

MEETING OF THE  
BOARD OF DIRECTORS OF THE  
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY  
Jointly with the  
**PUBLIC AFFAIRS AND LEGISLATION COMMITTEE**  
April 20, 2020, 8:30 a.m.

**Due to the spread of COVID-19 and as authorized by the Governor's Executive Order, MWDOC will be holding all upcoming Board and Committee meetings by Zoom Webinar and will be available by either computer or telephone audio as follows:**

**Computer Audio:** You can join the Zoom meeting by clicking on the following link:  
<https://zoom.us/j/8828665300>

**Telephone Audio:** (669) 900 9128 fees may apply  
(877) 853 5247 Toll-free  
**Webinar ID:** 882 866 5300#

**Committee:**

Director Yoo Schneider, Chair  
Director Barbre  
Director McVicker

Staff: R. Hunter, K. Seckel, H. Baez,  
D. Micalizzi, T. Dubuque, T. Baca

Ex Officio Member: Director Tamaribuchi

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MWDOC Committee meetings are noticed and held as joint meetings of the Committee and the entire Board of Directors and all members of the Board of Directors may attend and participate in the discussion. Each Committee has designated Committee members, and other members of the Board are designated alternate committee members. If less than a quorum of the full Board is in attendance, the Board meeting will be adjourned for lack of a quorum and the meeting will proceed as a meeting of the Committee with those Committee members and alternate members in attendance acting as the Committee.

**PUBLIC PARTICIPATION**

Public comments on agenda items and items under the jurisdiction of the Committee should be made at this time.

**ITEMS RECEIVED TOO LATE TO BE AGENDIZED** - Determine there is a need to take immediate action on item(s) and that the need for action came to the attention of the District subsequent to the posting of the Agenda. (Requires a unanimous vote of the Committee)

**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>.

**DISCUSSION ITEMS**

1. LEGISLATIVE ACTIVITIES
  - a. Federal Legislative Report (Barker)
  - b. State Legislative Report (BBK)
  - c. County Legislative Report (Lewis)

- d. Legal and Regulatory Report (Ackerman)
- e. MWDOC Legislative Matrix
- f. Metropolitan Legislative Matrix

## **ACTION ITEMS**

- 2. RESOLUTION SUPPORTING BALANCED ENERGY SOLUTIONS

**INFORMATION ITEMS** (THE FOLLOWING ITEMS ARE FOR INFORMATIONAL PURPOSES ONLY – BACKGROUND INFORMATION IS INCLUDED IN THE PACKET. DISCUSSION IS NOT NECESSARY UNLESS REQUESTED BY A DIRECTOR.)

- 3. OC WATER SUMMIT UPDATE
- 4. SCHOOL PROGRAM UPDATE
- 5. PUBLIC AND GOVERNMENT AFFAIRS ACTIVITIES REPORT

## **OTHER ITEMS**

- 6. REVIEW ISSUES RELATED TO LEGISLATION, OUTREACH, PUBLIC INFORMATION ISSUES, AND MET

## **CLOSED SESSION**

- 7. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9: One case

## **ADJOURNMENT**

**NOTE:** At the discretion of the Committee, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated, and may be subject to action by the Committee. On those items designated for Board action, the Committee reviews the items and makes a recommendation for final action to the full Board of Directors; final action will be taken by the Board of Directors. Agendas for Committee and Board meetings may be obtained from the District Secretary. Members of the public are advised that the Board consideration process includes consideration of each agenda item by one or more Committees indicated on the Board Action Sheet. Attendance at Committee meetings and the Board meeting considering an item consequently is advised.

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 telephoning 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.

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Ryan Leavitt

*Municipal Water District of Orange County, California  
Washington Update  
April 14, 2020*

***In response to COVID-19 pandemic, Congress spends trillions on economic relief legislation—including a future potential push for water infrastructure investments; Congress' other work continues but is delayed by long Congressional recess***

For several weeks now, to blunt the spread of COVID-19 (the coronavirus) much of the country is under government issued stay-at-home orders, and non-essential businesses and schools have been ordered to close. Around 600,000 Americans have been diagnosed with coronavirus and nearly 25,000 Americans have sadly died from the virus.

The impacts of the virus have taken a devastating toll on the U.S. economy and the world's financial markets. Unemployment claims have skyrocketed, and it is estimated that the national unemployment rate could be as high as 13%. In response, Congress has taken extraordinary measures to address the impacts of virus by passing three different coronavirus relief bills totaling more than \$2.4 trillion dollars of federal aid.

***Phase I: \$8.3 billion "Coronavirus Preparedness and Response Supplemental Appropriations Act"***

In late February, Congress passed Phase I of the stimulus measures which included extra funding for the Centers for Disease Control and Prevention (CDC), the Food and Drug Administration (FDA), the National Institutes of Health (NIH), the State Department, the Small Business Administration (SBA), and the US Agency for International Development (USAID).

That bill also included \$4 billion to make more coronavirus tests available, and \$1 billion in loan subsidies for small businesses.

### ***Phase II: \$100 billion “Families First Coronavirus Relief Act”***

In mid-March, Congress passed Phase II which provides free coronavirus testing, two weeks of paid sick and family leave, increased federal funds for Medicaid and food security programs (SNAP), and increased unemployment insurance benefits.

### ***Phase III: \$2.3 trillion “CARES Act”***

Phase III, passed on March 25, provided direct payments to Americans, provided hundreds of billions of dollars in small business loans (many of which can be partially or fully forgiven), federal student loan forbearance, billions of dollars in funding to industries, like travel and hospitality, that have been especially hit hard by the efforts to slow the spread of the virus. In addition, billions of dollars for community development block grants and transit infrastructure grants to assist state and local governments.

### ***What is the Relevance of Federal Economic Stimulus Legislation to MWD OC?***

In addition to these coronavirus relief bills sending much needed economic assistance to individual Americans and their families, as well as to small businesses and hard-hit industries, which will help them to continue to pay their bills (including their water utility bills), Congress is also actively considering using a future economic stimulus bill to spur economic development by investing heavily in infrastructure projects—especially drinking water infrastructure.

### ***Future Stimulus Bills***

Following the passage of the Phase III bill, House Speaker Nancy Pelosi, along with key House Committee Chairs, announced that they would be pursuing an infrastructure bill as part of a Phase IV stimulus bill. Their intention was to move forward on the bill as soon as April 20<sup>th</sup> (Congress has now delayed returning until May 4<sup>th</sup>) on legislation that would be a five-year \$760 billion infrastructure bill to improve the nation’s roads, bridges, public transit systems, health centers, and very importantly drinking water systems. Specifically, they mentioned \$86 billion for water infrastructure grants, \$50 billion for clean water state revolving fund loans, \$25 billion for the drinking water state revolving fund. Republican Leaders in Congress were initially very cold on the idea, but the President tweeted support for infrastructure being included in the next stimulus bill.

Later that week, Speaker Pelosi reversed course and stated that Congress would first need to address some of the problems with the Phase III bill that need to be fixed before Congress should consider moving on to an infrastructure investment bill. Specifically, Congress is seeking to add more money (potentially \$250 billion) for small business loans. House Democrats are also requesting increased funds to state and local governments, as well as extending some additional unemployment benefits. Because Senate Republicans want to limit the bill to adding to the small business loans program (which will likely run out of funds very soon), negotiations have reached an impasse at this time. Some hope remains that a deal can be reached.

It is unclear when the House will pursue a Phase IV infrastructure investment stimulus bill, but we are actively monitoring developments. We have shared a draft letter with the MWDOC staff that we recommend MWDOC send to Congressional Leaders asking Congress to provide federal assistance to water systems for the costs associated with moratoriums on water service disconnections and reconnections of delinquent accounts, grants to help support water utility operations, funding for water infrastructure grant programs, and to provide payroll tax credits to public sector employers that is consistent with the tax credits issued previously by Congress to private sector employers.

### *Appropriations Process Delayed*

In early March, the House and Senate Energy and Water Appropriations Subcommittees held a number of hearings on the President's Army Corps of Engineers and Bureau of Reclamation budget requests for FY21. Originally, it was scheduled for House Members to be given an opportunity to weigh-in with their priorities for the Energy and Water Appropriations bill; however, the March 25<sup>th</sup> Member Day has been postponed due to Congress recessing in response to the coronavirus pandemic. Although the Committee Staff continue to work on the FY21 appropriations bills, the Appropriations Committees have spent a majority of their efforts developing the coronavirus economic relief bills that were passed in late February and throughout March.

As a reminder, on behalf of MWDOC, we submitted an appropriation request to all of the Orange County House Members and both CA Senators. The request was language to be added to the FY21 Energy & Water Appropriations bill that would benefit projects like the Doheny Beach Desalination Project that have already gone through the process to be awarded desalination grants under the WIIN Act and that have already had their projects subsequently approved by Congress in an appropriations bill. MWDOC's requested language would remove the requirement that future grant awards for those previously approved projects have to once again be approved by Congress in future spending bills. If this "second bite" language is

adopted, it could significantly shorten the time between when the grant is awarded by the BOR and when the grant funds are actually dispersed to the water agency that was awarded the grant.

We are continuing to advocate for full funding of important water programs and agencies like the BOR, USACE, Clean/Drinking Water State Revolving Funds, and the WIFIA program. All of these programs were given large cuts in the President's FY21 Budget Proposal.

### ***Feinstein/Gardner Drought Resiliency and Water Infrastructure Act***

This legislation would reauthorize the WIIN Act for an additional five years and include \$670 million for surface and groundwater storage projects, \$100 million for water recycling projects, and \$60 million for desalination projects. The bill also authorizes \$140 million for habitat restoration and environmental compliance projects. The Senate Energy and Natural Resources Committee held a hearing on the bill last summer, but the bill has been stalled in the Committee over some objections by the Ranking Member Joe Manchin about the Committee's authority to approve these projects.

Recently, we shared with the MWDOC Board a draft compromise that Senators Feinstein and Gardner have developed that would continue to require federal water projects to be approved by the Senate Energy and Natural Resources Committee, but establish a process for non-Federal projects under \$700 million to be approved by a State's Governor and by the Bureau of Reclamation. We encouraged the MWDOC Board to send a letter to Senator Manchin, cc'ing the bill's sponsors, in support of the proposed compromise.

Important to MWDOC, the compromise language retained key features of the bill, including a reauthorization of the WIIN Act, increased funding for water storage, recycling, and desalination grant programs, increasing the federal grant cap from \$20 million up to \$30 million per project, and the "second bite" language that is consistent with MWDOC's appropriations request.

Congressman Jared Huffman is also working on a competing Drought Resiliency Act in the House. He has not yet introduced his bill, but we are continuing to monitor Mr. Huffman's efforts on the legislation. Huffman's bill would authorize over five years \$750 in surface and groundwater storage project grants and \$240 million in desalination project grants. His legislation will also include his turf rebate income tax exclusion for homeowners bill, as well as a long list of ecosystem protection and restoration programs.

### ***H.R. 3723 (Rep. Mike Levin), the Desalination Development Act:***

Since our last report, the House Natural Resources Committee passed Rep. Mike Levin's desalination bill (H.R. 3723) on a party-line vote of 13-10. On behalf of MWDOC, we provided

some technical assistance to the Levin Office on this legislation and Congressman Levin expressed appreciation to us for being in attendance and for our assistance during the Committee's consideration of his bill.

This legislation would raise the funding authorization in the WIIN Act for desalination projects to \$260 million over the next five years and would remove the \$20 million federal grant cap per project. Levin's objective in introducing this bill is to support projects like South Coast Water District's Doheny Ocean Desalination Project, and he hopes his bill could be rolled into a vehicle like the Feinstein/Gardner legislation. The next step for Levin's bill would be for it to be considered by the full House of Representatives.

### ***PFAS Update:***

The House Armed Services Committee has begun its work on the annual defense spending bill referred to as the National Defense Authorization Act or NDAA. You may remember that last year, the House added significant provisions to the NDAA related to PFAS. After a very contentious fight with the Senate over the PFAS provisions, most of them were stripped out of the final NDAA passed in December 2019. On April 2, 2020, a bipartisan group of 22 House Members, including Rep. Harley Rouda and Rep. Alan Lowenthal, sent a letter to the House Armed Services Committee Chairman and Ranking Member asking that PFAS provisions be included in the 2021 NDAA—including Representative Dingell's PFAS bill that passed the House in January 2020 (H.R. 535). As you know, H.R. 535 designates PFAS as a hazardous substance under the Superfund Law CERCLA. As a reminder, MWDOC sent a letter to all of Orange County's Congressional Delegation expressing concerns with designating PFAS under CERCLA without some clarification that water systems are exempted from Superfund liability. We continue to track this issue very closely.

*JCB/RWL 4/14/20*



## Memorandum

To: Municipal Water District of Orange County  
 From: Syrus Devers, Best Best & Krieger  
 Date: April 20, 2020  
 Re: Monthly State Political Report

### Legislative Report

As of the time of this report, the Legislature still plans to reopen on May 4<sup>th</sup>. Obviously that is a tentative date, but with the first positive news emerging about the slowing of the spread of COVID-19 it is looking at least somewhat plausible. The only upcoming legislative activities are hearings on the fiscal impacts of the COVID-19 response by the relevant budget subcommittees in each house. The Senate Special Budget Subcommittee on the COVID-19 Response will meet on Thursday, April 16, and the Assembly Budget Subcommittee #6 will meet on Monday, April 20<sup>th</sup>. Both hearings will be livestreamed with opportunities for virtual public participation.

### Administrative Report

Governor Newsom held a daily briefing on Tuesday, April 14<sup>th</sup> to discuss a pact with Oregon and Washington on initial steps to open public spaces, businesses and schools. The briefing described a transition from social isolation to testing and contact tracing, but physical distancing will continue to be a part of the response. The transition, however, is entirely dependent on the availability of the products necessary to implement such a strategy.

On April 2<sup>nd</sup> the Governor issued an Emergency Executive Order prohibiting water shutoffs for nonpayment. The main points of the order are as follows:

- Suspends the authority of public and private water systems to shutoff water service due to nonpayment. This applies to residents and businesses.
- Orders the restoration of service discontinued since March 4<sup>th</sup>.
- Specifies that water bills are still due in full.
- Authorizes the SWRCB to identify best practices to implement the order, but does not call for implementing regulations.

ACWA and CMUA met (virtually) with Chair Esquivel and staff to discuss best practices, such as shutoffs at the request of a property owner or landlord due to a vacancy.



# The County of Orange Report

April 14, 2020  
by Lewis Consulting Group

*"Since brevity is the soul of wit / And tediousness the limbs  
and outward flourishes, I will be brief..."* WILLIAM SHAKESPEARE



## **Covid-19 Dominates County Governance**

Just as Covid-19 has shut down much of the country, it has taken its toll on Orange County governance. The Board of Supervisors are still meeting in person once a week, but the lion's share of their time is consumed by Covid-19 updates and tweaks to county health policies. The Board is postponing other controversial items as a courtesy to people who would otherwise prefer to be in attendance when those matters are heard.

The County got off to a rocky start when the County Health Officer issued the first stay at home order on March 17<sup>th</sup>. It was largely rushed through with the hopes of clamping down on St. Patrick's Day parties that evening. That order was widely criticized, largely by the Orange County business community and was suspended the next day by a refined new County order. However, that order was again suspended the very next day when Governor Newsome issued his California-Stay-@-Home order.

Earlier on St. Patrick's Day, the Board of Supervisors conducted a special meeting hours prior to the County Health Director's order. Supervisor Wagner vigorously questioned the need for an economic shutdown and Supervisor Steel echoed some of her concerns on behalf of Orange County's small businesses. On the other hand, Supervisors Bartlett and Do argued that public health trumped other considerations and were calling for shelter in place rules. Supervisor Chaffee avoided the fray, just saying he wanted to listen to and follow the opinions of the experts.

Fast forward to the April 14, 2020 Board of Supervisors meeting and as County Department Heads and certain health officials gave the latest Covid-19 weekly update, again Supervisor Wagner peppered several of the presenters with difficult questions. With the state's latest prediction of the Covid-19 "surge" now to hit California in late May, Wagner questioned the effectiveness of the "flatten the curve" strategy. One possible fear is that by lengthening the Covid timetable, does it not make it more likely for the virus to reappear this winter?

In the meantime, as of April 13<sup>th</sup>, there were 1,283 identified cases of Covid-19 in Orange County with 19 deaths. Two pieces of good news were reported. First, only 50% of Covid hospital beds were being used and secondly, the Orange County Covid cases doubling time continues to decline.

At the April 14<sup>th</sup> meeting, Supervisor Do planted the seed that now was the time to begin the process of planning for an orderly re-opening of the Orange County economy, but neither a timetable or the number of stages required are known at this time.



## Where Orange County Ranks

Counties of 1 million population or greater  
# of deaths as of April 14, 2020

LOS ANGELES	320
SANTA CLARA	60
SAN DIEGO	47
RIVERSIDE	50
SAN BERNARDINO	31
SACRAMENTO	27
ALAMEDA	23
<b>ORANGE</b>	<b>19</b>
CONTRA COSTA	11
FRESNO	5

## PRESIDENTIAL POLLS



RELEASE DATE	POLL	BIDEN	TRUMP
APRIL 10	FOX NEWS	42	42
APRIL 9	MONMOUTH	48	44
APRIL 9	CNN	53	42
APRIL 8	QUINNIPIAC	49	41
APRIL 8	CNBC	44	39
APRIL 8	ECONOMIST/YOUGOV	48	42
APRIL 7	IGB/TIPP	47	41



The April 8, 2020 LAFCO meeting was held by tele-conference. The May meeting will be held on May 13<sup>th</sup>.

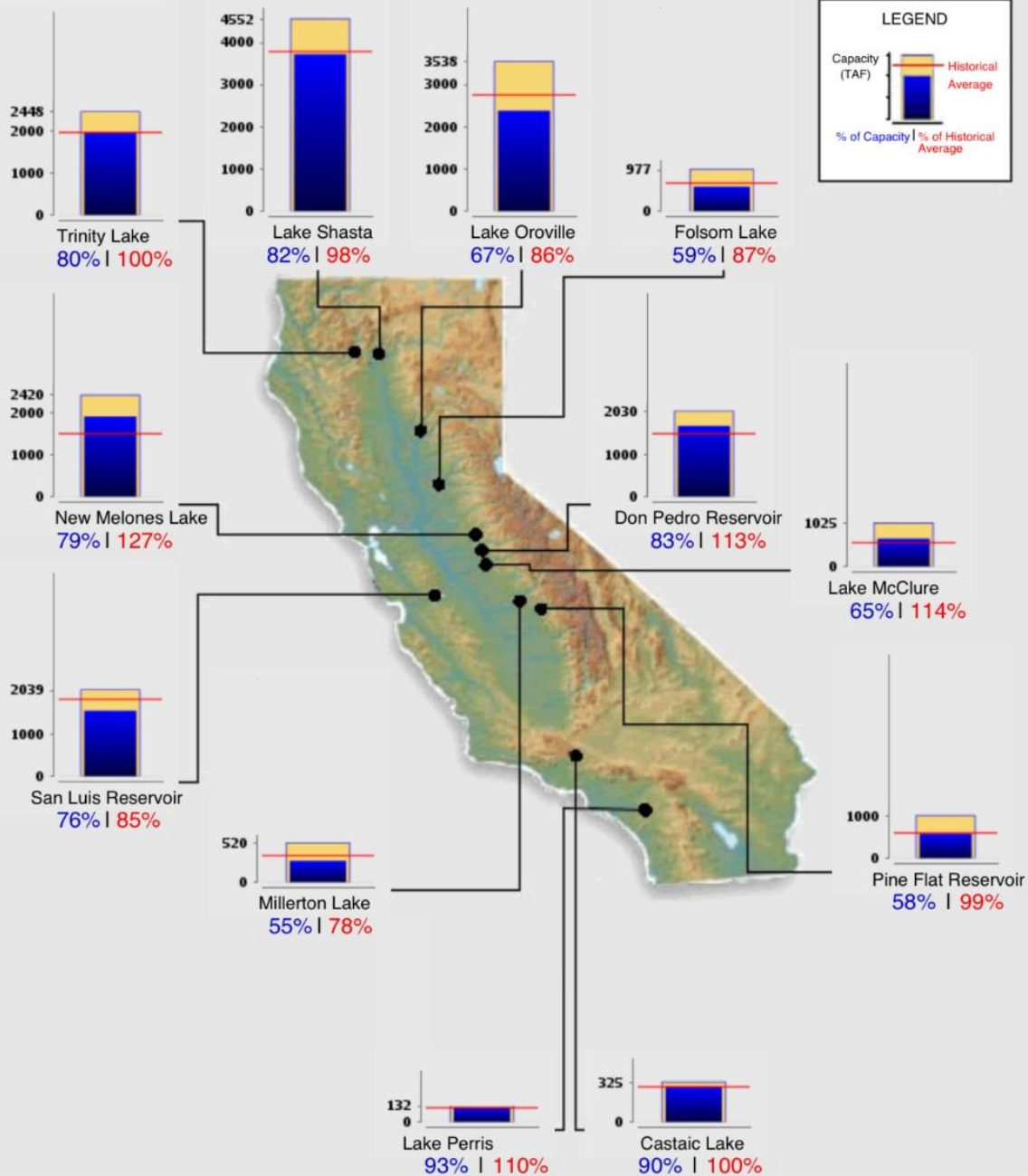
Agenda items included adoption of local annual updates for 2020. CEQA guidelines, their monthly legislative report, award of a contract to Planeteria Media for enhancing the agency's website and a review of a new communications plan by CV Strategies. All matters except the communication plan were adopted quickly. It was decided that some additional fine tuning was required and the matter was held over until the May 13<sup>th</sup> meeting.



# Reservoir Conditions

Ending At Midnight - April 12, 2020

## CURRENT RESERVOIR CONDITIONS



California reservoirs storage levels are still healthy, but the sub-par year of rain has eliminated our previous months above average surplus. How will our reservoirs look one year from now?



### **California Snow Pack**

After a dismal January and February for Southern California rain, a once in a decade April storm brought Southern California precipitation numbers to normal. Since March 10<sup>th</sup>, a weather gauge at the University of Southern California has registered seven inches of rain. The April 1<sup>st</sup> assessment of the Sierra snow-pack showed water content was 53% of normal. However, our recent rain and snow should somewhat bolster those numbers.



## Legal and Regulatory

April 20, 2020

1. **Paradise Fire Testing:** The Paradise fire, which destroyed the mountain community, occurred in November 2018. Contamination was discovered in the water system in January 2019. Testing of every parcel has just been completed. Benzene was discovered at the outset resulting from burning plastic pipes and pressure loss in the system. So far only 26 meters showed levels above regulatory limits. All lines impacted have been or will be replaced. The total cost is still unknown but will be from \$50 to \$150 million. The District is seeking recovery from FEMA since they have lost almost all of their customers. This testing only covers pipes from main lines to the houses. Homeowners have to do and pay for their own tests inside their houses. Thus far, only a few homes have shown contamination. That contamination was methylene chloride mostly likely caused from paints and solvents having nothing to do with the fire. The District is requiring back-flow devices on all hookups to prevent cross contamination. These repairs are likely to continue for some time if and when folks decide to rebuild.
  
2. **Cattle-feed Challenge:** A recent study done by Northern Arizona University shows that almost 90% of water use in the western US is used for crops. The vast majority of those crops are used for cattle-feed, alfalfa and hay. The study further states that beef and dairy uses should be examined and balanced when looking at long term water strategies. Their suggestion of rotational fallowing would free up vast amounts of water. This would increase the cost of beef and dairy products.
  
3. **Pumped Storage:** The issue of pumped storage has been reported on before. However, the concept seems to be making headway. The Eagle Mountain project near Joshua Tree National Park is making progress toward approval. The plan would be to pump 8 billion gallons of groundwater up into a few large mining pits in the area with cheap electricity from nearby solar farms. Then at night or during cloudy times, when electricity costs go up, the water would be returned underground after it is run through a generation system. There are about 40 such systems operating in the US today, mostly connected to nuclear power plants. Environmentalists are opposing this project on the usual grounds. The battle continues.
  
4. **Westlands Gets Contract:** Westlands Water District recently signed a deal with the US to increase their permanent entitlement to Central Valley water. The contract does not guarantee they will get this water, as they are still subject to priority regulations. It is also conditioned on repayment of construction debt of \$320 million. Thus far, they have repaid over \$120 million. Fishing groups, environmentalists, and tribes plan to contest the arrangement.

5. **Splittail Deformities:** UC Davis has been studying ear bone deformities in the Sacramento splittail. These fish only exist in the Delta area and are usually seen as minnow size but grow to be about a foot long. The deformity is caused by excess selenium in the food chain. Selenium is naturally occurring and is normally not harmful. Only when its concentration increases is there a problem. The splittail feeds mostly on Asian clams, which produce heavy selenium during their eating process. Scientists are seeking to discover if this condition is a single occurrence or it is related to something else.
6. **Coral Reefs Endangered:** A report from the University of Hawaii shows that coral reefs in many areas are in danger of disappearing due to rising sea temperatures and more acidic ocean conditions. Warm waters cause the coral to release algae living inside them. This in turn causes them to bleach and turn white. This condition weakens the coral and makes them more susceptible to others ailments. Attempts are being made to plant young corals in the dying reefs with limited success.
7. **Rivers Drying Up:** Eleven rivers in the US are potential candidates for drying up. Number one is of course the Colorado River. It is the most overused and serves over 30 million folks. Efforts are underway to try to fix it and progress is being made, but it still number one on the list. Next in the Rio Grande, which is actually longer than the Colorado. Recently it has been reduced to one fifth of its historical flows. The Sacramento River is number three. Its recent history of early snow runoff leaves less water to fill it in dry times. The remaining rivers in order are: Pecos (New Mexico, Texas), John Day (Oregon), North Fork Red River (Texas, Oklahoma), Canadian (New Mexico, Texas, Oklahoma), Arkansas, Brazos (New Mexico, Texas), Red River (New Mexico, Texas, Louisiana) and Gasconade (Missouri).
8. **Ocean Climate Change:** Ocean patterns and their relation to climate conditions on land used to be easier to predict. The Pacific Decadal Oscillation (PDO) and the North Pacific Gyre Oscillation (NPGO) used to be reliable indicators of both ocean action and associated climate impacts. These two bodies of scientific study have been developed over many years and remained constant for a long time. PDO looked at ocean conditions north of the 38 latitude and NPGO did the same for south of 38 degrees. In the last 1980s, things began to shift due to an Aleutian Low, a low-pressure system, which became less active. At the same time, atmospheric rivers in the NPGO began to change. It should also be noted that shifts in predictability were recognized in 1925, 1947 and 1977. These years experienced warmer climates, which affected fishing, and climate similar to events we see now. However, now we are seeing an increase in warmer ocean conditions, which will produce patterns that are more variable.
9. **Klamath Update:** Demolition of four dams on the Klamath is still moving forward. The estimated cost is \$450 million. More than 1700 dams have been taken down in the US since 2012. However, the Klamath case is now encountering more concern. Property owners around the reservoir are complaining they are losing their waterfront homes. Tribes are complaining their fishing grounds are not being restored. Farmers are worried about long-term loss of irrigation water. Tributaries to the Klamath will be degraded. Looks like you cannot please all of the people any of the time.

10. **SGMA Update:** The Sustainable Groundwater Management Act is starting to face reality. A recent report from UC Berkeley is pointing out the dire consequences to the Valley of SGMA. Unemployment, loss of farmland, wage loss, economic loss will all be severe with no apparent offset in sight. Options seem to be finding significant new supplies or making drastic cuts to water usage or some combination of the two. Another issue which surfaces since fines and fees are part of the Act is the application of Proposition 218. The Proposition requires votes of the people and findings that any charges are related to the cost of providing the service.
11. **Atmospheric Rivers Update:** From October 2019 through March of this year, 40 atmospheric rivers impacted the West Coast. Seven were rated strong and only one made it to California. Six of the strong ones hit Washington. Our March and April rain and snowfall will help.
12. **COVID-19 Treatment:** The question has come up about the effectiveness of our water treatment systems with respect to COVID-19 virus. The universal opinion is that current treatment methods are designed to deal with infectious organisms like viruses and will handle COVID-19. There are risks in all treatment systems but the risk is at very low levels. Studies are being done now to ensure that condition. The order that no water supply can be shut down for nonpayment is another factor but most agencies see it as a manageable situation.

# Municipal Water District of Orange County Item No. 1e

PAL Committee, 4/20/2020

Prepared by Best Best & Krieger LLP

## A. Priority Support/Oppose

Measure	Author	Topic	Status	Brief Summary	Position	Priority	Notes 1
<a href="#">AB 2093</a>	<a href="#">Gloria D</a>	Public records: writing transmitted by electronic mail: retention.	3/10/2020-Action From JUD.: Do pass.To APPR..	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.	Out for Analysis	A. Priority Support/ Oppose	
<a href="#">AB 2182</a>	<a href="#">Rubio, Blanca D</a>	Emergency backup generators: water and wastewater facilities: exemption.	3/2/2020-Referred to Coms. on U. & E. and NAT. RES.	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.	Out for Analysis	A. Priority Support/ Oppose	
<a href="#">AB 2296</a>	<a href="#">Quirk D</a>	State Water Resources Control Board: local primacy delegation: funding stabilization program.	2/24/2020-Referred to Com. on E.S. & T.M.	Would authorize the State Water Resources Control Board to delegate partial responsibility for the California Safe Drinking Water Act's administration and enforcement by means of a local primacy delegation agreement. The bill would authorize the state board, for counties that have not been delegated primary responsibility as of January 1, 2021, to offer an opportunity for the county to apply for partial or primary responsibility if the state board determines that it needs assistance in performing administrative and enforcement activities, as specified. The bill would authorize the state board to approve the application for delegation if the state board determines that the local health officer is able to sufficiently perform the administrative and enforcement activities and would specify that a local primacy agency has all of the authority over designated public water systems as is granted to the state board by the act.	Out for Analysis	A. Priority Support/ Oppose	
<a href="#">AB 2560</a>	<a href="#">Quirk D</a>	Water quality: notification and response levels: procedures.	2/20/2020-From printer. May be heard in	The California Safe Drinking Water Act requires the State Water Resources Control Board to adopt drinking water standards for contaminants in drinking water based upon	Out for Analysis	A. Priority Support/ Oppose	



			committee March 21.	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.			
<a href="#">SB 45</a>	<a href="#">Allen</a> D	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020.	1/30/2020-In Assembly. Read first time. Held at Desk.	Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2020, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,510,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program.	Out for Analysis	A. Priority Support/ Oppose	
<a href="#">SB 996</a>	<a href="#">Portantino</a> D	State Water Resources Control Board: Constituents of Emerging Concern Program.	3/5/2020-Referred to Com. on EQ.	Would require the State Water Resources Control 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.	Out for Analysis	A. Priority Support/ Oppose	
<a href="#">SB 1099</a>	<a href="#">Dodd</a> D	Emergency backup generators: critical facilities: exemption.	2/27/2020-Referred to Com. on EQ.	Would, consistent with federal law, 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	Out for Analysis	A. Priority Support/ Oppose	

imposing a fee on the issuance or renewal of a permit issued for those critical facility emergency backup generators.

## B. Watch

Measure	Author	Topic	Status	Brief Summary	Position	Priority	Notes 1
<a href="#">AB 1957</a>	<a href="#">Gallagher R</a>	Paradise Irrigation District: water pipeline: design-build process.	2/18/2020-Re-referred to Com. on L. GOV.	Current law authorizes, until January 1, 2025, local agencies, as defined, to use the design-build project delivery process, as specified, for specified public works. This bill would authorize the Paradise Irrigation District to utilize the design-build project delivery process to assign contracts for the construction of a water conveyance pipeline from the Town of Paradise to the City of Chico.	Watch	B. Watch	
<a href="#">AB 2095</a>	<a href="#">Cooper D</a>	Water theft: enhanced penalties.	2/24/2020-Re-referred to Com. on L. GOV.	Current law authorizes the legislative body of a city or a county to make, by ordinance, any violation of an ordinance subject to an administrative fine or penalty and limits the maximum fine or penalty amounts for infractions, to \$100 for the first violation, \$200 for a 2nd violation of the same ordinance within one year of the first violation, and \$500 for each additional violation of the same ordinance within one year of the first violation. This bill would authorize the legislative body of a city or a county to make, by ordinance, any violation of an ordinance regarding water theft, as defined, subject to an administrative fine or penalty in excess of the limitations above, as specified.	Out for Analysis	B. Watch	
<a href="#">AB 2148</a>	<a href="#">Quirk D</a>	Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans.	3/9/2020-Re-referred to Com. on NAT. RES.	Current law establishes the Integrated Climate Adaptation and Resiliency Program, administered by the Office of Planning and Research, to coordinate regional and local efforts with state climate adaptation strategies to adapt to the impacts of climate change, as specified. This bill would require the Strategic Growth Council, by July 1, 2021, to establish guidelines for the formation of regional climate adaptation planning groups. The bill would require the council, by July 1, 2022, to develop criteria for the development of regional climate adaptation plans.	Out for Analysis	B. Watch	
<a href="#">AB 2322</a>	<a href="#">Friedman D</a>	Small water suppliers and rural communities: drought and water shortage planning: repeal.	2/15/2020-From printer. May be heard in committee March 16.	Current law makes legislative findings and declarations regarding drought planning for small water suppliers and rural communities, and requires the Department of Water Resources, in consultation with the State Water Resources Control Board and other relevant state and local agencies and stakeholders, to use available data to identify, no later than January 1, 2020, small water suppliers and rural communities that may be at risk of drought and water shortage vulnerability and notify counties and groundwater sustainability agencies of those suppliers or communities. Current law	Watch	B. Watch	

				requires the department, in consultation with the state board, to propose to the Governor and the Legislature, by January 1, 2020, recommendations and guidance relating to the development and implementation of countywide drought and water shortage contingency plans to address the planning needs of small water suppliers and rural communities, as provided. This bill would repeal these provisions.			
<a href="#">AB 2324</a>	<a href="#">Friedman D</a>	Urban water use.	2/15/2020-From printer. May be heard in committee March 16.	Current law requires the Department of Water Resources, in coordination with the State Water Resources Control Board, to conduct necessary studies and investigations, as prescribed, and make a recommendation to the Legislature, by January 1, 2020, on the feasibility of developing and enacting water loss reporting requirements for urban wholesale water suppliers. This bill would repeal these provisions.	Watch	B. Watch	
<a href="#">AB 3256</a>	<a href="#">Garcia, Eduardo D</a>	Climate risks: bond measure.	2/24/2020-Read first time.	The California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, approved by the voters as Proposition 68 at the June 5, 2018, statewide direct primary election, authorizes the issuance of bonds in the amount of \$4,000,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. This bill would state the intent of the Legislature to enact a bond measure that would address climate risks to the State of California.	Out for Analysis	B. Watch	
<a href="#">SB 797</a>	<a href="#">Wilk R</a>	Water resources: permit to appropriate: application procedure.	3/3/2020-Set for hearing March 24.	Current law requires the State Water Resources Control Board to issue and deliver a notice of an application as soon as practicable after the receipt of an application for a permit to appropriate water that conforms to the law. Current law allows interested persons to file a written protest with regard to an application to appropriate water and requires the protestant to set forth the objections to the application. Current law declares that no hearing is necessary to issue a permit in connection with an untested application, or if the undisputed facts support the issuance of the permit and there is no disputed issue of material fact, unless the board elects to hold a hearing. This bill, if the board has not rendered a final determination on an application for a permit to appropriate water within 30 years from the date the application was filed, would require the board to issue a new notice and provide an opportunity for protests before rendering a final determination, with specified exceptions.	Out for Analysis	B. Watch	
<a href="#">SB 971</a>	<a href="#">Hertzberg D</a>	Small water supplier and countywide water shortage	3/3/2020-Set for hearing March 24.	Would require a small water supplier, as defined, with 1,000 to 2,999 service connections, inclusive, to prepare and adopt a small water supplier water shortage	Out for Analysis	B. Watch	

		contingency planning.		contingency plan that consists of specified elements. The bill would require a small water supplier with 15 to 999 service connections, inclusive, to take specified actions related to water shortage planning and response. The bill would require small water suppliers to provide to the public, and to report, the plan and specified water shortage planning information, as prescribed.			
<a href="#">SB 1011</a>	<a href="#">Dahle R</a>	Water quality: waste discharge requirements: fees: report.	2/27/2020- Referred to Com. on RLS.	The Porter-Cologne Water Quality Control Act, with certain exceptions, requires a waste discharger to file a report of waste discharge with a California regional water quality control board and to pay an annual fee established by the State Water Resources Control Board (state board). The act requires the state board to report to the Governor and the Legislature on the expenditure of those annual fees on or before January 1 of each year. This bill would make a nonsubstantive change to these provisions.	Out for Analysis	B. Watch	
<a href="#">SB 1044</a>	<a href="#">Allen D</a>	Firefighting equipment and foam: PFAS chemicals.	2/27/2020- Referred to Coms. on EQ., G.O., and JUD.	Would, commencing January 1, 2022, require any person, including a manufacturer, as defined, that sells firefighter personal protective equipment to any person or public entity to provide a written notice to the purchaser at the time of sale if the firefighter personal protective equipment contains perfluoroalkyl and polyfluoroalkyl substances (PFAS), and would provide that a violation of this requirement is punishable by a specified civil penalty. The bill would require the seller and the purchaser to retain the notice on file for at least 3 years and to furnish the notice and associated sales documentation to the State Fire Marshal within 60 days upon request, as provided.	Out for Analysis	B. Watch	
<a href="#">SB 1056</a>	<a href="#">Portantino D</a>	Drinking water: testing: perfluoroalkyl and polyfluoroalkyl substances.	2/27/2020- Referred to Com. on EQ.	Would require the State Water Resources Control Board, on or before January 1, 2022, to certify a methodology or methodologies for testing drinking water, groundwater, and surface water for perfluoroalkyl and polyfluoroalkyl substances, as provided, and to accredit qualified laboratories in California to analyze perfluoroalkyl and polyfluoroalkyl substances pursuant to the adopted methodology or methodologies.	Out for Analysis	B. Watch	

**Total Measures: 18**

**Total Tracking Forms: 18**

**The Metropolitan Water District of Southern California**  
**State Legislative Matrix**  
**April 13, 2020**

<b>Bill Number Author</b>	<b>Amended Date; Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>AB 1071</b> <b>Limon (D)</b>  Sponsor: California Climate and Agricultural Network	Amended 1/6/2020  Senate	<b>Climate change: agriculture:  Agricultural Climate Adaptation  Tools Program: grants</b>  Establishes a pilot program in the Central Valley, Central Coast and desert regions of the state where grant funding is available for the purposes of developing planning tools for adapting to climate change within the agricultural sector.	<b>SUPPORT</b>  Based upon Board Action on 7/9/2019	The bill was amended to mirror language from AB 409 (Limon), which Metropolitan supported. The Board has formally adopted policies supporting research related to the effects of climate change on water supply and water quality. This measure provides funding and guidance to support resilient agricultural practices.
<b>AB 1580</b> <b>Levine (D)</b>  Sponsor: Author	Amended 7/1/2019  Senate Appropriations Committee - Suspense File	<b>Major infrastructure construction  projects: oversight committees</b>  Requires a state agency undertaking a publicly-funded infrastructure project of \$1 billion or more to form an oversight committee and develop a risk management plan to minimize cost overruns.	<b>OPPOSE</b>  Based upon Board- adopted 2019 State Legislative Priorities and Principles	To the extent the bill is aimed at proposed Delta conveyance, it is duplicative of the Delta Conveyance Design and Construction Authority (DCA). At the direction of the Department of Water Resources, the DCA is tasked to provide oversight and risk management in order to protect the ratepayers who will pay for and benefit from the project.

**Item No. 1f**

**The Metropolitan Water District of Southern California**  
**State Legislative Matrix**  
**April 13, 2020**

<b>Bill Number Author</b>	<b>Amended Date; Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>AB 2246 Mayes (I)</b>  Sponsor: Metropolitan	Introduced 2/13/2020	<b>Surface Mining and Reclamation Act of 1975: exemption: Metropolitan Water District of Southern California</b>  Amends the Surface Mining and Reclamation Act of 1975 (SMARA) to grant Metropolitan an exemption for emergency excavations or grading on its land to repair, maintain, or replace pipelines, infrastructure, or related transmission systems used to distribute water in Los Angeles, Orange, Riverside, San Bernardino, San Diego and Ventura counties.	<b>SPONSOR</b>	Maintaining critical water infrastructure requires coordinated regulatory compliance. Metropolitan is proposing legislation to grant it special status under SMARA, so it 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 to distribute water in Southern California.
<b>AB 3039 Quirk (D)</b>  Sponsor: Author	Introduced 2/21/2020	<b>Underground storage tanks: small business loan and grant program</b>  Extends the operation of the Underground Storage Tank Cleanup Fund loan and grant program from January 1, 2022 to January 1, 2026.	<b>SUPPORT</b>  Based upon Board-adopted 2020 State Legislative Priorities and Principles	The program assists small businesses upgrade, replace or remove underground storage tanks to meet applicable local, state or federal standards. In Southern California, the program paid to remediate underground storage tanks leaking MTBE and other gasoline additives contaminating groundwater supplies.



**The Metropolitan Water District of Southern California**  
**State Legislative Matrix**  
**April 13, 2020**

<b>Bill Number Author</b>	<b>Amended Date; Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>SB 45</b> <b>Allen (D)</b>  Sponsor: Author	Amended 1/23/2020  Assembly	<b>Wildfire, Drought, and Flood Protection Bond Act of 2020</b>  Places a wildfire and water bond totaling \$5.51 billion on the November 2020 ballot for voter approval.	<b>SUPPORT AND AMEND</b>  Based upon Board action on 6/11/19	Would provide funding to restore areas damaged by wildfires, mitigate future wildfires, create healthy forests and watersheds, protect water supplies and water quality, and protect and restore rivers, streams and lakes. Metropolitan is seeking amendments to ensure adequate funding for safe drinking water needs, restoration projects that would benefit Voluntary Agreements for managing the Bay-Delta and the tributaries, and for recycled water projects.
<b>SB 69</b> <b>Wiener (D)</b>  Sponsors: California Coastkeeper Alliance and Pacific Coast Federation of Fishermen's Associations	Amended 7/11/2019  Assembly Appropriations Committee – Suspense File	<b>Ocean Resiliency Act of 2019</b>  Seeks to bolster the resilience of the state's marine and coastal environments to climate change and improve conditions for salmon and other commercially valuable species.	<b>WATCH</b>  Based upon Board- adopted 2019 State Legislative Priorities and Principles	Would replace existing forestry, fishery and water quality regulatory processes with different approaches to improve conditions for fish upstream of the Delta and in the ocean along the California coast. The bill as amended on June 25, 2019 addresses concerns of Metropolitan and the State Water Contractors.

**The Metropolitan Water District of Southern California**  
**State Legislative Matrix**  
**April 13, 2020**

<b>Bill Number Author</b>	<b>Amended Date; Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>SB 204 Dodd (D)</b>  Sponsor: Delta Counties Caucus	Amended 5/17/2019  Assembly Water, Parks and Wildlife	<b>State Water Project: contracts</b>  Revises the notification requirements for pending State Water Project (SWP) contract negotiations and contract amendments. Explicitly requires the California Water Commission to review and report on the progress of the design, construction, and operation of any new Delta conveyance facility as a part of its annual review of the SWP.	<b>WATCH</b>  Based upon Board-adopted 2019 State Legislative Priorities and Policies	The bill as amended on May 17, 2019 adheres to the author's stated purpose and deletes objectionable provisions related to the Delta Conveyance joint powers authorities. Bill provides for further transparency on any future amendments to State Water Project contracts as described in Water Code Section 147.6 (c) and construction of future Delta conveyance improvements.
<b>SB 414 Caballero (D)</b>  Sponsor: Eastern Municipal Water District and California Municipal Utilities Association (CMUA)	Amended 6/25/2019  Assembly Appropriations Committee – Suspense File	<b>Small System Water Authority Act of 2019</b>  Authorizes the State Water Resources Control Board (SWRCB) to merge small, non-noncompliant public water systems into a regional water authority that will directly benefit from increased economies of scale and access to public financing.	<b>SUPPORT</b>  Based upon past support for AB 2050 (Caballero) from 2017/18	Sets deadline for small water systems to comply with safe drinking water standards or consolidate into a regional authority managed by a SWRCB-appointed contractor until water system achieves self-sufficiency, complies with drinking water standards, and can reliably provide access to safe drinking water.
<b>SB 559 Hurtado (D)</b>  Sponsor: Friant Water Authority	Amended 7/3/2019  Assembly Appropriations Committee- Suspense File	<b>Department of Water Resources: grant: Friant-Kern Canal</b>  Seeks to address problems of land subsidence on the federally-owned Friant Kern Canal.	<b>SUPPORT IF AMENDED</b>  Based upon Board-adopted 2019 State Legislative Priorities and Principles	Addresses land subsidence in the Central Valley but only focuses on impacts to the Friant-Kern Canal. Metropolitan is seeking amendments to include the need to address subsidence problems on the California Aqueduct to ensure reliable water supply for Southern California.



**The Metropolitan Water District of Southern California**  
**State Legislative Matrix**  
**April 13, 2020**

<b>Bill Number Author</b>	<b>Amended Date; Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>SB 946</b> <b>Pan (D)</b>  Sponsor: Sacramento Area Flood Control Agency	Amended 3/12/2020  Senate Natural Resources and Wildlife Committee	<b>Flood control: Yolo Bypass Cache  Slough Partnership Multibenefit  Program</b>  Codifies support for the Yolo Bypass Partnership and its efforts to advance coordinated master planning and accelerate restoration activities for the Yolo Bypass-Cache Slough region.	<b>SUPPORT</b>	A master plan for the Yolo Bypass-Cache Slough would advance multi-benefit restoration projects and encourage state and federal agencies to coordinate regulatory compliance and funding for flood control and water systems.
<b>SB 952</b> <b>Nielsen (R)</b>  Sponsor: Author	Introduced 2/10/2020  Senate Governance and Finance Committee	<b>Sales and use taxes: exemption:  backup electrical resources:  deenergization events.</b>  Authorizes a sales and use tax exemption beginning January 1, 2021 for the purchase, lease, use or consumption of backup electrical resources during planned deenergization events.	<b>SUPPORT and  SEEK  AMENDMENTS</b>  Based upon Board- adopted 2020 State Legislative Priorities and Principles	Reduces water agencies' and other essential public service providers' cost to purchase or upgrade emergency backup generators to continue service and operations during planned public safety power shutoffs.

**The Metropolitan Water District of Southern California**  
**State Legislative Matrix**  
**April 13, 2020**

<b>Bill Number Author</b>	<b>Amended Date; Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>SB 996 Portantino (D)</b>  Sponsor: Metropolitan	Introduced 2/13/2020	<b>State Water Resources Control Board: Constituents of Emerging Concern Program</b>  Seeks to create a statewide program to identify and evaluate Constituents of Emerging Concern (CECs) in drinking water sources.	<b>CO-SPONSOR</b>	Metropolitan and the California Municipal Utilities Association are co-sponsoring legislation in response to growing public concern about CECs in drinking water. The bill would establish a CEC Drinking Water Program at the State Water Resources Control Board. The program would set up a consistent and science- based approach for assessing the public health and drinking water consequences of CECs, with the intent to improve and expedite future regulatory determinations.
<b>SB 1044 Allen (D)</b>  Sponsor: California Professional Firefighters and Natural Resources Defense Council	Introduced 2/18/2020	<b>Firefighting equipment and foam: PFAS chemicals</b>  Requires any seller of firefighting personal protective equipment to provide written notice to the purchaser if the equipment contains PFAS. Also, prohibits the discharge of state class B firefighting foam that contains PFAS.	<b>SUPPORT</b>  Based upon Board approved 2020 State Legislative Priorities and Principles	Metropolitan and member agencies would benefit from this bill because banning PFAS-laden firefighting foam would protect drinking water sources. Firefighting foams, especially those used for training purposes (e.g., at airports and military bases), have been identified as sources of PFAS contamination in groundwater supplies.

**The Metropolitan Water District of Southern California**  
**State Legislative Matrix**  
**April 13, 2020**

<b>Bill Number Author</b>	<b>Amended Date; Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>SB 1099</b> <b>Dodd (D)</b> Co-Sponsors: California Municipal Utilities Association and Las Virgenes Municipal Water District	Introduced 2/19/2020	<b>Emergency backup generators: critical facilities: exemption.</b> Directs air districts to adopt or revise an existing rule to suspend operational run time limits on emergency backup generators during public safety power shutoffs, and when needed for routine maintenance and testing.	<b>SUPPORT and SEEK AMENDMENTS</b> Based upon Board adopted 2020 State Legislative Priorities and Principles	Addresses water agencies need to maintain operations during planned power shutoffs designed to mitigate wildfire risks. Metropolitan seeking amendments that explore alternative approaches to revising existing rules that would allow water agencies to operate emergency generators without being out of compliance with run times set by local air districts.
<b>SB 1323</b> <b>Skinner (D)</b> Sponsor: Author	Introduced 2/21/2020	<b>Carbon sequestration: state goals: natural and working lands: registry of projects.</b> Requires the Governor's Office of Planning and Research (OPR) to maintain a California Carbon Sequestration and Climate Resiliency Project Registry beginning January 1, 2021.	<b>SUPPORT</b>	The registry would identify carbon sequestration projects, such as forestry management, wetlands restoration, healthy soils, and meadows restoration that meet state criteria for funding. Metropolitan and its member agencies with agricultural land holdings and planned carbon sequestration projects could benefit by applying to add their projects to the registry making them eligible for state funding programs.

**The Metropolitan Water District of Southern California**  
**State Legislative Matrix**  
**April 13, 2020**

<b>Bill Number Author</b>	<b>Amended Date; Location</b>	<b>Title-Summary</b>	<b>MWD Position</b>	<b>Effects on Metropolitan</b>
<b>Governor's Proposed Budget Trailer Bill Language</b>	Introduced 1/31/2020	<b>Governor's Proposed Safe Drinking Water, Wildlife Prevention and Natural Resources Protection Bond Act of 2020</b>  Would place a \$4.75 billion climate resilience bond for voter approval on the November 2020 ballot.	<b>SUPPORT and SEEK AMENDMENTS</b>  Based upon Board Action on 3/9/2020	Authorizes general obligation bond funding to improve statewide resiliency against climate change. The bond includes \$2.95 billion for safe and clean drinking water, and resilience to flood and drought. Metropolitan is seeking amendments to set aside funding for recycled water projects; state-owned conveyance infrastructure to reverse the impacts of subsidence; habitat restoration projects for native and protected fish species; monitoring and treatment for drinking water contaminants; and emergency backup generators that minimize air quality impacts.



**ACTION ITEM**  
May 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: RESOLUTION SUPPORTING BALANCED ENERGY SOLUTIONS**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors vote to adopt a resolution in support of maintaining balanced energy solutions in California.

**COMMITTEE RECOMMENDATION**

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Committee recommends (To be determined at Committee Meeting)

**BACKGROUND**

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At the March PAL meeting, Director Barbre request that staff return in April with a resolution in support of balanced energy solutions. MWDOC staff reached out to the Southern California Gas Company (SoCal Gas), who provided background and sample resolutions.

SoCal Gas has been working with cities and counties throughout their service area to obtain support for balanced energy solutions, in particular, support for natural gas. To date, over 120 local agencies, including roughly half of Orange County cities, have adopted similar resolutions in support.

California has been discussing energy policies that would encourage the use of electricity while reducing the use of natural gas. Limiting consumer choice has the potential of

<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>			

increased costs for residents, businesses and local governments by way of electrification and stranding of major investments already made by the natural gas industry.

To achieve their ambitious climate and energy procurement goals, the state will need a balanced mix of strategies. Currently, a significant share of California's energy portfolio is natural gas. Although the state's climate-change goals may be able to reduce the need for natural gas, increasing the renewable energy portfolio while cutting greenhouse gas emissions raises significant questions about how the state will accomplish energy system integration and reliability. In addition, California's high dependence on solar can create a need for gas-fired electricity to back up intermittent renewable energy and ensure grid reliability.

The attached resolution supports local control for energy solutions and maintains customer choice while allowing for alternative sources to be developed and available in the event of an electrical grid failure.

## **BOARD OPTIONS**

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### **Option #1**

- Adopt a resolution in support of balanced energy solutions and maintaining local control of energy choices

**Fiscal Impact:** None

**Business Analysis:**

### **Option #2**

- Take no action

**Fiscal Impact:** None

**Business Analysis:**

## **STAFF RECOMMENDATION**

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Option #1

## **ATTACHED:**

- Draft Resolution

## **RESOLUTION NO.**

### **A RESOLUTION OF THE MUNICIPAL WATER DISTRICT OF ORANGE COUNTY SUPPORTING MAINTAINING LOCAL CONTROL OF ENERGY SOLUTIONS**

#### **A. Recitals**

(i). The State of California's energy policies are critical to reducing greenhouse gas emissions and reducing the impact of climate change on our residents; and

(ii). The State Legislature and State Agencies are increasingly proposing new legislation and regulations eliminating choice of energy by mandating technologies to power buildings and public and private fleets, including transit and long-haul trucking, as a strategy to achieve the state's climate goals; and

(iii). Providing clean, affordable and reliable energy is crucial to the material health, safety and well-being of Orange County residents, particularly the most vulnerable, who live on fixed incomes, including the elderly and working families who are struggling financially; and

(iv). The need for clean, affordable, and reliable energy to attract and retain local businesses, create jobs and spur economic development is vital to success in a highly competitive and increasingly regional and global marketplace; and

(v). The Municipal Water District of Orange County values local control and the right to choose the policies and investments that most affordably and efficiently enable them and their member agencies to comply with State requirements; and

(vi). Building and vehicle technology mandates eliminate local control and customer choice, suppress innovation, reduce reliability and unnecessarily increase costs for residents and businesses; and

(vii). The Municipal Water District of Orange County understands that relying on a single energy delivery system unnecessarily increases vulnerabilities to natural and man-made disasters, and that a diversity of energy delivery systems and resources contribute to greater reliability and community resilience; and

(viii). The Municipal Water District of Orange County understands the need to mitigate the impacts of climate change and is committed to doing its part to help the State achieve its climate goals but requires the flexibility to do so in a manner that best serves the needs of residents and businesses.

**B. Resolution**

NOW, THEREFORE, THE MUNICIPAL WATER DISTRICT OF ORANGE COUNTY DOES HEREBY FIND, DETERMINE AND RESOLVE AS FOLLOWS:

1. The District supports balanced energy solutions that provide it with the decision-making authority and resources needed to achieve the State's climate goals while allowing for alternative sources to be developed.

PASSED, APPROVED AND ADOPTED this XX day of XXX 2020, by





**INFORMATION ITEM**

April 20, 2020

**TO: Public Affairs & Legislation Committee**  
(Directors Yoo Schneider, Barbre & McVicker)

**FROM: Robert Hunter, General Manager**  
Staff Contact: Damon Micalizzi

**SUBJECT: OC Water Summit Update**

**STAFF RECOMMENDATION**

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Staff recommends the Public Affairs & Legislation Committee: Receive and file the report.

**COMMITTEE RECOMMENDATION**

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Committee recommends (To be determined at Committee Meeting)

**REPORT**

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The 13<sup>th</sup> Annual OC Water Summit titled **20/20 Water: Breaking News** has been officially canceled due to the uncertainty and rapidly changing circumstances of the COVID-19 pandemic.

All presenters, participants, registrants and sponsors have been notified and refunds have been issued. Staff is already working on next year's Summit and has booked the Disney Grand Californian Hotel for June 4, 2021. Down payments to Disney for this year's Summit will be applied to next year's event.

The next meeting of the OC Water Summit Ad Hoc Committee will be scheduled later this summer.

<b>Budgeted (Y/N):</b>	Budgeted amount:	Core __	Choice __
<b>Action item amount:</b>		Line item:	
<b>Fiscal Impact (explain if unbudgeted):</b>			



**INFORMATION ITEM**

April 20, 2020

**TO: Public Affairs & Legislation Committee**  
(Directors Yoo Schneider, Barbre, McVicker)

**FROM: Robert Hunter, General Manager**

Staff Contact: Sarah Wilson

**SUBJECT: School Programs Update**

**STAFF RECOMMENDATION**

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Staff recommends the Public Affairs & Legislation Committee: Receive and file this report.

**COMMITTEE RECOMMENDATION**

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Committee recommends (To be determined at Committee Meeting)

**SUMMARY**

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The COVID-19 pandemic has forced a record number of schools nationwide to close their doors. As a direct result, contractors for the Municipal Water District of Orange County's (MWDOC or District) Water Education School Programs—Shows That Teach, Discovery Cube Orange County, and Bolsa Chica Conservancy—are unable to complete the in-class school visits that were scheduled through the remainder of the 2019/2020 school year.

With just about two months left in the school year, teachers and students are now navigating the challenges of online education. In an effort to continue providing valuable programs and resources, MWDOC's CHOICE School Program contractors have proposed short virtual lessons to fulfill their contract obligations and assist educators – teachers and parents alike – in adapting to this new way of learning. To facilitate this effort, MWDOC Public Affairs Staff (MWDOC PA Staff) reached out to all member agencies participating in the Fiscal Year 2019/20 MWDOC K-12 School Programs, and received nearly unanimous agreement to provide interactive, digital water lessons to Orange County students. At the time this report, details and logistics for the delivery of the four (4)

<b>Budgeted (Y/N): Y</b>	Budgeted amount: \$437,561	Core	Choice X
<b>Action item amount:</b>	Line item: 63-7040		
<b>Fiscal Impact (explain if unbudgeted):</b>			

segments of MWDOC's School Programs are being finalized among MWDOC PA Staff, MWDOC School Program contractors, and participating member agencies.

Included in this report is attendance and keypad data received for the portion of March 2020 school visits that were completed prior to school closures.

## DETAILED REPORT

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### SCHOOL PROGRAM GOALS AND OBJECTIVES

To administer a water-focused education program that offers Orange County students in grades K-12 an opportunity to connect with, and learn from, their local ecosystems. Program contractors for all grade levels will use a [Next Generation Science Standards \(NGSS\) three-dimensional learning model](#) to guide students to solve environmental problems affecting their local communities, and enhance their ability to become responsible environmental stewards. Students will also be able to identify California water supply sources, and will learn more about how to apply water efficient practices at home and at school.

- **Elementary School Program (K-2) Objective:** Students will understand the relationship between natural and human social systems and how humans affect, depend on, and benefit from natural resources, like water. Healthy ecosystems are critical to sustain all life.
- **Elementary School Program (3-6) Objective:** Students will understand the connection between humans and natural systems and how human activities and decisions can alter the water cycle, habitats, and the overall health of ecosystems. Healthy ecosystems are essential to all life.
- **Middle School Program (7-8) Objective:** Students will learn that the quality, quantity, and reliability of water is directly and indirectly influenced by human activity and the health of natural systems. Students will understand the challenges in delivering a safe and reliable source of drinking water to Orange County.
- **High School Program (9-12) Objective:** Students will understand that the health and care of natural systems are essential to all life and to the functioning of our economies and cultures. Students will learn how to make informed decisions that can affect and drive changes in opinions, policies, and laws as well as be introduced to career pathways in the water industry.

### SHOWS THAT TEACH – ELEMENTARY SCHOOL (K-2)

Prior to school closures as a result of the COVID-19 pandemic, Shows That Teach completed two (2) school visits in March 2020 reaching 499 students in grades K-2. For the 2019/20 school year, 9,362 students participated in the MWDOC Elementary School Program (grades K-2). At the onset of school closures, Shows That Teach produced three (3) short video lessons that teach students how to be safe during this global outbreak and includes short lessons on the water cycle, water quality, and water conservation. These videos are linked on MWDOC's website on the Water Education School Programs page: [www.mwdoc.com/schoolprograms](http://www.mwdoc.com/schoolprograms).

*“As a parent who is trying to keep my kids engaged, I must tell you that my kids love your videos. Their teacher sent us the link as part of their science lesson this week. They are learning about the water cycle and conservation. I have a first and third grader, and they were both completely engrossed in the videos. Thank you!! It is great to see how much effort was put into it.”*

*– A Big Thank You From: Owen (6) and Noah Davies (8)*

### **DISCOVERY CUBE OC – ELEMENTARY (3-6) AND MIDDLE SCHOOL (7-8)**

Through Discovery Cube Orange County (DCOC), the MWDOC Elementary School Program (grades 3-6) reached 1,694 students in March 2020 from nine (9) elementary schools across the county. For the 2019/20 school year, 15,426 students participated in the MWDOC Elementary School Program (grades 3-6) prior to school closures as a result of the COVID-19 pandemic.

Through this program, students are tested on their water awareness with a keypad device before an assembly begins and at the conclusion of the assembly to measure concept understanding and retention. The following keypad response data demonstrates the average increase in student understanding after attending the March 2020 Elementary School Program assemblies:

- **Third Grade:** Students are tested on local climate and the ability of plants and organisms to survive in a particular climate. Students demonstrated a **1.83%** average increase in understanding from the pre- to post-test. (**57.53%** scoring correctly on the pre-test and **59.36%** on the post-test).
- **Fourth Grade:** Students are tested on the local ecosystem, water sources, and water use efficiency. Students demonstrated a **25.15%** average increase in understanding from the pre- to post-test. (**35.56%** scoring correctly on the pre-test and **60.71%** on the post-test).
- **Fifth Grade:** Students are tested on how the water cycle cleans and recycles freshwater supply and water use efficiency. Students demonstrated a **27.51%** average increase in understanding from the pre- to post-test. (**43.26%** scoring correctly on the pre-test and **70.77%** on the post-test).
- **Sixth Grade:** Students are tested on the forces that drive the water cycle and factors that influence the growth of organisms in our local area. Students demonstrated a **22.88%** average decrease in understanding from the pre- to post-test. (**45.12%** scoring correctly on the pre-test and **67.99%** on the post-test).

### **MWDOC Middle School Program (grades 7-8)**

For the 2019/2020 school year, DCOC completed two (2) middle school visits to Grace Christian School in Lake Forest and Utt Middle School in Tustin reaching 299 students through the MWDOC Middle School Program (grades 7-8). There were two (2) middle school visits scheduled for the beginning of April 2020 in Fountain Valley and Yorba Linda that were canceled as a result of the COVID-19 pandemic school closures.

### **BOLSA CHICA CONSERVANCY – HIGH SCHOOL (9-12)**

Prior to school closures as a result of the COVID-19 pandemic, the Bolsa Chica Conservancy (BCC) completed four (4) class visits (3 sessions each) in March 2020 reaching 121 AP Environmental Science students through the MWDOC High School Program (grades 9-12). Two (2) additional schools (San Clemente High School and Brea Olinda High School) were scheduled to receive the program in March and April 2020, but were canceled as a result of school closures. For the 2019/2020 school year, BCC completed all three (3) sessions at the following schools: Dana Hills High School (2 classes), Edison High School (2 classes), El Toro High School, Mission Viejo High School, Santa Ana High School, and Westminster High School (4 classes).

Through this multi-visit program, students are tested on California and Orange County water supply at the start of the first class session, and again at the end to measure concept understanding and retention. The following keypad results demonstrate the average increase in student understanding after attending the first session of the March 2020 MWDOC High School Program at Westminster High School:

- **Period 1:** Students demonstrated a **46.80%** average increase in understanding from the pre- to post-test. (**42.10%** scoring correctly on the pre-test and **88.90%** on the post-test).
- **Period 2:** Students demonstrated a **35.50%** average increase in understanding from the pre- to post-test. (**48.80%** scoring correctly on the pre-test and **84.30%** on the post-test).
- **Period 3:** Students demonstrated a **41.90%** average increase in understanding from the pre- to post-test. (**47.40%** scoring correctly on the pre-test and **89.30%** on the post-test).
- **Period 6:** Students demonstrated a **41.20%** average increase in understanding from the pre- to post-test. (**41.90%** scoring correctly on the pre-test and **83.10%** on the post-test).

For the third session, students demonstrated what they learned through the program with an in-class presentation to their peers. Presentation topics included California and Orange County water supply sources, water quality, importance of the Sacramento-San Joaquin Bay Delta, and school/home water audit results.

**Public & Governmental Affairs Activities Report**  
**March 11, 2020 – April 8, 2020**

<b>Member Agency Relations</b>	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> <li>• Designed and produced Orange County Register full page ad on behalf of Orange County water providers assuring residents that tap water remains safe, clean, and reliable</li> <li>• Participated in daily OC PIO conference calls to coordinate joint messaging throughout the County</li> <li>• Finalized Water Use Efficiency bill inserts for member agencies – production halted due to Coronavirus</li> <li>• Provided COVID-19 messaging and update spread sheet for MWDOC and MET member agencies.</li> <li>• Developed and distributed a COVID-19 media/tool kit for member agencies that included: an introduction, frequently asked questions (FAQ), mini and full page advertisements for print placement or digital use, eight (8) social media posts –two (2) on flushable wipes - social media and website headers, and two (2) engaging infographics that explain how to stay informed, as well as the proper way to wash your hands.</li> <li>• Began collecting and cataloging entries for the 2020 Water Awareness Poster Contest – deadline extended to May 4</li> </ul> <p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> <li>• Provided a legislative update to the MWDOC Member Agency Managers’ Meeting</li> <li>• Provided a legislative update to the OC Met Managers group</li> <li>• Distributed the Governor’s Executive Order on the suspension of water shutoffs due to COVID-19</li> </ul>
<b>Community Relations</b>	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> <li>• Worked with Girl Scouts of Orange County on notifying registered participants of cancellation of the April 25 Water Resources and Conservation Patch Clinic</li> </ul> <p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> <li>• Attended an Open House at ACWA’s new offices in Sacramento</li> <li>• Participated in ACC-OC’s Telework and Crisis Communications Workshop via Zoom</li> </ul>
<b>Media Relations</b>	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> <li>• Was interviewed by the OC Register about water quality amidst COVID-19</li> <li>• Participated virtually and monitored all Orange County COVID-19 press conferences</li> <li>• Prepared several social media posts, and met with contractor HashtagPinpoint to clarify messaging during the COVID-19 crisis</li> </ul>

<b>Education</b>	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> <li>• Provided school program status amidst COVID-19 pandemic to West Basin Municipal Water District</li> <li>• Participated in Metropolitan Water District of Southern California's Member Agency Education Coordinator's Zoom Meeting</li> <li>• Participated in Department of Water Resources Water Education Committee Zoom Meeting</li> <li>• Worked with Shows That Teach to produce video resources for Orange County teachers, students, and parents</li> <li>• Provided FY 20-21 school program information and commitment forms to participating member agencies</li> <li>• Worked with MWDOC school program contractors and participating member agencies to begin creating online water-related lessons for teachers and students for the remainder of the 2019-20 school year</li> <li>• Provided MWDOC K-12 School Program questions and content report to President Tamaribuchi</li> <li>• Provided answers to questions posed from President Tamaribuchi regarding the Water Energy Education Alliance (WEEA)</li> <li>• Coordinated next steps regarding a Metropolitan Water District of Southern California World Water Forum grant extension for Saddleback College</li> <li>• Participated on an introduction to Nepris (a virtual platform to connect industry professionals to classrooms) conference call</li> <li>• Participated in several meetings with Orange County Department of Education to gain a better understanding of what students and educators need most during the COVID-19 pandemic</li> </ul>
<b>Special Projects</b>	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> <li>• Coordinated the cancellation of the OC Water Summit</li> <li>• Researched video conferencing programs and worked with MWDOC staff to implement Zoom</li> <li>• Worked with web developer to create a coronavirus/COVID-19 page on the MWDOC website and provide access to WEROC staff to update the mwdoc.com dark page</li> <li>• Prepared a COVID-19 message and posted it to the mwdoc.com dark page</li> <li>• Prepared and distributed an excel spreadsheet to water agencies across the state to track messaging and action items in response to COVID-19. 202 agencies participated.</li> <li>• Prepared, coordinated, and distributed the April 2020 issue of MWDOC's eCurrents newsletter</li> </ul> <p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> <li>• Worked with the Orange County Auditor-Controller's office regarding the LAFCO dues formula for special districts to ensure proper billing should the new formula be adopted</li> </ul>

	<ul style="list-style-type: none"> <li>• Drafted a support letter for Serrano Water District Director Greg Mills for the CSDA Board of Directors, Southern Network, Seat B</li> <li>• Staffed the WACO Planning meeting</li> <li>• Met with (virtually) grants coordinator Joey Soto to discuss the program and ways to bring more value to member agencies in the coming year</li> <li>• Met with (virtually) Emily Grant from Southern California Gas Company to discuss their balanced energy solutions resolution</li> <li>• Met with ISDOC President Sandra Jacobs via Zoom to discuss future meetings logistics</li> <li>• Coordinated with OCWD staff to cancel the April WACO meeting and facilitate future meetings</li> <li>• Facilitated the ISDOC Executive Committee Meeting via Zoom</li> <li>• Provided a legislative update to the ISDOC Executive Committee meeting</li> </ul>
<b>Legislative Affairs</b>	<p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> <li>• Cohosted a reception for legislators and staff in Sacramento, with the Water Agencies of the Inland Empire and Orange County</li> <li>• Attended ACWA's Legislative Symposium in Sacramento</li> <li>• Participated in the CMUA Legislative Committee Meeting</li> <li>• Participated in ACWA's Legislative Committee Meeting</li> <li>• Met with the EMWD, IEUA and WMWD to have a wrap-up, best practices, good/needs improvement on this year's DC luncheon</li> <li>• Participated in CSDA's Public Works Coalition</li> <li>• Participated in the Southern California Water Coalition Legislative Task Force meeting</li> <li>• Attended (via Zoom) a meeting with statewide legislative coordinators to share how our agencies/organizations were adapting to the changing environment due to COVID-19</li> <li>• Participated in the Met Member Agencies Legislative conference call</li> <li>• Participated in the ACWA/CMUA SB 200 Implementation Working Group meeting</li> <li>• Drafted a support letter for ACR 179 (Voepel) for both MWDOC and ISDOC</li> <li>• Drafted an opposition letter for AB 2093 (Gloria) for both MWDOC and ISDOC</li> <li>• Drafted support letters for SB 1099 (Dodd), AB 2560 (Quirk), AB 2182 (Rubio), and AB 2178 (Levine)</li> <li>• Participated in ACWA Federal Affairs Infrastructure Working Group meeting</li> <li>• Participated in ACWA's Shutoffs Suspension (COVID-19) Working Group meeting</li> </ul>