 (2) Nothing in this subdivision shall require the Department of  
28 Water Resources or the Central Valley Flood Protection Board to  
29 obtain a permit or secure approval of a reclamation plan from any  
30 city or county in order to conduct surface mining operations  
31 specified in paragraph (1). Nothing in this subdivision shall  
32 preclude the bringing of an enforcement action pursuant to Section  
33 2774.1, if it is determined that ~~a surface mine~~ *an operator*, acting  
34 under contract with the Department of Water Resources or the  
35 Central Valley Flood Protection Board on lands other than those  
36 owned or leased, or upon which easements or rights-of-way have  
37 been obtained, by the Department of Water Resources or the  
38 Central Valley Flood Protection Board, is otherwise not in  
39 compliance with this chapter.

(j) (1) Surface mining operations conducted on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the Metropolitan Water District of Southern California for the purpose of repairing, maintaining, or replacing pipelines, infrastructure, or related transmission systems used for the distribution of water in the Counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura, if the Metropolitan Water District of Southern California adopts, after submission to and consultation with the department, a reclamation plan for lands affected by these activities, and those lands are reclaimed in conformance with the standards specified in regulations of the board adopted pursuant to this chapter. The Metropolitan Water District of Southern California shall provide an annual report to the department and any affected county by the date specified by the department on these surface mining operations.

(2) Nothing in this subdivision shall require the Metropolitan Water District of Southern California to obtain a permit or secure approval of a reclamation plan from any city or county in order to conduct surface mining operations specified in paragraph (1).

(3) Nothing in this subdivision shall preclude the bringing of an enforcement action pursuant to Section 2774.1 if it is determined that an operator, acting under contract with the Metropolitan Water District of Southern California on lands other than those described in paragraph (1), is otherwise not in compliance with this chapter.

(j)

(k) (1) Excavations or grading for the exclusive purpose of obtaining materials for roadbed construction and maintenance conducted in connection with timber operations or forest management on land owned by the same person or entity. This exemption is limited to excavation and grading that is conducted adjacent to timber operation or forest management roads and shall not apply to onsite excavation or grading that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to excavation for materials that are, or have been, sold for commercial purposes.

(2) This exemption shall be available only if slope stability and erosion are controlled in accordance with subdivision (f) of Section 3704 and subdivision (d) of Section 3706 of Title 14 of the

1 California Code of Regulations and, upon closure of the site, the  
2 person closing the site implements, where necessary, revegetation  
3 measures and postclosure uses in consultation with the Department  
4 of Forestry and Fire Protection.

5 ~~(k)~~

6 (l) Excavations, grading, or other earthmoving activities in an  
7 oil or gas field that are integral to and necessary for ongoing  
8 operations for the extraction of oil or gas that comply with all of  
9 the following conditions:

10 (1) The operations are being conducted in accordance with  
11 Division 3 (commencing with Section 3000).

12 (2) The operations are consistent with any general plan or zoning  
13 applicable to the site.

14 (3) The earthmoving activities are within oil or gas field  
15 properties under a common owner or operator.

16 (4) No excavated materials are sold for commercial purposes.

17 ~~(t)~~

18 (m) (1) The immediate excavation or grading of lands affected  
19 by a natural disaster for the purpose of restoring those lands to  
20 their prior condition.

21 (2) The immediate removal of material deposited by a flood  
22 onto lands being farmed for the purpose of restoring those lands  
23 to their prior condition.

24 SEC. 2. The Legislature finds and declares that a special statute  
25 is necessary and that a general statute cannot be made applicable  
26 within the meaning of Section 16 of Article IV of the California  
27 Constitution because of the service area of the Metropolitan Water  
28 District of Southern California covers six counties, providing water  
29 to 26 member agencies that serve approximately 19,000,000 people  
30 across the Counties of Los Angeles, Orange, Riverside, San  
31 Bernardino, San Diego, and Ventura; the district's Colorado River  
32 Aqueduct and other critical drinking water infrastructure are unique  
33 in that it crosses multiple counties and it is essential to the district's  
34 mission to provide its service area with adequate and reliable  
35 supplies of high-quality water to meet present and future needs in  
36 an environmentally and economically responsible way; it is  
37 necessary for the district to use stone, gravel, and sand to operate  
38 and maintain its critical infrastructure, including the use of  
39 materials to repair storm and flood damage, and repairs to the  
40 rights-of-way and appurtenant facilities necessary to ensure the

1 safe operation of its critical drinking water infrastructure and, thus,  
2 ensure delivery of water to approximately 19,000,000 people in  
3 southern California; the implementation of the Surface Mining  
4 and Reclamation Act of 1975 (Chapter 9 (commencing with  
5 Section 2710) of Division 2 of the Public Resources Code) by  
6 multiple counties as to the district may lead to the conflicting  
7 application of the law to a single special district; and the  
8 implementation of the Surface Mining and Reclamation Act of  
9 1975 by the district with the oversight of the Department of  
10 Conservation will ensure more uniform and efficient application  
11 of the law.

12 SEC. 3. No reimbursement is required by this act pursuant to  
13 Section 6 of Article XIII B of the California Constitution because  
14 a local agency or school district has the authority to levy service  
15 charges, fees, or assessments sufficient to pay for the program or  
16 level of service mandated by this act, within the meaning of Section  
17 17556 of the Government Code.

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**ACTION ITEM**  
March 18, 2020

**TO:** Board of Directors

**FROM:** **Public Affairs and Legislation Committee**  
(Directors Yoo Schneider, Barbre, and McVicker)

Robert Hunter  
General Manager

Staff Contact: Heather Baez

**SUBJECT: AB 2560 (QUIRK) – WATER QUALITY: NOTIFICATION AND RESPONSE  
LEVELS: PROCEDURES**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors vote to adopt a support position on AB 2560 (Quirk), and send a letter of support to the author and the California Municipal Utilities Association (CMUA).

**COMMITTEE RECOMMENDATION**

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Committee will review this item on March 16, 2020 and make a recommendation to the Board.

**BILL SUMMARY**

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AB 2560 would require the State Water Board, when establishing or revising notification or response levels to:

- 1) Electronically post on its website and distribute through email a notice informing interested persons that the State Water Board has initiated the development of a notification or response level;
- 2) Electronically post on its website and distribute through email a notice that a draft notification or response level is available;
- 3) Submit its draft notification or response level for external peer review;

<b>Budgeted (Y/N):</b> n/a	Budgeted amount: n/a	Core X	Choice ____
<b>Action item amount:</b> None	Line item:		
<b>Fiscal Impact (explain if unbudgeted):</b>			

- 4) Take a formal action to finalize and adopt the notification or response level

Additionally it would require the State Water Board to provide notice and make documents available, including the complete studies that were used to establish the level, at least 45 calendar days before finalizing the notification or response level.

## **BACKGROUND**

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Last year AB 756 (C. Garcia) was signed into law, providing the State Water Board with the authority to order public water systems to monitor for PFAS. This bill established a separate public notification process for any confirmed detection of these substances. While water providers are not opposed to notifying customers about contaminants, there was concern and disagreement with creating separate requirements for one class of contaminants. With the passage of AB 756, there are now legal requirements for water agencies for the exceedance of a response level.

The establishment of a notification or response level is generally an initial step when adopting a formal state regulatory standard. However, due to their non-regulatory status, these levels lack a formal review process like MCLs. Since AB 756 established legal requirements when in exceedance of a response level, there is a need to establish a formal process for the State Water Board to follow when adopting notification levels and response levels. Currently, there is no process for the public to comment on the consideration of adoption of notification level or response level.

## **ARGUMENTS IN SUPPORT**

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AB 2560 would develop a process by which the State Water Board would have to provide notice that they have initiated the development of a notification level or response level. Additionally, the State Water Board would be required to provide the public with the complete studies that were used to establish the level and submit the draft notification level or response level for external peer review.

This bill would require the State Water Board to provide notice and documentation at least 45 days before finalizing the notification level or response level through a transparent review process.

AB 2560 is co-sponsored by CMUA and OCWD.

## **ARGUMENTS IN OPPOSITION**

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None on file.

## **BOARD OPTIONS**

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### **Option #1**

- Adopt a support position on AB 2560 (Quirk) and send a letter of support to the author and CMUA.



**Fiscal Impact:** Unknown at this time

**Business Analysis:** This measure will create a transparent review process that will benefit water providers and their customers.

**Option #2**

- Take no action

**Fiscal Impact:** Unknown at this time

**STAFF RECOMMENDATION**

---

Option #1

**ATTACHED:**

- AB 2560 Full Text

**ASSEMBLY BILL**

**No. 2560**

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**Introduced by Assembly Member Quirk  
(Coauthors: Assembly Members Daly and Petrie-Norris)**

February 19, 2020

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An act to add Section 116456 to the Health and Safety Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 2560, as introduced, Quirk. Water quality: notification and response levels: procedures.

The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various duties and responsibilities for the regulation and control of drinking water in the state. The act requires the state board to adopt drinking water standards for contaminants in drinking water based upon specified criteria and requires any person who owns a public water system to ensure that the system, among other things, complies with those drinking water standards.

The act requires a public water system to provide prescribed notices within 30 days after it is first informed of a confirmed detection of a contaminant found in drinking water delivered by the public water system for human consumption that is in excess of a maximum contaminant level, a notification level, or a response level established by the state board.

This bill would require the state board to comply with specified public notice and comment and peer review procedures, as prescribed, when establishing or revising notification or response levels.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 116456 is added to the Health and Safety  
2     Code, to read:  
3     116456. When establishing or revising notification or response  
4     levels, the state board shall do all of the following:  
5     (a) Electronically post on its internet website and distribute  
6     through email a notice informing interested persons that the state  
7     board has initiated the development of a notification or response  
8     level.  
9     (b) Electronically post on its internet website and distribute  
10    through electronic mail a notice that a draft notification or response  
11    level is available. The notice shall include an electronic link to an  
12    internet webpage where the draft level can be viewed electronically  
13    along with the complete studies that were used to establish the  
14    level. Notice and document availability shall occur at least 45  
15    calendar days before finalizing the notification or response level.  
16    The state board shall include the draft level as an informational  
17    item during a regularly noticed meeting of the state board.  
18    (c) Submit its draft notification or response level for external  
19    peer review using the process described in Section 57004.  
20    (d) Take a formal action to finalize and adopt the notification  
21    or response level.

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Item No. 8-11

**ACTION ITEM**  
March 18, 2020

**TO:** Board of Directors

**FROM:** **Public Affairs and Legislation Committee**  
(Directors Yoo Schneider, Barbre, and McVicker)

Robert Hunter  
General Manager

Staff Contact: Heather Baez

**SUBJECT: ACR 179 (VOEPEL) – SPECIAL DISTRICTS WEEK**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors vote to adopt a support position on ACR 179 (Voepel) proclaiming the week of May 17, 2020, to May 23, 2020, to be Special Districts Week.

**COMMITTEE RECOMMENDATION**

---

Committee will review this item on March 16, 2020 and make a recommendation to the Board.

**BILL SUMMARY**

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ACR 179, an Assembly Concurrent Resolution, proclaims that the week of May 17, 2020 to May 23, 2020 to be Special Districts Week.

**BACKGROUND**

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ACR 179 is sponsored by the California Special Districts Association (CSDA), which is a statewide association representing over 1,000 special districts and affiliate organizations throughout the state. Special districts are local government entities created by a

<b>Budgeted (Y/N):</b> n/a	<b>Budgeted amount:</b> n/a	<b>Core</b> X	<b>Choice</b> __
<b>Action item amount:</b> None		<b>Line item:</b>	
<b>Fiscal Impact (explain if unbudgeted):</b>			

community's residents, funded by those residents, and overseen by those residents, to provide specialized services and infrastructure.

## **ARGUMENTS IN SUPPORT**

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Special districts are local government entities created by a community's residents, funded by those residents, and overseen by those residents, to provide specialized services and infrastructure.

Today, just about 2,000 independent special districts provide millions of Californians with essential services, including services related to water, sanitation and water recycling, fire protection, electricity, parks and recreation, health care, open space, ports and harbors, flood protection, mosquito abatement, cemeteries, resource conservation, airports, transit, road maintenance, veterans' facilities, and more.

## **ARGUMENTS IN OPPOSITION**

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None on file.

## **BOARD OPTIONS**

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### **Option #1**

- Adopt a support position on ACR 179 (Voepel), Special Districts Week

### **Fiscal Impact:** None

**Business Analysis:** As members of CSDA, it is important for MWDOC to be an active participant in the association. This is one of their sponsored bills this year and are asking all of their members to support it, as well as promote Special Districts Week.

### **Option #2**

- Take no action

### **Fiscal Impact:** None

**Business Analysis:** There is little impact to taking no action, other than not supporting CSDA's sponsored legislation, and therefore supporting the association's priority legislation.

## **STAFF RECOMMENDATION**

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Option #1

### **ATTACHED:**

- ACR 179 Full Text

**Assembly Concurrent Resolution**

**No. 179**

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**Introduced by Assembly Member Voepel**

February 26, 2020

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Assembly Concurrent Resolution No. 179—Relative to Special Districts Week.

LEGISLATIVE COUNSEL’S DIGEST

ACR 179, as introduced, Voepel. Special Districts Week.

This measure proclaims the week of May 17, 2020, to May 23, 2020, to be Special Districts Week.

Fiscal committee: no.

- 1 WHEREAS, Special districts are local governmental entities  
2 created by a community’s residents, funded by those residents,  
3 and overseen by those residents, to provide specialized services  
4 and infrastructure; and  
5 WHEREAS, Today, just over 2,000 independent special districts  
6 provide millions of Californians with essential services, including  
7 services related to water, sanitation and water recycling, fire  
8 protection, electricity, parks and recreation, health care, open space,  
9 ports and harbors, flood protection, mosquito abatement,  
10 cemeteries, resource conservation, airports, transit, road  
11 maintenance, veterans’ facilities, and more; and  
12 WHEREAS, Special districts first arose when San Joaquin  
13 Valley farmers needed a way to access their local water supply;  
14 and  
15 WHEREAS, Under the Wright Act of 1887, the Turlock  
16 Irrigation District became California’s first special district and

1 made it possible for local farmers to intensify and diversify  
2 agriculture in California's central valley; and

3 WHEREAS, In the 20th century, special districts increased  
4 dramatically in both number and scope, and during the periods of  
5 prosperity and population growth that followed both world wars  
6 when the demand for all types of public services increased, and  
7 special districts met that need; and

8 WHEREAS, The statutory authorization for mosquito abatement  
9 districts was enacted in 1915 to combat the salt marsh mosquitoes  
10 around the San Francisco Bay and higher than average malaria  
11 cases in rural counties; and

12 WHEREAS, Fire protection districts can trace their origins to  
13 a 1923 state law, and in 1931 the Legislature authorized recreation  
14 districts, the forerunners of today's recreation and park districts;  
15 and

16 WHEREAS, Hospital districts arose in 1945 because of a  
17 statewide shortage of hospital beds. In 1994, the Legislature then  
18 expanded their breadth and renamed them health care districts in  
19 recognition of the diverse, modern needs of California's  
20 communities and the importance of proactive, affordable health  
21 care beyond the walls of a hospital building; and

22 WHEREAS, Although originally created to provide individual  
23 services, in 1961 the Legislature authorized special districts to  
24 address multiple needs, when it provided for multipurpose,  
25 community services districts; and

26 WHEREAS, Special districts vary in size and scope and serve  
27 diverse communities throughout California, from small rural  
28 neighborhoods, such as the Pine Cove Water District in the San  
29 Jacinto Mountains in the County of Riverside, to large urban  
30 regions, such as the East Bay Municipal Utility District spanning  
31 much of the Counties of Alameda and Contra Costa; and

32 WHEREAS, Local residents own special districts and govern  
33 them through locally elected or appointed boards. A series of  
34 sunshine laws ensure special districts remain transparent and  
35 accountable to the communities they serve, as these laws require  
36 open and public meetings, public access to records, regular audits,  
37 online posting of finances and compensation, and more; and

38 WHEREAS, To prevent overlapping services and ensure that  
39 local agencies are operating effectively and efficiently to meet  
40 community needs, special districts are formed, reviewed,

1 consolidated, or dissolved through a methodical local process that  
2 includes the oversight of a local agency formation commission  
3 and the consent of local voters; and

4 WHEREAS, Fifty-one years ago, in 1969, several independent  
5 special districts formed a statewide association called the California  
6 Special Districts Association, commonly referred to as the CSDA,  
7 to promote good governance and improved essential local services  
8 through professional development, advocacy, and other services  
9 for all types of independent special districts; and

10 WHEREAS, The Legislature seeks to promote democratic  
11 institutions, community-based services, local control, and  
12 self-determination; and

13 WHEREAS, The Legislature seeks to promote and educate the  
14 public about their local public service providers, including  
15 awareness and understanding of special districts; now therefore,  
16 be it

17 *Resolved by the Assembly of the State of California, the Senate*  
18 *thereof concurring*, That the Legislature hereby proclaims the  
19 week of May 17, 2020, to May 23, 2020, inclusive, to be Special  
20 Districts Week and encourages all Californians to be involved in  
21 their communities and be civically engaged with their local  
22 government: and be it further

23 *Resolved*, That the Chief Clerk of the Assembly transmit copies  
24 of this resolution to the author for appropriate distribution.

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**ACTION ITEM**  
March 18, 2020

**TO:** Board of Directors

**FROM:** **Public Affairs and Legislation Committee**  
(Directors Yoo Schneider, Barbre, and McVicker)

Robert Hunter  
General Manager

Staff Contact: Heather Baez

**SUBJECT: SB 996 (PORTANTINO) – STATE WATER RESOURCES CONTROL  
BOARD: CONSTITUENTS OF EMERGING CONCERN PROGRAM**

**STAFF RECOMMENDATION**

---

Staff recommends the Board of Directors vote to adopt a support position on SB 996 (Portantino), and authorize staff to sign onto the Metropolitan Water District (MWD) Southern California's coalition letter.

**COMMITTEE RECOMMENDATION**

---

Committee will review this item on March 16, 2020 and make a recommendation to the Board.

**BILL SUMMARY**

---

SB 996 would require the state board to establish and then maintain an ongoing, dedicated program for CECs to support and conduct re-search on and provide recommendations on issues with water that may pose a risk to the public. The state board would create a Science Advisory Panel to gather and develop information for the program. The bill would require the program to provide opportunities for public participation through the creation of a Stakeholder Advisory Group.

The bill would establish in the State Treasury the CEC Action Fund, which upon appropriation would be administered by the state board.

<b>Budgeted (Y/N):</b> n/a	Budgeted amount: n/a	Core X	Choice ____
<b>Action item amount:</b> None	Line item:		
<b>Fiscal Impact (explain if unbudgeted):</b>			

## BACKGROUND

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Currently CECs can become regulated by the State Water Board in one of three ways: adoption of federal standards, after the Office of Environmental Health Hazard Assessment sets a public health goal, or by legislative mandate. In addition, the state board can set notification levels and response levels as precautionary measures for contaminants that have not yet undergone or completed the regulatory standard setting process. All of these processes have their own unique challenges and inefficiencies.

The federal process relies upon the Contaminant Candidate List and the Unregulated Contaminant Monitoring Rule to identify and collect data on CECs — this process can take several years before a final regulatory decision is made and may not focus on issues specific to California. Similarly, the regulatory development process in California can be lengthy due to a lack of technical and financial resources. And while legislative approaches can address public concerns, they can be made without complete information on occurrence and health effects.

## ARGUMENTS IN SUPPORT

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Constituents of Emerging Concern (CECs) are a diverse group of chemicals and microorganisms that are not currently regulated in drinking water. They can be detected in very small amounts. Over the years, particular CECs have received growing public attention as potential pollutants in drinking water supplies. Yet, the full extent and risk of their presence is not well understood.

The Metropolitan Water District of Southern California and the California Municipal Utilities Association are co-sponsoring legislation in response to this growing issue that would establish a CEC Drinking Water Program at the State Water Resources Control Board (State Water Board). The program would set up a consistent and science-based approach for assessing the public health and drinking water consequences of CECs, while identifying which CECs warrant further action.

## ARGUMENTS IN OPPOSITION

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None on file. OCWD did have concerns over the scope of the advisory panel's authority and raised concerns about conflicts with existing advisory panels on recycled water, as well as potential cost which could come from the Safe Drinking Water Fund. MWD took amendments to address these concerns by narrowing the scope of the panel's responsibilities and stating that nothing in the bill was meant to replace or conflict with any existing scientific review program.

## BOARD OPTIONS

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### Option #1

- Adopt a support position on SB 996 (Portantino) and authorize MWDOC staff to sign on to MWD's coalition letter

**Fiscal Impact:** Unknown at this time.

**Business Analysis:** MWD is asking its member agencies to support SB 996 and join their coalition letter. CECs are a growing concern throughout the state and Orange County in particular. MWD's proposal attempts to get in front of the issue, promoting a science-based solution to the problem.

**Option #2**

- Take no action

**Fiscal Impact:** Same as Option #1

**STAFF RECOMMENDATION**

---

Option #1

**ATTACHED:**

- SB 996 Full Text

**Introduced by Senator Portantino**

February 13, 2020

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An act to add Article 3.6 (commencing with Section 116416) to Chapter 4 of Part 12 of Division 104 of the Health and Safety Code, relating to drinking water.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 996, as introduced, Portantino. State Water Resources Control Board: Constituents of Emerging Concern Program.

Existing law, the California Safe Drinking Water Act, requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. The state board's duties include, but are not limited to, conducting research, studies, and demonstration programs relating to the provision of a dependable and safe supply of drinking water, enforcing the federal Safe Drinking Water Act, and adopting and enforcing regulations.

This bill would require the state board to establish by an unspecified date and then maintain an ongoing, dedicated program called the Constituents of Emerging Concern Program to support and conduct research to develop information and, if necessary, provide recommendations to the state board on constituents of emerging concern in drinking water that may pose risks to public health. The bill would require the state board to establish the Stakeholder Advisory Group and the Science Advisory Panel, both as prescribed, to assist in the gathering and development of information for the program, among other functions. The bill would require the program to provide opportunities for public participation, including conducting stakeholder meetings and workshops to solicit relevant information and feedback for development and implementation of the program.

This bill would establish in the State Treasury the CEC Action Fund, which, upon appropriation by the Legislature, would be administered by the state board to support and pay the costs associated with the establishment and implementation of the program, as specified.

This bill would authorize the state board to promulgate regulations pursuant to which the state board's Division of Financial Assistance may provide financial assistance to any public water system upon a showing that the costs of testing drinking water in compliance with this act would impose a financial hardship, with eligibility preference given to public water systems serving fewer than 10,000 individuals.

This bill would make legislative findings and declarations regarding constituents of emerging concern and the need for the program.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) The United States Environmental Protection Agency
- 4 identifies potential contaminants through the federal Unregulated
- 5 Contaminant Monitoring Rule program.
- 6 (b) California adopts federally required monitoring from the
- 7 federal Unregulated Contaminant Monitoring Rule program.
- 8 (c) California establishes drinking water standards through the
- 9 State Water Resources Control Board, after the Office of
- 10 Environmental Health Hazard Assessment establishes a public
- 11 health goal.
- 12 (d) California administratively establishes notification levels
- 13 and response levels as precautionary measures for contaminants
- 14 that have not yet undergone or completed the regulatory standard
- 15 setting process.
- 16 (e) The process to identify, monitor, and consider a contaminant
- 17 for regulation may take many years.
- 18 (f) Analytical methods and technologies continue to advance
- 19 and allow detection of compounds at increasingly lower levels.
- 20 (g) The public's concern and engagement with constituents of
- 21 emerging concern has increased in recent years.
- 22 (h) The Legislature has implemented separate requirements for
- 23 certain chemicals.

1 (i) A unified, consistent, and science-based approach is desired  
2 to more rapidly assess the public health and drinking water  
3 consequences of a broad spectrum of constituents of emerging  
4 concern.

5 (j) Proactive measures to support existing regulatory processes  
6 are needed without interfering with or duplicating other state efforts  
7 on constituents of emerging concern.

8 (k) Paragraph (1) of subdivision (b) of Section 116350 of the  
9 Health and Safety Code gives the State Water Resources Control  
10 Board the responsibility to conduct research relating to the  
11 provision of a dependable, safe supply of drinking water.

12 (l) A Constituents of Emerging Concern Action Fund should  
13 be established to maintain a program to improve the timeliness of  
14 understanding the occurrence and public health effects of  
15 constituents of emerging concern and to support the creation of a  
16 science advisory panel to assist the State Water Resources Control  
17 Board in its considerations for prioritizing and making regulatory  
18 determinations for constituents of emerging concern.

19 (m) A stakeholder advisory group should be created to advise  
20 the State Water Resources Control Board in establishing the science  
21 advisory panel and implementing a constituents of emerging  
22 concern program.

23 SEC. 2. Article 3.6 (commencing with Section 116416) is  
24 added to Chapter 4 of Part 12 of Division 104 of the Health and  
25 Safety Code, to read:

26  
27 Article 3.6. Constituents of Emerging Concern Program  
28

29 116416. (a) The state board shall establish and maintain an  
30 ongoing, dedicated program called the Constituents of Emerging  
31 Concern Program to conduct the following research on constituents  
32 of emerging concern in drinking water:

- 33 (1) Occurrence.  
34 (2) Fate, transport, and biodegradation.  
35 (3) Water treatment and laboratory analyses.  
36 (4) The potential effects on public health of constituents of  
37 emerging concern in drinking water sources and treated drinking  
38 water.

39 (b) For purposes of this section:

1 (1) “Drinking water sources” include, but are not limited to,  
2 surface water, groundwater, recycled water, stormwater, and  
3 desalinated seawater.

4 (2) “Research” includes evaluating cumulative risks from  
5 simultaneous exposure of multiple contaminants in drinking water.

6 116417. The following definitions apply to terms when used  
7 in this article:

8 (a) “CEC” means constituent or constituents of emerging  
9 concern.

10 (b) “Panel” means the Science Advisory Panel, as established  
11 in Section 116418.

12 (c) “Group” means the Stakeholder Advisory Group, as  
13 established in Section 116423.

14 116418. (a) The state board shall convene by \_\_\_\_ a Science  
15 Advisory Panel for constituents of emerging concern in drinking  
16 water sources and treated drinking water.

17 (b) The panel shall include at least seven members comprised  
18 of experts from the fields of public health science, water and  
19 wastewater engineering, toxicology, epidemiology, chemical  
20 sciences, and biological sciences.

21 (c) The state board shall consult with the Stakeholder Advisory  
22 Group on potential members of the panel.

23 (d) The panel shall review and provide recommendations to the  
24 state board on constituents of emerging concern for further action.

25 (e) The state board may adjust panel membership numbers and  
26 composition, as necessary.

27 116419. The panel’s advisory duties shall include all of the  
28 following:

29 (a) In conjunction with the state board’s Division of Drinking  
30 Water, review existing nationwide monitoring data for constituents  
31 of emerging concern collected by the United States Environmental  
32 Protection Agency’s Unregulated Contaminant Monitoring Rule  
33 Program and recommend to the state board additional action,  
34 coordination, monitoring, or study based on state-specific  
35 conditions and the state’s constituent of emerging concern  
36 initiatives. The panel should also review existing data collected  
37 by the state board before recommending new monitoring  
38 requirements.

39 (b) In conjunction with the state board’s Division of Drinking  
40 Water, consult with the Office of Environmental Health Hazard

1 Assessment and the Department of Toxic Substances Control to  
2 identify CEC candidates based on potential public health effects  
3 and considering the following factors:

- 4 (1) Toxicity.
- 5 (2) Biological activity.
- 6 (3) Production volume.
- 7 (4) Fate, transport, and occurrence in the environment.
- 8 (5) Potential bioaccumulation.

9 (c) Consult and coordinate with other state efforts evaluating  
10 CEC such as those resulting from the state board's Policy for Water  
11 Quality Control for Recycled Water.

12 (d) Develop a recommended process for evaluating,  
13 standardizing, and validating detection methods.

14 (e) Evaluate new monitoring approaches for CEC, particularly  
15 screening methods that may improve detection ability or reduce  
16 the cost of monitoring for individual or groupings of CEC.

17 (f) Develop recommended standard testing and reporting  
18 procedures to ensure data are usable across locations, laboratories,  
19 and personnel.

20 (g) Develop a recommended risk-based screening program that  
21 identifies and evaluates CEC and appropriate indicators and  
22 surrogates, including their occurrence in drinking water sources  
23 and treated drinking water supplies, contribution and fate in the  
24 environment, and potential for human exposure. Public water  
25 systems, state small water systems, and wastewater treatment plants  
26 may voluntarily participate in initial screening phases.

27 (h) Provide annual status reports to the state board on current  
28 CEC research activities, planned work, and recommendations for  
29 further action.

30 (i) Establish a recommended process to ensure CEC data are  
31 integrated with existing state databases.

32 (j) Review the results of any screening program and provide  
33 recommendations to assist the state board in prioritizing,  
34 monitoring, and making regulatory determinations for CEC.

35 116420. The state board shall perform any other scientific or  
36 technical tasks that may be necessary, including, but not limited  
37 to, identifying the need for additional research and consulting with  
38 academic institutions and research organizations for CEC in  
39 drinking water sources and treated drinking water, as needed. The



1 state board may consult with the panel before performing these  
2 tasks.

3 116420.5. If the state board imposes any CEC monitoring  
4 requirements based on the recommendations of the panel, the state  
5 board may promulgate regulations pursuant to which the state  
6 board's Division of Financial Assistance may provide financial  
7 assistance, upon appropriation by the Legislature, to any public  
8 water system upon a showing that the costs associated with testing  
9 drinking water in compliance with those requirements would  
10 impose a financial hardship. The regulations shall, when  
11 prioritizing public water systems for eligibility for financial  
12 assistance, incorporate provisions that give preference to public  
13 water systems serving fewer than 10,000 individuals.

14 116421. The program is intended to help inform the state board  
15 in making regulatory determinations for CEC and is not intended  
16 to supersede any requirements related to setting a maximum  
17 contaminant level or a public health goal as prescribed in Section  
18 116365.

19 116422. (a) The CEC Action Fund is hereby established in  
20 the State Treasury to fund, upon appropriation by the Legislature,  
21 the establishment and maintenance of an ongoing, dedicated  
22 program at the state board to research occurrence, fate, transport,  
23 biodegradation, and the potential effects on public health of  
24 constituents of emerging concern in drinking water sources and  
25 treated drinking water. The state board shall administer the CEC  
26 Action Fund in consultation with the group.

27 (b) All moneys deposited in the CEC Action Fund shall be used  
28 in support of all of the following:

29 (1) Costs associated with establishing and maintaining the panel,  
30 developing standardized methods and a risk-based screening  
31 program, collecting occurrence data, and reporting on those  
32 activities.

33 (2) Costs associated with developing standardized analytical  
34 methods internally by the state board or through external contracts  
35 or grants.

36 (3) Costs associated with contracts or grants to public or private  
37 external research organizations to fill research gaps pursuant to  
38 Section 116420.

39 (4) Costs associated with establishing and maintaining the group.

1 (5) Other state board costs associated with the implementation  
2 and administration of the program.

3 (c) All moneys remitted to the state board under this section  
4 shall be deposited in the CEC Action Fund. The state board shall  
5 provide for the deposit into the CEC Action Fund of federal  
6 contributions, voluntary contributions, gifts, grants, bequests,  
7 transfers by the Legislature from the General Fund, and funding  
8 from authorized general obligation bond acts.

9 (d) The state board may expend appropriated moneys from the  
10 fund for reasonable costs associated with the administration of this  
11 article, not to exceed 5 percent of the annual deposits into the fund.

12 116423. (a) The state board shall convene and consult with  
13 the Stakeholder Advisory Group to aid in meeting the purposes of  
14 the program.

15 (b) The group shall provide input to the state board on matters  
16 associated with the program, including, but not limited to, selection  
17 of panel members, research needs, program funding and  
18 expenditures, implementation strategies, and risk communication.

19 (c) In order to ensure public transparency, the group shall be  
20 subject to the Bagley-Keene Open Meeting Act (Article 9  
21 (commencing with Section 11120) of Chapter 1 of Part 1 of  
22 Division 3 of Title 2 of the Government Code). The group shall  
23 be comprised of no fewer than nine members, meet at least  
24 annually, and represent broad stakeholder interests. Each member  
25 shall qualify as a representative of at least one of the following  
26 groups:

27 (1) Public water and wastewater systems.

28 (2) Local primacy agencies.

29 (3) Investor-owned utilities.

30 (4) Nongovernmental organizations.

31 (5) Trade associations.

32 (6) Residents served by community water systems in  
33 disadvantaged communities, state small water systems, or domestic  
34 wells.

35 (7) Academic institutions.

36 (8) Public health agencies.

37 (9) The business community.

38 (10) Environmental laboratories.

39 (11) The general public.

1     116423.5. The program shall provide opportunities for public  
2 participation. The state board may use models used by other panels  
3 or programs administered by the state board for community  
4 outreach pursuant to this section. Public participation shall include,  
5 but not be limited to, conducting stakeholder meetings and  
6 workshops to solicit relevant information, data, suggestions, and  
7 feedback for the development and implementation of the program.

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**ACTION ITEM**  
March 18, 2020

**TO:** Board of Directors

**FROM:** **Public Affairs and Legislation Committee**  
(Directors Yoo Schneider, Barbre, and McVicker)

Robert Hunter  
General Manager

Staff Contact: Heather Baez

**SUBJECT: SB 1099 (DODD) – EMERGENCY BACKUP GENERATORS: CRITICAL FACILITIES: EXEMPTION**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors vote to adopt a support position on SB 1099 (Dodd), and send a letter to the author, the California Municipal Utilities Association, and the Las Virgenes Municipal Water District (bill sponsors).

**COMMITTEE RECOMMENDATION**

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Committee will review this item on March 16, 2020 and make a recommendation to the Board.

**BILL SUMMARY**

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SB 1099 would allow critical facilities, including water and wastewater agencies, to operate existing emergency backup generators during Public Safety Power Shutoffs (PSPS) or other losses of power without being out of compliance or subject to penalties from local air districts. This flexibility would ensure water continues to flow and wastewater continues to be treated during power outages, protecting public health and safety.

**BACKGROUND**

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Reliable backup power is critical for the protection of life and property during emergencies, including PSPS. For example, water and wastewater agencies need reliable power to support essential operations including maintaining pressure in their systems for water quality and fire flows. When electricity is not available due to a PSPS or another emergency loss of power such as a wildfire, water and wastewater agencies must employ their emergency standby generators.

<b>Budgeted (Y/N):</b> n/a	Budgeted amount: n/a	Core X	Choice ___
<b>Action item amount:</b> None		Line item:	
<b>Fiscal Impact (explain if unbudgeted):</b>			

## ARGUMENTS IN SUPPORT

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SB 1099 directs local air districts to adopt a rule, or revise existing rules, to allow critical facilities with a permitted emergency backup generator to continue to provide essential public services during a power outage without those hours counting toward the limits. Specifically, it allows critical facilities to do the following:

- operate the generator during a PSPS or other emergency loss of power
- test or maintain the generator in accordance with NFPA Standard 110 or relevant best management practices

## ARGUMENTS IN OPPOSITION

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Opponents will argue that the bill is unnecessary because no fines have ever been levied against a city or special district for running a generator during an emergency, and that they already have the authority to waive the runtime limitations where appropriate. Opponents will further argue that the limitations on testing generators has never been shown to be inadequate, or that the national testing protocols cannot be met within the 20 hour limit. Opponents believe that this bill will allow older and dirtier generators to stay in use longer.

## BOARD OPTIONS

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### Option #1

- Adopt a support position on SB 1099 (Dodd), and send a letter to the author, the California Municipal Utilities Association, and the Las Virgenes Municipal Water District (bill sponsors).

**Fiscal Impact:** Potentially lowers administrative cost of compliance with AQMD regulations.

**Business Analysis:** This bill is not expected to have impacts on business since backup generator are an existing ongoing cost.

### Option #2

- Take no action

**Fiscal Impact:** Potentially higher cost for regulatory compliance with AQMD regulations and possible fines.

**Business Analysis:** Same as #1 above.

## STAFF RECOMMENDATION

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Option #1

### ATTACHED:

- SB 1099 Full Text

**Introduced by Senator Dodd**

February 19, 2020

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An act to add Article 9.5 (commencing with Section 42010) to Chapter 3 of Part 4 of Division 26 of the Health and Safety Code, relating to nonvehicular air pollution.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1099, as introduced, Dodd. Emergency backup generators: critical facilities: exemption.

Existing law imposes various limitations on emissions of air contaminants for the control of air pollution from vehicular and nonvehicular sources. Existing law generally designates air pollution control and air quality management districts with the primary responsibility for the control of air pollution from all sources other than vehicular sources. Existing law requires the State Air Resources Board to identify toxic air contaminants that are emitted into the ambient air of the state and to establish airborne toxic control measures to reduce emissions of toxic air contaminants from nonvehicular sources.

This bill, consistent with federal law, would require air districts to adopt a rule, or revise its existing rules, to allow critical facilities with a permitted emergency backup generator to use that emergency backup generator during a deenergization event or other loss of power, and to test and maintain that emergency backup generator, as specified, without having that usage, testing, or maintenance count toward that emergency backup generator's time limitation on actual usage and routine testing and maintenance. The bill would prohibit air districts from imposing a fee on the issuance or renewal of a permit issued for those critical facility emergency backup generators. By requiring air districts to adopt a new permitting program for those critical facility emergency backup

generators, the bill would impose a state-mandated local program. The bill also would define certain terms for purposes of these provisions.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) Catastrophic wildfires and other natural disasters are  
4 increasing in frequency and intensity due to climate change and  
5 other factors.

6 (b) Wildfires dramatically increase carbon emissions and work  
7 against the state's goals to reduce greenhouse gas emissions and  
8 achieve a carbon-neutral future.

9 (c) Wildfires and other natural disasters also can cause  
10 significant impacts and a threat to the state's water and wastewater  
11 facilities, which are critical to ensuring a safe and reliable water  
12 supply for people, businesses, agriculture, and the environment.

13 (d) To help mitigate the risks of wildfires, investor-owned  
14 utilities have initiated public safety power shutoffs to deenergize  
15 parts of their distribution systems, and, in some cases, portions of  
16 the transmission system, actions that reduce or eliminate access  
17 to a reliable power supply for the state's water agencies as they  
18 count on a reliable source of electricity to move and deliver water.

19 (e) Actions need to be taken to reduce the impacts of  
20 deenergization wildfires, and other events on critical facilities,  
21 including increasing access to alternative power sources that can  
22 help support a safe and reliable water supply and maintain the  
23 state's ability to effectively respond to wildfires.

24 SEC. 2. Article 9.5 (commencing with Section 42010) is added  
25 to Chapter 3 of Part 4 of Division 26 of the Health and Safety  
26 Code, to read:

Article 9.5. Emergency Backup Generators

42010. For purposes of this article, the following terms apply:

(a) “Critical facility” means a facility necessary or convenient in providing essential public services, including, but not limited to, facilities such as police stations, fire stations, emergency operations centers, water and wastewater facilities, incident command posts, and communication systems used to support essential public services.

(b) “Deenergization event” means the interruption of power due to a public safety power shutoff.

(c) “Emergency backup generator” means an internal combustion engine greater than 50 brake horsepower and gas turbines greater than 2,975,000 British thermal units per hour for nonutility power generation that does not operate more than 200 hours per year and is only operated in the event of an emergency power failure or for routine testing and maintenance.

(d) “Loss of power” means a failure in an electric generation, distribution, and transmission system or a disruption to electrical power from an electricity provider due to an emergency event, including a wildfire.

(e) “Public safety power shutoff” means a preventative measure to deenergize all, or a portion of, an electric generation, distribution, or transmission system when the electricity provider reasonably believes there is an imminent and significant risk that strong winds, or other extreme and potentially dangerous weather events, increase the probability of a wildfire.

(f) “Water and wastewater facilities” includes drinking water and wastewater treatment plants, pumping stations, storage facilities, and water facilities needed to maintain water service and the water pressure necessary for firefighting.

42012. (a) Consistent with federal law, a district shall adopt a rule, or revise its existing rules, to allow critical facilities with a permitted emergency backup generator to do any of the following with that emergency backup generator without having it count toward that permitted emergency backup generator’s time limitation on actual usage and routine testing and maintenance:

(1) Use the emergency backup generator during a deenergization event or other loss of power.



1 (2) Test or maintain the emergency backup generator for  
2 consistency with any of the following:

3 (A) The National Fire Protection Association Standard 110 for  
4 Emergency and Standby Power Systems, or its successor.

5 (B) Industry best practices

6 (C) Recommendations by the manufacturer of the emergency  
7 backup generator.

8 (b) A district shall not impose a fee on the issuance or renewal  
9 of a permit issued for an emergency backup generator described  
10 in subdivision (a).

11 SEC. 3. If the Commission on State Mandates determines that  
12 this act contains costs mandated by the state, reimbursement to  
13 local agencies and school districts for those costs shall be made  
14 pursuant to Part 7 (commencing with Section 17500) of Division  
15 4 of Title 2 of the Government Code.

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**ACTION ITEM**  
March 16, 2020

**TO:** Board of Directors

**FROM:** **Public Affairs & Legislation Committee**  
(Directors Yoo Schneider, Barbre, McVicker)

Robert Hunter  
General Manager

Staff Contact: Tiffany Baca

**SUBJECT: Authorization to Assume the California Water Energy Education Alliance (WEEA)**

**STAFF RECOMMENDATION**

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Staff recommends the Public Affairs and Legislation Committee: Authorize assuming leadership of the Water Energy Education Alliance (WEEA) (option 1).

**COMMITTEE RECOMMENDATION**

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Committee will review this item on March 16, 2020 and make a recommendation to the Board.

**SUMMARY**

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In 2018, the Water Energy Education Alliance (WEEA or Alliance) was formed under the approval and guidance of the California Environmental Education Foundation (CEEF). WEEA's mission has been to initiate and strengthen career pathways and partnerships between southern California school districts and the water/energy sectors.

Although momentum has been steadily growing, and sponsorships from water districts across southern California have more than tripled in just over a year, the passage of [Assembly Bill 5](#) (Gonzales) has crippled the Alliance. Effective December 31, 2019, contracted services for expertise, administration, and oversight of WEEA have been cancelled. Committed to fulfilling their first-year obligations to sponsors and participants, the WEEA leadership team has agreed to *volunteer* their services through the end of March 2020.

With over a year of foundational work completed by WEEA, potential sponsorships already secured, and the ever-present threat of a "Silver Tsunami," now is the opportune time to

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

establish a water (and energy) education coalition. With support from primary funders - CEEF, Ten Strands, The Metropolitan Water District of Southern California (Metropolitan), and the Los Angeles Department of Water and Power (LADWP) – the Municipal Water District of Orange County (MWDOC) was approached by the WEEA leadership team to take over organizational responsibilities of WEEA. By assuming this role, MWDOC can bypass painfully slow first steps, call on the expertise and connections already made through the Alliance, and build on the momentum spurred by WEEA to develop water and energy Career Technical Education programs (CTE) for Orange County and all of southern California.

## **DETAILED REPORT**

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### **Background**

#### **What is a CTE? (from California Department of Education)**

*“A program of study that involves a multiyear sequence of courses that integrates core academic knowledge with technical and occupational knowledge to provide students with a pathway to postsecondary education and careers.”*

In 2018, CEEF approved the formation of WEEA, an alliance between business and education professionals committed to strengthening career pathways in the water/energy sectors. The Alliance, led by a highly credentialed and experienced leadership team, held its first Leadership Roundtable in November 2018. Since that time, the Alliance has grown into a robust community of engaged members, encouraged to share resources and develop cohort partnerships that will ultimately achieve a unified goal: to establish water and energy CTEs in high schools.

To date, WEEA has hosted four (4) Leadership Roundtable meetings, inviting over 40 southern California water, energy, and education-based organizations to participate. Since WEEA's inception in late 2018, seven (7) sponsorships have been secured from water districts including MWDOC, Metropolitan, and two (2) MWDOC member agencies (Irvine Ranch Water District and Moulton Niguel Water District), and Roundtable attendance numbers have grown to 40 active participants. Through these Roundtable meetings, WEEA has served as a catalyst for attendees to learn from each other, and to forge partnerships that uncover the academic needs and requirements of school districts, as well as the fundamental workforce needs of the water/energy sectors.

While WEEA has spent the past year building the foundation for participants to achieve CTEs, the passage of AB-5 has drastically impaired the Alliance's ability to continue functioning under its current structure.

### **The Impact of Gonzalez, Assembly Bill 5 (AB-5) on WEEA**

WEEA was formed under the approval and guidance of CEEF, a 501 (c) (3) non-profit foundation established nearly two (2) decades ago at the recommendation of the State Superintendent's Environmental Education Task Force Steering Committee. Since 2018, a three-member leadership team has provided contracted services to WEEA. However, effective January 1, 2020, AB-5 redefines the standard for determining independent contractor (IC) status, *“... for purposes of the provisions of the Labor Code, the Unemployment Insurance Code, and the wage orders of the Industrial Welfare Commission,*

*a person providing labor or services for remuneration shall be considered an employee rather than an independent contractor...*" ([Presentation by Shook, Hardy and Bacon](#) - Orange County Business Council's Workforce Development meeting). Employee benefits that now must be extended to former ICs as "employees" include health care, disability, and life insurance, as well as retirement plans and paid leave. For many businesses – especially non-profits – the expense is more than they can sustain. This is the case with CEEF and WEEA.

### **Benefits of WEEA**

Over the past several years, water and energy industry professionals have grown familiar with the term "Silver Tsunami." According to an article published just this week in the OC Register (March 9, 2020), "The number of California residents age 65 and older is expected to double in the next ten years, reaching 8.6 million. One of the places that population bulge will be acutely felt is Orange County..." a San Diego regional workforce development task force reports that there are approximately 4,500 water and wastewater positions in the San Diego region, and more than 1,400 of those workers are expected to reach retirement age by 2024. While an aging workforce is spurring industry recruitment efforts throughout the state, one simple solution could be the introduction of water and energy CTEs that, to date, are few and far between - particularly here in Orange County.

At the time of this report, approximately half of WEEA's sponsors, along with the education counterparts in their service areas, have reached a point where they have enough early information, resources, and momentum to form regional advisory committees. The first Orange County advisory will be held on March 18, 2020, and will be hosted by the North Orange County Regional Occupation Program and the Irvine Ranch Water District (IRWD). Expected attendees include representatives from many MWDOC member agencies including IRWD and Moulton Niguel Water District, as well as the Orange County Department of Education, and Saddleback College to name a few. These advisory committees would likely be motivated to sponsor a larger southern California collective, which would work together in part to identify and promote exemplary water/energy CTE pathways for high school students. Additional benefits of CTEs include:

- CTEs allow companies to find trained, skilled workers right out of high school saving time and money on recruitment and on boarding.
- CTEs will ensure that opportunities for postsecondary education and career pathways are illuminated and introduced in critical early education years.
- Maintaining a steady graduation rate is a difficulty shared by hundreds of California school districts. CTEs provide great post-secondary options to a more diverse demographic.

Providing new workforce pathways not only benefits businesses and educational institutions, but also young students and their future families. Students participating in CTEs are more likely to graduate, go to college, find employment, and earn higher wages. Water and energy sector jobs provide steady, long-term careers that ultimately contribute to the welfare of workers, and to the health of the state's economy.

## **MWDOC's Role in Orange County Education**

MWDOC's interest and participation in youth education has grown substantially over the past year, extending far beyond the MWDOC Choice School Programs. MWDOC PA has worked diligently to build strong working relationships and partnerships with local and statewide experts in K-12 education, expanding the value and integrity of the District's water education efforts, and establishing a trusted path to relevant and timely water-related information and resources for educators.

While the words "educate" or "education" are not explicitly written in the MWDOC mission statement, MWDOC has been educating the public since its inception, and has been providing water-centric lessons and learning to Orange County schoolchildren for nearly five (5) decades. In fact, 22 of MWDOC's 28 member agencies and the Three Cities (Anaheim, Fullerton, and Santa Ana) currently participate in the MWDOC Choice School Programs, and the wildly successful MWDOC Water Awareness Poster Contest has inspired participation from more than 20,000 students in its 30-year run. In order to continue "to provide reliable high-quality supplies" long into the future, we must have an active, engaged community of young people willing to take the reins when they graduate either high school or college. Additionally, "to promote water use efficiency for all of Orange County" includes the school-aged children demographic. A large part of the MWDOC Choice School Programs, as well as the MWDOC Scouts programs and active participation in family-friendly community events, include a robust discussion on water-saving behaviors and activities. Developing good water stewards, and having young children begin to value water at an early, impressionable age, has been a significant part of the District's business for decades.

## **Responsibilities of WEEA**

Taking on such a large responsibility will require additional resources; however, there are enormous benefits to Orange County, and southern California as a whole. Additionally, while WEEA specifically addresses CTEs, the southern California water/energy education coalition can be reimagined to include all water-related education efforts, building on the momentum of PA staff over the past year, as well as from the cohort partnerships already established through WEEA.

As of March 2020, WEEA has met all assured deliverables of Phase I:

- Establish the Alliance with sponsorships and grant
- Hire a Partnership Manager & Career Technical Education expert
- Facilitate formation of public/private workforce pathway partnerships between school districts and local/regional water-energy businesses and agencies
- Convene two Alliance meetings in 2019 sponsored by Metropolitan and Los Angeles Department of Water and Power (LADWP)
- Provide updates to Alliance members (Final report is included. See attachment 1)
- Consult on marketing messages and strategies to school districts and community partners

Proposed Phase II deliverables (developed under the current WEEA structure):

- Grow the Alliance by securing additional financial support (business sponsorships and additional grant funding)
- Expand the formation of workforce pathway partnerships between school districts and water/energy businesses and agencies
- Convene two Alliance meetings in 2020, co-sponsored by Metropolitan and LADWP
- Provide quarterly progress reports to Alliance sponsors
- Consult with businesses on their work force marketing messages and strategies for recruiting high school students

### **Financial Impact to the District**

MWDOC PA would require additional staff dedicated to the effort; however, if MWDOC agrees to take on the Alliance, CEEF is prepared to request that each of the seven current WEEA sponsors send their Phase II \$2,500 sponsorships to MWDOC rather than CEEF. Sponsorship includes multiple benefits for participating agencies, including a seat at the table for discussions related to effective partnerships, introductions to resources, as well as the opportunity to provide input and recommendations on the development and implementation of CTEs throughout southern California. Current sponsors of WEEA include:

- Municipal Water District of Orange County
- Metropolitan Water District of Southern California
- Los Angeles Department of Water and Power
- Irvine Ranch Water District
- Moulton Niguel Water District
- Elsinore Valley Municipal Water District
- Water Replenishment District of Southern California

Additionally, MWDOC would reach out to its other 26 member agencies for consideration, and with the help of Metropolitan, its 26 member agencies. Also, Ten Strands – one of WEEA's current primary funders – has offered to help look for additional grant funding to cover the costs of additional staff time and other incidentals. As MWDOC PA has spent significant time this past year working alongside leading partners in education, PA staff has been made aware of potential grant funding opportunities for the District's education efforts (e.g. Federal Perkins Act and California Department of Education CTE Incentive Grants). ***If this action item is approved, PA staff plans to pursue all outside sources of funding to support this important initiative.***

### **In Conclusion**

Thus far, the Alliance has enabled leadership from education and water/energy sectors to work together to find innovative strategies and solutions that strengthen workforce pathways for youth in secondary and postsecondary education programs. This initiative has become increasingly important as the demand for skilled employees continues to grow, and as senior industry professionals retire at a rapid rate.

With overwhelming support from water/energy and education leaders across the Southland, WEEA has laid the foundation for MWDOC to effectively take over organizational responsibilities of the Alliance. By assuming this role, MWDOC can take advantage of the momentum generated by WEEA, and actively pursue water and energy Career Technical Education programs (CTE) for Orange County – and southern California - students.

## BOARD OPTIONS

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### Option #1

- Assume ownership of the California Water, Energy, and Education Alliance (WEEA), and the Alliance continues under MWDOC's leadership.
- **Fiscal Impact:** \$20,000 for one part-time employee.

### Option #2

- Do not assume ownership of the California Water, Energy, and Education Alliance (WEEA), and the Alliance disbands.

**Fiscal Impact:** \$0

## STAFF RECOMMENDATION

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Option # 1



March 9, 2020

Ms. Tiffany Baca  
Municipal Water District of Orange County  
Post Office Box 20895  
Fountain Valley, California 92728

Dear Tiffany:

On behalf of the California Environmental Education Foundation (CEEFF), we thank you and the Municipal Water District of Orange County (MWDOC) for your sponsorship of Phase I of the Water, Energy, and Environment Alliance (WEEA) in FY 2019-2020. This program has been marked by multiple successes due in large part to the vibrant collaboration and planning among leaders from both the water and education sectors who participated in the four WEEA Leadership Roundtables. As a culmination of this year, the WEEA Leadership Team is providing you with this summary WEEA Sponsor Final Report to support your future efforts to building Career Technical Education (CTE) workforce pathways in your service area.

#### **WEEA CTE Pathway Partnership Strategies**

The primary goal of WEEA has been to identify key strategies that WEEA Sponsors could implement to strengthen career pathways and partnerships with local school districts, County Offices of Education, and community colleges, particularly in the Energy, Environment, and Utility sector. Our Leadership Roundtable speakers, panelists, facilitated dialog, sponsor questionnaires, background research, and literature resources supported progress toward this goal. As shared by one of our Sponsors (Dr. Adrian Hightower of Metropolitan Water District), we want to be able to see the vision AND the steps to get there. In this way we are able to address BOTH long- and short-term challenges and achieve success.

The following overarching partnership strategies were identified by our WEEA Roundtable participants:

- Water agencies that sponsored Phase I of WEEA will continue their sponsorships to maintain the momentum of a redefined Southern California Water and Education Collaborative (WEC).
- Strengthen WEC/CTE partnerships among interested education partners in the sponsor's service area.
- Identify available resources and seek grants to fund water industry CTE workforce pathway programs.



- Attend, sponsor, or host regional WEC/CTE advisory group meetings. If invited, find a way to attend and/or sponsor regional water industry related advisory meetings in your service area. If none are scheduled, take the lead and reach out to educators known to you and invite their engagement in creating a regional gathering.
- Explore and articulate necessary skills common to a broad range of trade positions where employment opportunities exist. This information is essential for the development of a CTE pathway program.
- Invite students, teachers, counselors, and other potential partners to learn about advanced water treatment and current water topics.
- Recruit industry retirees, those who have a plan to retire in the future, or current staff who may be interested in teaching/mentoring teachers in CTE pathway courses.
- Develop support within your agency (as part of the Southern California WEC initiative) for credentialed high school teachers to obtain an additional CTE Credential in order to teach water industry pathway courses. This would include offering summer externships for teachers.
- If seeking to engage teachers, do so in the context of an existing water industry-related curriculum. As you are aware, examples of these include Rialto Unified School District, San Bernardino Community College, and the University of California's UCCI curriculum. If possible, offer teachers paid internships, paid externships, or stipends for their time and commitment to learning about the water industry. Work with education partners to create a desirable opportunity.

#### **Municipal Water District of Orange County (MWDOC)**

During the past year the following interests of MWDOC came forward. Where appropriate, we've made the following observations and suggestions to establish/strengthen a CTE workforce pathway in your service area:

- MWDOC is interested in supporting CTE pathway programs that address water industry employment needs, as well as advancing environmental literacy. With 28 member agencies, including two which are also WEEA sponsors (Irvine Ranch Water District and Moulton Niguel Water District) engagement with WEEA focuses on serving overarching water industry employment needs through activities that also address environmental literacy.
  - Identify viable partnerships, particularly with those stakeholders who have educational expertise. MWDOC has demonstrated it is willing to engage in workshops or trainings once connecting with motivated educators in Orange County.
  - MWDOC staff are interested in working with formal educators in developing water related education programs aligned with NGSS, as well as informal educators/volunteers who support the Girl Scouts and the Boy Scouts and participate in the Metropolitan Solar Cup.
  - Internships at many levels are currently offered. MWDOC is now aware of a need for teacher externships and the potential of developing this program.

- MWDOC has developed a promising relationship with the Orange County Department of Education (OCDE)
  - OCDE may be a great partner of MWDOC in developing workforce pathways because OCDE has already embedded the following programs positioning them as leaders from in formal education.
    - OC Pathways
      - Connects educators and industry leaders
    - CTE Partnerships
      - A consortium with pathways and programs of study that includes post-secondary partnerships and professional development, and addresses legislation, instructional initiatives, and funding.
      - Champions of individual partnerships, internships, and work-based learning.
    - Institute for Leadership Development
      - CTE Designated Subject Credential Program
  - WEEA Roundtable participants, included Ann Sebek of OCDE, is very interested in conversations that lead toward the development of a water-based Energy, Environment, and Utilities CTE pathway program for high school students in Orange County. This interest of OCDE should be cultivated by MWDOC.
- Santiago Canyon College
  - They offer a range of water programs that include the ones listed below. MWDOC is aware of employees taking coursework and expanding certifications through Santiago Canyon College. Santiago should be considered a very strong partner in the development of a CTE high school water pathway program.
    - Distribution
    - Treatment
    - Wastewater Treatment
    - Conservation
    - Equipment Operation and Maintenance
    - Utility Management
- North Orange County Regional Occupational Program (NOCROP)
  - Dr. Kenia Hernandez Cueto, Business Partnerships Manager for NOCROP has been proactive in arranging for the upcoming water industry CTE pathway program Advisory Committee meeting on Thursday, March 18, 2020.
  - You are highly encouraged to become a member of the Advisory, and gain access to at least some of the expertise from educators in program development you desire.

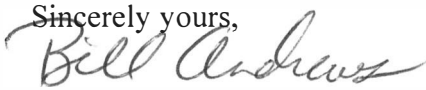
### **Forming a Southern California Water and Education Collaborative**

Maintaining the current interest in collaboration among Southern California water districts to initiate/strengthen CTE workforce pathways in high school districts and community colleges is of primary importance to the CEEF and the WEEA Leadership Team. To continue the momentum, the WEEA Leadership Team recommends that the monetary sponsorships, which would have been solicited for phase II of WEEA, instead be allocated to the Municipal Water District of Orange County (MWDOC), which has expressed interest in undertaking the leadership of a new water and education collaborative. The senior management of both MWDOC and the Metropolitan Water District (MWD) have discussed the potential formation of this new collaborative, and Walter Zeisl of LADWP is also supportive of this new collaborative.

Tiffany Baca, Public Affairs Manager of MWDOC, has received approval from her General Manager to formally request permission from the MWDOC Board of Directors to undertake the leadership of the new water and education collaborative. If Tiffany is granted Board approval, she will send a written sponsorship request to each of the current seven sponsors of WEEA to help support an employee position within MWDOC. CEEF is both appreciative and excited to see the new collaborative form and pledges its continuing advisory support if and when it is requested.

It has been a pleasure to work with you and your agency. We regret that our plans to implement Phase II of WEEA were derailed by the enactment of AB 5 (Gonzales). On behalf of the WEEA Leadership Team, we look forward to watching you develop an innovative water and education collaborative that supports a robust CTE workforce pathway program in Southern California.

Sincerely yours,



The WEEA Leadership Team:  
Bill Andrews, Director  
Dr. Jeanne Knapp, CTE Consultant  
John Zavalney, Partnership Manager



**ACTION ITEM**  
March 18, 2020

**TO:** Board of Directors

**FROM:** **Public Affairs & Legislation Committee**  
(Directors Yoo Schneider, Barbre, McVicker)

Robert Hunter  
General Manager

**SUBJECT: CONSIDER CANCELLATION OF APRIL 2, 2020 ELECTED OFFICIALS FORUM DUE TO CONCERNS WITH THE CORONAVIRUS**

**STAFF RECOMMENDATION**

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It is recommended that the Board of Direct discuss whether to cancel the April 2, 2020 Elected Officials Forum due to the restrictions recommended by government and health officials.

**COMMITTEE RECOMMENDATION**

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Committee will review this item on March 16, 2020 and make a recommendation to the Board.

**SUMMARY**

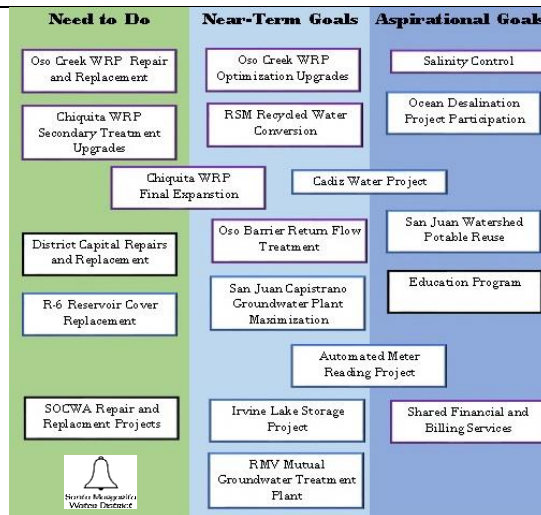
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In light of the recent developments with respect to the Coronavirus, a question arose with respect to holding the Elected Officials Forum on April 2<sup>nd</sup>. Government and health officials have asked that various meetings/events/programs be cancelled or postponed, and as a result several conferences and water related meetings have been cancelled (MET inspection trips, SARWQCB hearing, MET Legislative Days, etc.). Consequently, as this is an evening meeting and is larger than most MWD OC meetings, Staff is concerned that because of the restrictions and CDC recommendations, attendance will be low, and may put attending individuals at an unnecessary risk.

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

# GENERAL MANAGER'S REPORT OF STAFF ACTIVITIES MARCH 2020

<b>MWDOC Agencies Managers Meeting</b>	<p>MWDOC held its Member Agency Managers' meeting at its office in Fountain Valley on.</p> <p><b>In attendance were:</b> R. Krause – Brea, B. Ingallinera – Brea, M. Sprague – Fountain Valley, C. Pasillas – Garden Grove, B. Ragland – Huntington Beach, P. Cook &amp; P. Weghorst – IRWD, C. Regan – Laguna Beach CWD, P. Lauri – Mesa Water, J. Cruz – Moulton Niguel WD, M. Vukojevic – Newport Beach, J. Kennedy – OCWD, J. Diaz – Orange, S. Myrter – Seal Beach, J. McDivitt &amp; R. Shintaku – South Coast WD, S. Miller – Westminster</p> <p><b>MWDOC Staff:</b> R. Hunter, K. Seckel, H. De La Torre, C. Busslinger, J. Berg, H. Baez, C. Lingad, K. Hostert</p> <p><b>Agenda Items:</b></p> <ul style="list-style-type: none"> <li>• WEROC Introduction - Vicki Osborn, Director of Emergency Management</li> <li>• MWDOC Budget</li> <li>• Metropolitan Budget</li> </ul> <p><b>Follow-up Items:</b></p> <ul style="list-style-type: none"> <li>• Diemer Chemical Exposure Incident Update</li> <li>• AWIA Update</li> <li>• BUC–AQMD Update</li> </ul> <p>The next meeting is tentatively scheduled for Thursday, March 19, 2020.</p>
<b>Meetings</b>	<ul style="list-style-type: none"> <li>➤ Karl Seckel and Charles Busslinger attended a Strand Ranch meeting with IRWD and MET on February 14, 2020.</li> <li>➤ Karl Seckel and Charles Busslinger attended the SMWD Strategic Planning Workshop on February 21, 2020.</li> </ul> <p>SMWD annually conducts a Strategic Planning Workshop to have a clear direction on projects and funding for the upcoming two to three years. SMWD previously set the following Strategic Goals by 2030:</p> <ul style="list-style-type: none"> <li>• 30% Local Water Supply</li> <li>• Recycle nominally 100% of their wastewater</li> <li>• Develop equivalent of 6 months of storage</li> </ul> <p>During the workshop, SMWD reviewed their prioritization of proposed projects categorized by “Need to Do”, “Near-Term Goals” and “Aspirational Goals” shown in the graphic below.</p>

**Meetings –  
continued**

Several of the investments were pushed to higher prioritization categories. SMWD will be sharing a recap of the meeting in the near future.

- Charles Busslinger and Rachel Davis attended a meeting on February 10, 2020 on the SOCWMA Flow Ecology Study to discuss the County's approach to, and definition of, the term "natural flows". This has been an undefined essential element of the Water Quality Improvement Plan (WQIP) for MS4 compliance and watershed health in South Orange County.
- Charles Busslinger attended the CalDesal Conference on February 6-7, 2020. The conference covered a number of interesting topics. Two that stood out included Dr. Peter Fiske, Director of the Water-Energy Resilience Research Institute (WERRI) at Lawrence Berkeley National Laboratory (a U.S. Department of Energy Innovation Hub) that is attempting to "re-think" the traditional linear water treatment processes to make dramatic improvements in the water industry. Areas of focus for WERRI include autonomous operation of water treatment facilities, precision separation of pollutants, brine management, electrification, and modular membrane systems targeting water constituents tailored to local needs.

The second presentation provided an overview of international desalination efforts that brought into perspective the magnitude of acceptance of ocean desalination around the world. There are currently 47 times the capacity of the Poseidon HB plant in development in the Middle East alone and all of the plants are larger than 100 MGD and producing potable water at less than \$1,000/AF. Australia's desalination investments have proven themselves due to the recent mega-fires with many of the previously idle desalination plant in full operation and several (including the Sydney desalination facility) in development to double in size.

## MET ITEMS CRITICAL TO ORANGE COUNTY

<b>MET's Finance and Rate Issues</b>	<p>On February 10, the MET Board set a combined public hearing regarding:</p> <ol style="list-style-type: none"> <li>1. The proposed water rates and charges for calendar years 2021 and 2022 necessary to meet the revenue requirements for fiscal years 2020/21 and 2021/22</li> <li>2. Applicability of the MET Act Section 124.5 ad valorem property tax limitation for fiscal years 2020/21 and 2021/22.</li> </ol> <p>The following schedule will be adhered to:</p> <ul style="list-style-type: none"> <li>• Feb. 28, 2020 Notice to the Legislature of public hearing</li> <li>• Mar. 10, 2020 Public Hearing</li> <li>• Apr. 14, 2020 Board action to resolution for applicability of the tax rate inc</li> <li>• Aug. 2020 Board action to adopt tax rate resolution for FY 2020/2021</li> <li>• Aug. 2021 Board action to adopt tax rate resolution for FY 2021/2022</li> </ul> <p><i>More information can be found in Item 2 regarding MET's proposed Bienial Budget and rates for fiscal years 2020/21 and 2021/22</i></p>
<b>Colorado River Issues</b>	<p><b><u>Colorado River Basin Salinity Control Program</u></b></p> <p>On December 6, 2019, the U.S. Bureau of Reclamation (Reclamation) released a draft environmental impact statement (DEIS) for public comment. This DEIS describes the alternatives to replacing the Paradox Valley Unit (Unit), a deep aquifer brine injection well. This well has been used to remove approximately 100,000 tons of salt each year from the Colorado River in the Upper Basin. Ongoing seismic activity near the Unit led Reclamation to temporarily discontinue use of the Unit because the brine injection from the well is believed to be the cause of the seismic activity. Since the DEIS was released, Metropolitan participated in the Salinity Control Forum's (Forum) work to select a preferred alternative to recommend to Reclamation.</p> <p>One potential impediment in reaching a consensus-based preferred alternative for the draft EIS is a concern expressed by the seven Basin States regarding long-term funding for the Salinity Control Program, and if the Program can afford additional salinity control projects. The Basin States have developed a draft letter to Reclamation, highlighting the funding issue and expressing an interest to identify and implement a long-term funding solution. Some solutions may require federal legislation and others may require making administrative changes to the operations of the program. The Final EIS is scheduled for release in July 2020, with a Record of Decision in August 2020.</p> <p><b><u>Bard Water District Seasonal Fallowing Program – 2020 Fallowing Call</u></b></p> <p>In December 2019, Metropolitan and Bard Water District (Bard) agreed to a seasonal fallowing program (Program). This Program incentivizes farmers within Bard to</p>

<b>Colorado River Issues -- continued</b>	<p>fallow up to 3,000 irrigable acres for a four-month period at \$452 per acre, escalated annually. Metropolitan estimates a water savings of 1.5 to 2.0 acre-feet per irrigable acre. After the agreement was executed in December, Metropolitan sent a letter to Bard seeking participation of 3,000 irrigable acres within Bard Water District during 2020. In order to participate in the fallowing program, participants must have notified Metropolitan of the land offered for fallowing by February 1, 2020 for summer 2020 (April 1–July 31) fallowing.</p>
<b>Bay Delta/State Water Project Issues</b>	<p><b><u>Habitat Restoration</u></b></p> <p>Metropolitan and the State Water Contractors (SWC) are funding an update to the 2014 Yolo Bypass Infrastructure and Drainage Study. The Study focuses on the Tule Canal, which is the primary drainage conduit on the Yolo Bypass. It is also an important corridor for out-migrating juvenile salmon and adult salmon returning to spawn. The goal of the study update is to identify opportunities for habitat restoration in synergy with projects that address drainage issues on the Bypass. The U.S. Bureau of Reclamation signed a Record of Decision for the Yolo Bypass Salmonid Habitat Restoration and Fish Passage Project in September 2019. The project, comprising a 100-foot wide set of operable gates in the Fremont Weir, will provide access to floodplain rearing habitat for juvenile salmonids and passage for adults returning to the Sacramento River to spawn.</p> <p><b><u>Science Activities</u></b></p> <p>Metropolitan staff continued to collaborate with the SWC to identify and fund science projects addressing science priorities for Metropolitan and the SWC. Metropolitan staff also participated in several collaborative science meetings, including the Interagency Ecological Program Estuarine Ecology, Contaminant and Predation project work teams, Delta Science Program Primary Productivity workshop, and Delta Independent Science Board meetings.</p> <p>Metropolitan staff continued participating in the Collaborative Science and Adaptive Management Program, including participation on the Collaborative Adaptive Management Team (CAMT). At the January 21 CAMT meeting, Metropolitan staff provided input to the proposed 2020 work plan and received updates on salmon and steelhead science activities. Staff continued participation on the Delta smelt Structured Decision Making Technical Work Group and the Salmon Subcommittee to provide technical input to ongoing projects.</p>
<h2 style="text-align: center;">ENGINEERING &amp; PLANNING</h2>	
<b>Doheny Ocean Desalination Project</b>	<p>On October 30, 2019, South Coast held a Peer Review Cost Estimate workshop for the Doheny Desal Project. Rich Svindland of California American Water (CalAm), who helped develop the 6.4 MGD Monterey Ocean Desal Project using slant well technology, completed a peer review cost estimate for the Doheny Ocean Desal Project. The CalAm Peer Review was based on their experience in developing and <u>bidding</u> a project in Monterey, (that plant has not been constructed due to permitting and legal issues). The CalAm review of the previous Doheny Desal cost estimate by GHD indicated some differences in capital and operating costs including a higher level of staffing for the plant as suggested by CalAm. Overall, the cost differences resulted in estimated increased costs:</p>



<b>Doheny Ocean Desalination Project - continued</b>	<ul style="list-style-type: none"> <li>• Capital costs were estimated at 5.4% higher</li> <li>• O&amp;M costs were estimated at 15.8% higher</li> <li>• Overall, the unit cost of water increased from \$1,556 per AF to \$1,805 per AF, an increase of \$249 per AF, an overall increase of about 16.0%</li> </ul> <p>South Coast WD's Board has voiced their opinion that a 5 MGD project provides too much water and is beyond the ability of South Coast WD to shoulder by themselves. Without other partners, they may consider a plant size as small as 2.0 mgd without any oversizing to protect the potential for an ultimate 15 mgd project. The potential use of excess recycled supplies to be blended with ocean supplies was also discussed with the Latham Wastewater Plant in near proximity to the Doheny Desal Project. An unknown consideration is the concentrated iron and manganese laden sub-surface seawater found during the MWDOC pilot slant well testing.</p> <p>On January 23, 2020, the South Coast WD Board approved a conceptual study of ocean water augmentation using Direct Potable Reuse (DPR). This concept is based on the proposition that the challenges of Ocean Desalination and DPR could beneficially offset each other. South Coast WD has contracted with Dudek to prepare a white paper to evaluate this concept specifically to the Doheny Ocean Desalination Project on a feasibility and cost comparison basis. It is anticipated the study will take four months to complete.</p> <p><b><u>Next Steps by South Coast WD:</u></b></p> <ol style="list-style-type: none"> <li>1. Look for partners</li> <li>2. High Level Schedule (has slipped a bit due to the Regional Board schedule) <ol style="list-style-type: none"> <li>a. Environmental permitting                      Late Summer 2020</li> <li>b. DBOM Contract Develop                      Early 2020</li> <li>c. DBOM Contract Award                      Early 2021</li> <li>d. Construction                      Early 2023</li> </ol> </li> </ol>
<b>MET 2019-20 Shutdown Schedule</b>	<p>MWDOC staff has held many meetings with MET and MWDOC member agencies since July 2019 to review the extensive MET 2019-2020 Shutdown Schedule.</p> <p>The February 9-16, 2020 West Orange County Feeder shutdown is complete and has returned to service.</p>
<b>SMWD Rubber Dams Project (San Juan Watershed Project)</b>	<p>Santa Margarita WD continues to focus on diversifying its water supply portfolio for South Orange County residents, businesses, schools, and visitors. On June 21, 2019, the San Juan Watershed Environmental Impact Report (EIR) was approved.</p> <p>The original project had three Phases; Phase 1 was three rubber dams recovering about 700 AFY; Phase 2 added up to 8 more rubber dams with the introduction of recycled water into the creek to improve replenishment of the basin for up to 6,120 AFY, and Phase 3 added more recycled water topping out at approximately 9,480 AFY. Under this arrangement, most or all of the production and treatment involved the existing San Juan Groundwater Desalter with expansions scheduled along the way to increase production over 5 mgd. Fish passage and regulatory hurdles to satisfy subsurface travel time requirements are presenting some difficulties.</p>

<b>SMWD Rubber Dams Project (San Juan Watershed Project) - continued</b>	SMWD is working with the Ranch on the next phase of development within SMWD and have access to riparian groundwater from the Ranch. SMWD discovered that the local geology has high vertical percolation rates and sufficient groundwater basin travel time. This has the potential to allow percolation of treated recycled water with an ability to meet the required travel time. SMWD is of opinion that groundwater production and treatment of the groundwater can be initiated in a relatively short time-frame while permitting for percolation augmentation using recycled water from the nearby Trampas reservoir can be added as permitting allows. They believe the new project area may be able to ultimately produce 4,000 to 5,000 AF per year; they believe the original project will continue to be developed for production out of the wells and treatment provided by San Juan Capistrano as the two agencies merge. Ultimate production out of the basin could exceed 10,000 AF per year if all goes well.
<b>South Orange County Emergency Service Program</b>	<p>MWDOC, IRWD, and Dudek have completed the 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>Dudek participated in the November 6 SOC workshop to re-engage with the SOC agencies on this project. Support from the agencies was expressed to take a small next step to install Variable Frequency Drives at a pump station within IRWD, which would be paid for by SOC to help move water from the IRWD system to SOC in an emergency. The Variable Frequency Drives will provide more flexibility to the IRWD operations staff to allow additional water to be sent to SOC while meeting all of the IRWD needs.</p>
<b>Strand Ranch Project</b>	A meeting was held on February 14, 2020 between MWDOC, MET, and IRWD to further exchange ideas on how to implement the program to capture the benefits that can be provided by the development of “extraordinary supplies” from the Strand Ranch Project. Based on the meeting, staff from MWDOC and IRWD will need to continue to discuss methods of quantifying the benefits of the program.
<b>Poseidon Resources Huntington Beach Ocean Desalination Project</b>	<p>The Santa Ana Regional Water Quality Control Board (SARWQCB) continues to work with Poseidon on renewal of the National Pollutant Discharge Elimination System (NPDES) Permit for the proposed HB Desalination Project.</p> <p>The renewal of the NPDES permit for the proposed desalination facility requires a California Water Code section 13142.5(b) determination in accordance with the State’s Ocean Plan (a.k.a. the Desalination Amendment). To make a consistent determination with the Desalination Amendment, the Regional Board is required to analyze the project using a two-step process:</p> <ol style="list-style-type: none"> <li>1. Analyze separately as independent considerations, a range of feasible alternatives for the best available alternative to minimize intake and mortality of all forms of marine life: <ol style="list-style-type: none"> <li>a. Site</li> <li>b. Design</li> <li>c. Technology</li> </ol> </li> </ol>

<b>Poseidon Resources Huntington Beach Ocean Desalination Project – continued</b>	<p>d. Mitigation Measures</p> <p>2. Then consider all four factors collectively and determine the best combination of feasible alternatives.</p> <p>Regional Board staff reviewed hundreds of documents and input from both an independent reviewer and a neutral 3rd party reviewer to develop Tentative Order R8-2020-0005 which is anticipated to be issued at the April 2020 Board meeting.</p> <p>The key areas required by the Ocean Plan on which the Santa Ana Water Board is required to make a determination includes:</p> <ul style="list-style-type: none"> <li>• Facility onshore location;</li> <li>• Intake considerations including subsurface and surface intake systems;</li> <li>• Identified need for the desalinated water;</li> <li>• Concentrated brine discharge considerations;</li> <li>• Calculation of the marine life impacts; and</li> <li>• Determination of the best feasible mitigation project available.</li> </ul> <p>In evaluating the proposed project, Santa Ana Regional Board staff interpreted “the identified need for the desalinated water” as whether or not the project is included in local area water planning documents, rather than a reliability need as analyzed in the OC Water Reliability Study. The Regional Board staff referenced several water planning documents; 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 in their evaluation of Identified Need.</p> <p>On December 6, 2019, SARWQCB, Regional Board staff conducted a workshop in Huntington Beach. This workshop was heavily attended with a considerable range of views expressed at the meeting. Several of the SARWQCB members were somewhat confused about the evaluation of “Identified Need” for the project (inclusion in local water planning documents vs. an identified reliability need for the project) and requested staff to help them understand the issue better.</p> <p>The latest information is the SARWQCB has scheduled a workshop on March 13, 2020 regarding the “need” for the Poseidon Project, and has asked MWDOC, OCWD, and MET to attend.</p> <p>The Regional Board Final Permit issuance is anticipated at the April 3, 2020 meeting</p> <p>Assuming success, Poseidon would then seek its final permits from the California Coastal Commission (CCC). The CCC has committed to reviewing the permit within 90 days of the SARWQCB NPDES permit issuance.</p>
<b>Trampas Canyon Dam and Reservoir</b>	<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>

<b>Trampas Canyon Dam and Reservoir - continued</b>	<p>The construction of the Trampas Canyon Recycled Water Seasonal Storage Reservoir consists of three main components:</p> <ol style="list-style-type: none"> <li>1. Trampas Canyon Dam (Dam)</li> <li>2. Conveyance facilities to transport recycled water into and out of the Reservoir (Pipelines)</li> <li>3. Trampas Canyon Pump Station (Pump Station)</li> </ol> <p>The construction of the facilities is being completed in three phases:</p> <ol style="list-style-type: none"> <li>1. Preconstruction/Site Preparation for the Dam and Pump Station Construction <ol style="list-style-type: none"> <li>a. Project Status - Complete</li> </ol> </li> <li>2. Dam and Pipelines <ol style="list-style-type: none"> <li>a. Project Status - The Construction Contract was awarded in December 2017 and is approximately 78% complete.</li> </ol> </li> <li>3. Pump Station <ol style="list-style-type: none"> <li>a. Project Status - The pump station construction contract was award to Kingmen Construction on November 22, 2019 for \$3.356 million. Substantial completion of the pump station is anticipated August 31, 2020.</li> </ol> </li> </ol>
<h2 style="margin: 0;">EMERGENCY PREPAREDNESS</h2>	
<b>WEROC Coordination</b>	<p>The WEROC Quarterly Meeting occurred on February 4th. Items on the agenda included: Dam planning and compliance assistance, AWIA update, Hazard Mitigation Plan and the readiness initiative focusing on training, exercise coordination and offerings. Following the meeting, a survey was sent to WEROC member agencies requesting their agency's training needs. The survey closed on February 21st. The results from this survey are being incorporated into the master Training and Exercise Plan covering the next three years.</p> <p>Vicki continues to work on the WEROC program assessment as the new Director and is developing a strategic plan for the organization. A written review should be ready for presentation in April.</p> <p>Vicki will be meeting with member agencies in the coming months. In February, Vicki met with the Orange County Sanitation District's General Manager and staff members to discuss current projects and the future, along with the City of Fullerton and the Irvine Ranch Water District. There are plans for meeting with all member agencies in the coming months.</p> <p>On February 25th, WEROC and a few member agencies attended a demonstration of the Yorba Linda Water District's Helicopter Hydrant Project. The Heli-Hydrant is an innovative fire protection solution aimed at maximizing the water dropping capabilities of helicopters, to protect both wildlife and communities from wildfires. Strategically placed across fire-prone wildland areas, the Heli-Hydrant acts as a refillable and efficient water source for helicopters.</p>

<b>WEROC Coordination - continued</b>	<p>Daniel is working with several agencies to acquire additional 800 MHz radio equipment as part of the WEROC radio system. Laguna Beach Fire requested to add the WEROC radio channels to their increasing capabilities and interoperability across the two disciplines.</p> <p>Janine has completed the annual audit and update of the member agencies point of contacts and is now auditing the AlertOC registered use contact and training database.</p>
<b>Coordination with the County of Orange and outside agencies</b>	<p>On February 6th, Vicki attended the Orange County Emergency Management Organization (OCEMO) meeting held at County of Orange Operational Area Emergency Operations Center. This meeting included an overview of the Corona Virus, December North Court Continuity Operation, and an update on the Operational Area Agreement. Other presentation topics included Operational Area Managers Report, grant updates, the California Office of Emergency Services (CalOES) report, and OCEMO sub-committee updates.</p> <p>On Feb 6th, Daniel attended a Cyber Security Seminar hosted by the California Office of Emergency Services (CalOES) in Ventura. This seminar was the first step for preparation for the California Capstone National Level Exercise (NLE) 2020 Series that will culminate in a functional/full-scale exercise May 11-14, 2020.</p> <p>On February 19th, Vicki attended the quarterly Operational Area Executive Board Meeting as the Independent Special Districts of Orange County appointed representative. In Orange County, the Operational Area Agreement creates an Executive Board, which reviews and approves emergency plans for the Operational Area and makes recommendations to improve emergency management for the entire region. One item of interest was the approval of the Operational Area Agreement. The next step includes the County taking this agreement to the County Board of Supervisors for final approval at the end of March. Once approved, it will be distributed to the Optional Area members including the Water and Waste Water agencies for signature.</p> <p>Vicki is coordinating with the Orange County Sheriff's Department Emergency Management Division on the new state requirement for Dam Owners and Operators to conduct an annual notification drill. The target timeline is May, which is Dam Awareness and Safety Month.</p> <p>WEROC continues to support California Water/Wastewater Agency Response Network (CalWarn). Janine and Leah are updating the CalWarn contact lists. These lists are vital during any event, large or small requiring mutual assistance. Vicki is joining the state planning committee and assisting with CalWarn coordination efforts, including updating the CalWarn Operations and Procedures. Vicki will be attending the in person CalWarn meeting on April 9th in Anaheim. It has been requested that Vicki participate in the California Office of Emergency Services (CalOES) Standardized Emergency Management System (SEMS) Guidelines Refresh Project. This project is long overdue as the original guidelines were developed in the mid 1990's. Having our representation in this group for Water and Waste Water agencies is vital.</p>

<b>America's Water Infrastructure Act (AWIA)</b>	<p>WEROC and its consultant, Herndon Solutions Group (HSG) are continuing to work with the WEROC agencies to achieve compliance with America's Water Infrastructure Act (AWIA). AWIA requires utilities to conduct a Risk and Resilience Assessment (RRA) of their community water systems by March 31, 2020; This date applies to systems serving a population of 100,000 or more. Smaller agencies will have a later date. Leslie from WEROC remains the project manager and coordination liaison with Hendon.</p> <p>The Risk and Resilience Assessment documents are being delivered to agencies via workshops. All Tier I agencies should meet their March 31st self-reporting compliance deadline to Environmental Protection Agency (EPA). MWDOC received its RRA assessment on Monday, February 24th. Due to the technical aspects and sensitive information contained within these documents, they will not be brought before the Board. Vicki is available to discuss the contents and outline the future pathway based on the report.</p> <p>Tier II Agencies (RRA Due December 2020) are beginning Phase II in March with scheduling of their RRA Workshops.</p> <p>Phase III, the Emergency Response Plans, are due in September 2020. Member agencies who have opted in for consultant support with the Emergency Response Plan portion of the contract are concurrently having kickoff meetings for this portion of the AWIA effort.</p>
<b>Hazard Mitigation Planning</b>	<p>WEROC continues to follow-up with the 19 member agencies who participated in the 2018 update of the Orange County Water and Wastewater Multi-Jurisdictional Hazard Mitigation Plan. As of February 24th, only one agency has not turned in their agency resolution letters formally adopting the plan. If not received the plan will move forward without them in order to closeout with FEMA and receive final written approval so all other agencies can begin to use this plan.</p>
<b>PSPS Events</b>	<p>On going: 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 was intended to ensure that we receive all communications regarding the proceedings and that our comments are included officially for consideration. Vicki is monitoring the release of any documents for review and comment over the next few months.</p> <p>On February 20th, MWDOC/WEROC provided joint comments on R.18-12-005 regarding proposed additional and modified de-energization guidelines being developed by the CPUC. Our joint comments also include the agencies of Valley Center Municipal Water District and the Padre Dam Municipal Water District. Vicki has a copy of the provided comments if any member of the Board wishes to see them.</p> <p>On February 25th on behalf of the member agencies, Vicki answered questions specific to past PSPS events and generator impacts or issues. Vicki continues to</p>

<b>PSPS Events - continued</b>	work closely with Government Affairs on potential legislative initiatives related to PSPS events and generator issues.
<b>EOC Readiness</b>	<p>Vicki and Daniel participated in the OA, WEROC and MET radio tests.</p> <p>WEROC received the invoice from the California Air Resources Board and is currently in the final stages of registering the WEROC/MWDOC EOC generator and acquiring insurance.</p> <p>North EOC radio was repaired and their water is working again.</p> <p>Janine completed updates to Safety Center, the Concept of Operations Plan (COOP), and WEROC contact lists.</p> <p>In partnership with the American Red Cross, WEROC will be receiving one pallet of individual bottled water for use at the Emergency Operations Center.</p>
<b>Training and Exercises</b>	<p>WEROC hosted two radio user classes on February 19th and February 27th. Orange County Sheriff's Department Communication Division taught this class and it was well received and attended. Santa Margarita Water District has already reached out for an additional class for their staff, which is scheduled for March with WEROC providing the instruction.</p> <p>In follow up to the County Emergency Operations Center (EOC) Earthquake Functional Exercise on January 30th, WEROC has identified the following action items in need of improvement for the WEROC Liaison Position at the County and Operational Area EOC:</p> <ul style="list-style-type: none"> <li>• Repair WEROC's nonfunctional laptop.</li> <li>• WEROC position specific checklist of startup and initial actions needs to be updated.</li> <li>• WEROC binder contact lists need updating.</li> <li>• Informational document for "Do Not Use vs Boil Water" FAQ sheet needs to be created to include Water Quality Authorities.</li> <li>• Process flow document to accompany all forms in the WEROC binder.</li> <li>• WebEOC training for WEROC Liaison staff assigned to the County and Operational Area EOC.</li> </ul> <p>On February 14th, Vicki met with Yorba Linda Water District, Yorba Linda City Manager's Office, Orange County Sheriff's Department, and the Orange County Fire Authority to discuss a Tabletop Exercise (TTX) to occur in June. The goal of the tabletop is to focus on field operations personnel.</p> <p>Objectives for the TTX include:</p> <ul style="list-style-type: none"> <li>• Understand the role of field staff dependent on the Life, Safety vs Infrastructure of the repair</li> <li>• Implementation/integration of the Incident Command System (ICS)</li> <li>• Demonstrating the process for field personnel to integrate into the decision making &amp; coordination structure</li> <li>• Identify information for situational awareness when needed for coordination</li> <li>• Identify equipment field personal need to manage or support the operation.</li> </ul>

<b>Training and Exercises - continued</b>	<p>Vicki has submitted six Basic SEMS and NIMS courses and is waiting for approval from the state. Once received, member agencies will be provided sign up information.</p> <p>On March 31st, Daniel is leading a Tabletop Exercise for MWDOC staff.</p> <p>Objectives include:</p> <ul style="list-style-type: none"> <li>• Reviewing and analyzing the emergency notification processes</li> <li>• Operational coordination procedures and the current joint information system.</li> <li>• Tabletop exercises to allow for discussion based communications giving participants the opportunity to verbalize positive process while identifying any potential gaps or needs.</li> </ul> <p>Daniel will attend the National Emergency Management Academy conducted in Ventura.</p>
<b>WATER USE EFFICIENCY</b>	
<b>Suspected Leak Survey – City of Orange</b>	<p>On February 12, Rachel Davis and Jason Thorsell conducted a suspected leak survey for the City of Orange as part of the MWDOC Water Loss Control Programs Shared Services. A report was delivered to city staff on February 13, summarizing the results of the survey.</p>
<b>Landscape Area Measurement Project Technical Workgroup Meeting</b>	<p>On February 12, Rachel Waite participated in the Landscape Area Measurement Project Technical Workgroup meeting hosted by Department of Water Resources in Sacramento, CA. This workgroup meeting pertains to the methodology and standards of landscape area measurements (LAM) associated with AB1668 and SB606. Highlights on the agenda included:</p> <ul style="list-style-type: none"> <li>• General update on the overall project progress</li> <li>• Presentation and discussion of examples of LAM results from pilot project water district</li> <li>• study areas</li> <li>• Review of web portal</li> </ul> <p>Rachel was able to view and comment on parcels measured as part of the pilot effort. The next meeting has not yet been scheduled.</p>
<b>Metropolitan Water District of Southern California (MET) Water Use Efficiency Workgroup Meeting</b>	<p>On February 20, MWDOC WUE staff participated via conference call in 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"> <li>• February Metropolitan Board Presentations <ul style="list-style-type: none"> <li>◦ Conservation Update and Member Agency Administered Program</li> </ul> </li> <li>• City of Oxnard and Sensor Industries <ul style="list-style-type: none"> <li>◦ Palm Vista Toilet Sensor Pilot Project</li> </ul> </li> <li>• Innovative Conservation Program Final Project Report for California State University Northridge <ul style="list-style-type: none"> <li>◦ Exploring Water Conservation on Turf Grass</li> </ul> </li> </ul>



<b>Metropolitan Water District of Southern California (MET) Water Use Efficiency Workgroup Meeting - continued</b>	<ul style="list-style-type: none"> <li>• Innovative Conservation Program Final Project Report for Frontier Energy <ul style="list-style-type: none"> <li>◦ Pumped Rinse Dishmachines: Realizing Water Savings in Commercial Dishrooms</li> </ul> </li> <li>• Member Agency Roundtable</li> <li>• Metropolitan Involvement in Leak Detection/Budget Based Rates</li> <li>• Metropolitan Outreach Updates</li> </ul> <p>Future workgroup meetings are currently on hold.</p> <p><b>Suspected Leak Survey – South Coast Water District (SCWD)</b> On February 24, Rachel D. and Jason conducted a suspected leak survey for SCWD as part of the MWDOC Water Loss Control Programs Shared Services. A report was delivered to SCWD staff on February 28, summarizing the results of the investigation.</p> <p><b>California Water Efficiency Partnership (CalWEP) Board Meeting</b> On February 26, Joe Berg participated in the CalWEP Board meeting hosted by Western Municipal Water District. Agenda items included:</p> <ul style="list-style-type: none"> <li>• Welcome and Agenda Review</li> <li>• Approve Consent Calendar <ul style="list-style-type: none"> <li>◦ February 18, 2020 Executive Committee Notes</li> <li>◦ November 20, 2019 Board of Directors Minutes</li> <li>◦ 2019 Q4 Financials</li> <li>◦ Member Report</li> <li>◦ 2020 Calendar</li> </ul> </li> <li>• Executive Directors' Report <ul style="list-style-type: none"> <li>◦ Operations</li> <li>◦ External Affairs</li> </ul> </li> <li>• 2020 Goals</li> <li>• Peer to Peer 2020</li> <li>• Upcoming Strategic Workshop Planning Committee</li> <li>• March Plenary Agenda</li> <li>• Other Business</li> </ul>
<b>California Water Efficiency Partnership Research and Evaluation Committee Meeting</b>	<p>On February 27, Rachel W. participated via conference call in the CalWEP Research and Evaluation (R&amp;E) Committee meeting. Highlights on the agenda included:</p> <ul style="list-style-type: none"> <li>• R&amp;E Committee Presentation</li> <li>• Developing a 2020 Committee Work Plan</li> <li>• Update from the Alliance for Water Efficiency (AWE) Evaluation, Measurement, and Verification (EM&amp;V) Project</li> <li>• Scheduling R&amp;E 2020 Meetings</li> <li>• Basecamp Use and Member Research Uploads</li> </ul> <p>The next meeting is scheduled tentatively for May 2020.</p>
<b>South Coast Water District Board Meeting</b>	<p>On February 27, Joe attended the South Coast Water District Board of Directors meeting to invite their participation in MWDOC's Residential End Uses of Water Study. After a brief presentation describing the study, the Board voted to authorize their participation.</p>

<b>Trabuco Canyon Water District (TCWD) Leak Detection Survey Wrap-Up Meeting</b>	<p>On February 28, Joe, Rachel D., and Jason met with staff from TCWD to discuss the results of their Leak Detection Survey. An emphasis was placed on making timely repairs, measuring leak flow rates, and compiling the cost of repairs. MWDOC surveyed 66 miles of water main, TCWD's entire system, including water services. The survey began in October 2019 and concluded January 10 2020.</p>
<b>Metropolitan Conservation Credits Program Advisory Committee (PAC) Meeting</b>	<p>On March 3, Rachel W. attended the Metropolitan Conservation Credits PAC meeting hosted by Metropolitan. Topics on the agenda included:</p> <ul style="list-style-type: none"> <li>• Commercial, Institutional, and Industrial audits</li> <li>• Large Landscape Residential Audits</li> <li>• Drip Irrigation</li> <li>• Commercial Washing Machines</li> <li>• Standardizing Water Savings Incentive Program (WSIP) incentives</li> <li>• Potential Pilot Program or Study Opportunities</li> </ul> <p>The next meeting is scheduled tentatively for June 3, 2020</p>
<b>Orange County Water Use Efficiency Coordinators Workgroup Meeting</b>	<p>On March 5, Joe, Beth Fahl, Rachel D., Rachel W., and Steve Hedges hosted the Orange County Water Use Efficiency Coordinators Workgroup meeting at MWDOC. Approximately 21 agencies participated in the meeting. Highlights on the agenda included:</p> <ul style="list-style-type: none"> <li>• MWDOC Updates</li> <li>• Agency Roundtable/Problem Solving</li> <li>• Public Affairs/Marketing</li> <li>• Metropolitan Update <ul style="list-style-type: none"> <li>○ Leak Detection/Budget Based Rates</li> <li>○ Conservation Update and MAA Program</li> <li>○ Board Update</li> </ul> </li> <li>• Water Loss Control Program Update</li> <li>• Residential End Uses of Water Study</li> <li>• Water Use Efficiency Programs Update <ul style="list-style-type: none"> <li>○ Outdoor Programs Rebate Levels</li> <li>○ Turf Removal Program Update</li> <li>○ Landscape Design and Landscape Maintenance Assistance Programs Update</li> </ul> </li> <li>• CalWEP Update</li> </ul> <p>The next meeting is scheduled for April 2 at MWDOC.</p>

## PUBLIC/GOVERNMENT AFFAIRS

<b>Member Agency Relations</b>	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> <li>• Hosted Public Affairs Workgroup with member agency representatives and MWDOC education program staff and provided introduction to upcoming education program changes and member agency roundtable</li> <li>• Provided Ricki Raindrop appearance for South Coast Water District's entry in the "Festival of Whales" parade</li> <li>• Distributed "PFAS Media Kit" to member agency point of contacts</li> <li>• Designed and organized production &amp; distribution of Water Use Efficiency Bill Inserts to 11 member agencies   Spring 2020</li> <li>• Provided an update on current Public Affairs projects to Water Use Efficiency coordinators meeting</li> <li>• Distributed "Water Awareness Poster Contest" media kit to member agency point of contacts</li> </ul> <p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> <li>• Circulated invitations and collected RSVPs for the MWDOC hosted luncheon and dinner in Washington D.C.</li> <li>• Circulated invitation for our co-hosted reception in Sacramento with the Water Agencies of the Inland Empire and Orange County</li> <li>• Provided a legislative update to the MWDOC Public Affairs Working Group meeting</li> </ul>
<b>Community Relations</b>	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> <li>• Held Water Policy Dinner and Forum, February 12, with a turnout of 166 attendees</li> <li>• Planned upcoming Girl Scout Water Conservation Clinic with member agency personnel</li> </ul>
<b>Education</b>	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> <li>• Provided Elementary School Program (grades 3-6) information to Santiago Elementary School teacher</li> <li>• Confirmed suggested school program targets with contractors</li> <li>• Sent out request for school program commitments to all MWDOC member agencies</li> <li>• Sent and received overage approval form for City of Westminster for the MWDOC High School program</li> <li>• Coordinated with Metropolitan Water District of Southern California on school program presentation request</li> <li>• Coordinated with City of Anaheim and Guide Academy teacher on school program presentation request</li> <li>• Met with Discovery Cube Orange County regarding MWDOC Middle School Program offerings</li> </ul>

<b>Education - continued</b>	<ul style="list-style-type: none"> <li>• Provided MWDOC School Programs information to: East Orange County Water District, City of Fullerton, El Toro Water District, City of San Clemente, Moulton Niguel Water District, Santa Margarita Water District, City of Westminster, Trabuco Canyon Water District, and Laguna Beach County Water District</li> <li>• Provided school program presentation to MWDOC Public Affairs Workgroup at the bi-monthly meeting</li> <li>• Requested updated list of all current Orange County schools from Orange County Department of Education</li> <li>• Worked with Bolsa Chica Conservancy to update a portion of the activity conducted on the second visit for the MWDOC High School Program</li> <li>• Updated school program flyers and distributed to MWDOC School Program contractors</li> </ul>
<b>Special Projects</b>	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> <li>• City of Westminster media kit for pocket park grand opening</li> <li>• Start of Water Awareness Poster Contest submissions</li> <li>• Planning and execution of 2020 OC Water Summit</li> <li>• Worked on itineraries, trip logistics, guest and Director requirements for the following inspection trips:             <ul style="list-style-type: none"> <li>○ March 6-7 Hoover Dam and Colorado River Aqueduct Inspection Trip Co-Hosted with Western Municipal Water District</li> <li>○ April 3-4 Orange County Grand Jury Inspection Trip of the Colorado River Aqueduct</li> </ul> </li> <li>• Coordinating a special presentation about Southern California Water infrastructure for the Orange County Grand Jury in lieu of an Inspection Trip</li> <li>• Hosted the February 12 Water Policy Forum &amp; Dinner featuring Metropolitan Water District of Southern California General Manager and Chief Executive Officer Jeffrey Kightlinger</li> </ul> <p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> <li>• Invited speakers for the March WACO program</li> <li>• Invited speaker for the May WACO program</li> <li>• Staffed the February WACO Planning meeting</li> <li>• Created and dispersed materials to all Orange County special districts regarding the LAFCO dues formula election</li> <li>• Responded to questions regarding the LAFCO dues formula election</li> </ul>
<b>Legislative Affairs</b>	<p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> <li>• Monitored the Assembly Water, Parks and Wildlife Committee Informational Hearing on PSPS events and water</li> <li>• Attended and participated in CMUA's Regulatory and Legislative Committee meeting in Sacramento</li> <li>• Participated in Metropolitan Water District's legislative conference call</li> <li>• Participated in the ACWA Region 10 prep-call for the upcoming ACWA State Legislative Committee meeting</li> </ul>

<b>Legislative Affairs - continued</b>	<ul style="list-style-type: none"><li>• Participated in the Southern California Water Coalition water/climate resiliency bond working group</li><li>• Attended and participated the CSDA Legislative Committee meeting in Sacramento</li></ul>
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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