

WORKSHOP MEETING OF THE
BOARD OF DIRECTORS WITH MET DIRECTORS
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
18700 Ward Street, Fountain Valley, California
May 5, 2021, 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>

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(877) 853 5247 Toll-free
Webinar ID: 882 866 5300#

AGENDA

PLEDGE OF ALLEGIANCE

ROLL CALL

PUBLIC PARTICIPATION/COMMENTS

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.

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 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.)

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. 2111

ACTION ITEMS

1. AB 1195 (C. GARCIA) – DRINKING WATER

Recommendation: Vote to adopt an Oppose Unless Amended position on AB 1195.

2. SB 559 (HURTADO) – DEPARTMENT OF WATER RESOURCES: WATER CONVEYANCE SYSTEMS: CANAL CONVEYANCE CAPACITY RESTORATION FUND

Recommendation: Vote to adopt a Support position on SB 559.

PRESENTATION/DISCUSSION ITEMS

3. LEGISLATIVE ACTIVITIES

- a. Federal Legislative Report (NRR)
- b. State Legislative Report (BBK)
- c. MWDOC Legislative Matrix
- d. Metropolitan Legislative Matrix

Recommendation: Review and discuss the information presented.

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

Recommendation: Receive input and discuss the information presented.

5. PRESENTATION ON SOUTHERN CALIFORNIA WATER SUPPLY CONDITIONS AND COMMUNICATIONS/OUTREACH MESSAGING (METROPOLITAN STAFF BRAD COFFEY AND SUE SIMS)

Recommendation: Review and discuss the information presented.

INFORMATION ITEMS

6. MET ITEMS CRITICAL TO ORANGE COUNTY (The following items are for informational purposes only – a write up on each item is included in the packet. Discussion is not necessary unless requested by a Director)

- a. MET's Finance and Rate Issues
- b. MET's General Manager Recruitment Process
- c. MET'S Review of Equal Employment Opportunity Policies and Practices
- d. MET's Integrated Resources Plan Update
- e. MET's Water Supply Conditions
- f. Colorado River Issues
- g. Delta Conveyance Activities and State Water Project Issues

Recommendation: Review and discuss the information presented.

7. METROPOLITAN (MET) BOARD AND COMMITTEE AGENDA DISCUSSION ITEMS

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

Recommendation: Review and discuss the information 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 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 accommodations should make the request with adequate time before the meeting for the District to provide the requested accommodations.



Item No. 1

ACTION ITEM May 5, 2021

TO: Board of Directors

FROM: Robert Hunter
General Manager

Staff Contact: Heather Baez

SUBJECT: AB 1195 (C. GARCIA) – DRINKING WATER

STAFF RECOMMENDATION

Staff recommends the Board of Directors vote to adopt an Oppose Unless Amended position on AB 1195.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

BILL SUMMARY

As introduced, Assembly Bill 1195 would have created the Southern Los Angeles County Regional Water Agency, which would have had the authority to operate public water systems or other water infrastructure and integrate other water systems in the region into its operations. This text was “gutted and amended” and replaced.

AB 1195 would now enact the Southern Los Angeles County Human Right to Water Collaboration Act, which would require the State Resources Control Board (SWRCB) to appoint a commissioner to (among other things) expend moneys from the Safe and Affordable Drinking Water Fund on behalf of the SWRCB for eligible purposes, and recipients within the jurisdiction of the Water Replenishment District of Southern California.

This measure would require the commissioner to develop and submit to the SWRCB, a plan for the long-term sustainability of public water systems in southern Los Angeles County, in collaboration with a technical advisory board, which this bill would also create.

Budgeted (Y/N): n/a	Budgeted amount: n/a	Core X	Choice ____
Action item amount: None	Line item:		
Fiscal Impact (explain if unbudgeted):			

In preparing the plan, AB 1195 would require the commissioner to oversee the Water Replenishment District of Southern California (WRD), and to consult with the Los Angeles County LAFCO regarding effective public water system governance strategies in the region. In addition, it would require the commissioner to oversee the expenditures of all state funding for groundwater cleanup in the region and to oversee the operations of the Central Basin Municipal Water District (CBMWD) in selling drinking water and recycled water in its jurisdiction. Lastly, it would require the commissioner to require the CBMWD to pay for an audit directed by the commissioner.

ARGUMENTS IN SUPPORT

According to the author's office, "The people in southern Los Angeles County depend on a multitude of small water systems. These water systems are growing old, and the operator/owner may lack the funding to pay to rebuild the system or clean up water contamination. If the system fails, there is no public agency with the capacity to save them and the people's water supply. By contrast, other neighboring companies owned by outside investors charge higher water rates and they are not accountable to the public. In fact, some of the region's disadvantaged communities of color pay some of the highest water prices in the County, depending on which retailer sells them water.

Some small water systems may be close to failure, but there is no public agency with the capacity to take them over to fix the problems. This may lead to privatization of these water systems, as investor-owned utilities, which generally charge higher water rates, have the capacity and the authority to increase water rates to pay for rebuilding the system. This bill will create a regional administrator identified by the State Water Board to help resolve the many water challenges facing the region and build regional collaboration, to keep water rates low, increase water quality, and keep management of the southeast water public."

ARGUMENTS IN OPPOSITION

AB 1995 has a number of concerning issues. First, the bill would require the SWRCB to appoint a commissioner (potentially someone with no ties to the local community) to oversee implementation of the SAFER program in southern Los Angeles County. Locally elected decision makers are best positioned to provide direction on a reliable and affordable water supply to their constituents. In addition, it would add an additional layer of bureaucracy to the state's safe drinking water efforts. The SAFER program is designed to provide funding and assistance to these systems across the state. It is unclear why a commissioner is needed. It would also appear to identify this one area of the state as the most in need, potentially prioritizing it over other regions that have failing systems.

The role of the newly appointed commissioner is unclear. Suggested amendments to the author would be clarifying language regarding the need for this position and the specific duties this person would undertake.

CBMWD has also formally opposed AB 1195 indicating that, "The proposed governance structure within AB 1995 doesn't respect existing local representation from diverse communities or disadvantaged communities. This act ostensibly seeks to improve water

quality in areas that cannot endure substantial increases in water rates, but does not empower local representation from the region who are seeking relief. The result will be another well-intentioned government act that does not live up to its acclaim.”

They also write that the measure, “Authorizes the commissioner and the ‘unspecified advisory board’ to develop a plan that could result in the acquisition, or consolidation of existing water systems, without assessing whether an existing agency can provide clean water at a lower cost to the current water system’s ratepayers. We don’t need a new layer of government and complexity added to our existing layers of government; we need the state to more aggressively fund projects that (1) improve the quality of drinking water and (2) create jobs in our communities, for the benefit of our communities.”

Including agencies such as CBMWD and the WRD is an overreach. While there are 29 small systems within the basin that would benefit from programs such as SAFER, this does not apply to CBMWD or WRD. Suggested amendments would be to have this measure apply only to the 29 smaller agencies who may benefit from the additional oversight.

BOARD OPTIONS

Option #1

- Adopt an oppose unless amended position on AB 1195.

Fiscal Impact: n/a

Business Analysis: While this measure does not affect MWDOC directly, its overreach and additional governmental bureaucracy is of concern.

Option #2

- Take no action

Fiscal Impact: Same as above

Business Analysis: Same as above

STAFF RECOMMENDATION

Option #1

ATTACHED:

- AB 1195 Full Text

AMENDED IN ASSEMBLY APRIL 6, 2021

CALIFORNIA LEGISLATURE—2021–22 REGULAR SESSION

ASSEMBLY BILL

No. 1195

Introduced by Assembly Member Cristina Garcia

February 18, 2021

An act to ~~add Division 9 (commencing with Section 20000) to the Water Code, amend Section 116681 of, to add Section 116351 to, and to add Article 9.5 (commencing with Section 116688) to Chapter 4 of Part 12 of Division 104 of, the Health and Safety Code, relating to~~ water.

LEGISLATIVE COUNSEL'S DIGEST

AB 1195, as amended, Cristina Garcia. ~~Southern Los Angeles County Regional Water Agency. Drinking water.~~

The California Safe Drinking Water Act provides for the operation of public water systems and imposes on the State Water Resources Control Board various responsibilities and duties relating to the regulation of drinking water to protect public health.

Existing law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Existing law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients.

This bill would prohibit, once an operator of a public water system exercises water rights for the benefit of the public water system, those surface water rights or groundwater rights from being severed or otherwise separated from the public water system.

The bill would enact the Southern Los Angeles County Human Right to Water Collaboration Act, which would require the state board to appoint a commissioner to, among other things, expend moneys from the Safe and Affordable Drinking Water Fund on behalf of the state board for eligible purposes and recipients in southern Los Angeles County, within the jurisdictional boundaries of the Water Replenishment District of Southern California and in collaboration with the communities and operators of public water systems in the region. The bill would require the commissioner, on or before December 31, 2024, to develop and submit to the state board a plan for the long-term sustainability of public water systems in southern Los Angeles County, in collaboration with a technical advisory board, which the bill would create. The bill would require the technical advisory board to be composed of an unspecified number of members, with one member appointed by the state board and the remaining members appointed by unspecified entities.

In preparing the plan, the bill would require the commissioner, among other things, to oversee the work of the Water Replenishment District of Southern California in a specified assessment and to consult with the Los Angeles County Local Agency Formation Commission regarding effective public water system governance strategies in the region, as specified. The bill would require the commissioner to oversee the expenditure of all state funding for groundwater cleanup in the region and to oversee the operations of the Central Basin Municipal Water District in selling drinking water and recycled water to public water systems in its jurisdiction. The bill would authorize the commissioner to require the Central Basin Municipal Water District to pay for an audit directed by the commissioner. By imposing additional requirements on the Central Basin Municipal Water District, the bill would impose a state-mandated local program.

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.

~~Existing law, the County Water District Law, authorizes the formation of county water districts and authorizes those districts to appropriate, acquire, and conserve water and water rights for any useful purpose and to operate water rights, works, properties, rights, and privileges~~

useful or necessary to convey, supply, store, or make use of water for any purpose authorized by that law:

~~This bill would create the Southern Los Angeles County Regional Water Agency as a regional water agency serving the drinking water needs of the cities, unincorporated areas, and residents in the communities overlying the Central Basin and West Coast Basin aquifers in southern Los Angeles County. The bill would require the agency to serve the region as the leader in interagency collaboration on water resource issues and to be governed by a 5-member board of locally elected officials in the agency's jurisdiction, each appointed by a specified state or local entity. The bill would authorize the agency to serve the water needs of its region through specified activities, including, among others, operating public water systems or other water infrastructure and integrating other water systems in the region into its operations, as prescribed. The bill would authorize the agency to finance its operations through specified means, including, among others, collecting water rates, charges, fees, or established parcel charges previously charged by a water system for which the agency has assumed control.~~

~~By imposing requirements on the Southern Los Angeles County Regional Water Agency, the Los Angeles County Local Agency Formation Commission, and other local agencies, the bill would impose a state-mandated local program.~~

~~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 with regard to certain mandates no reimbursement is required by this act for a specified reason.~~

~~With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so 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. Section 116351 is added to the Health and Safety*
- 2 *Code, to read:*

1 116351. *Once an operator of a public water system exercises*
2 *water rights for the benefit of the public water system, those surface*
3 *water rights or groundwater rights shall not be severed or*
4 *otherwise separated from the public water system.*

5 SEC. 2. *Section 116681 of the Health and Safety Code is*
6 *amended to read:*

7 116681. The following definitions shall apply to this ~~section~~
8 ~~and section~~, Sections 116682, 116684, and ~~116686~~; 116686, and
9 *Article 9.5 (commencing with Section 116688):*

10 (a) “Adequate supply” means sufficient water to meet residents’
11 health and safety needs at all times.

12 (b) “Affected residence” means a residence within a
13 disadvantaged community that is reliant on a water supply that is
14 either inadequate or unsafe and that is not served by a public water
15 system or state small water system.

16 (c) “Consistently fails” means a failure to provide an adequate
17 supply of safe drinking water.

18 (d) “Consolidated water system” means the public water system
19 resulting from the consolidation of a public water system with
20 another public water system, state small water system, or affected
21 residences.

22 (e) “Consolidation” means joining two or more public water
23 systems, state small water systems, or affected residences into a
24 single public water system.

25 (f) “Disadvantaged community” means a disadvantaged
26 community, as defined in Section 79505.5 of the Water Code.

27 (g) “Domestic well” means a groundwater well used to supply
28 water for the domestic needs of an individual residence or a water
29 system that is not a public water system and that has no more than
30 four service connections.

31 (h) “Extension of service” means the provision of service
32 through any physical or operational infrastructure arrangement
33 other than consolidation.

34 (i) “Infill site” means a site within the area served by a subsumed
35 water system that, as of the date of consolidation, is adjacent to a
36 parcel that is developed for qualified urban uses.

37 (j) “Qualified urban use” means any residential, commercial,
38 public institutional, industrial, transit or transportation facility, or
39 retail use, or any combination of those uses.

1 (k) “Receiving water system” means the public water system
2 that provides service to a subsumed water system through
3 consolidation or extension of service.

4 (l) “Safe drinking water” means water that meets all primary
5 and secondary drinking water standards.

6 (m) “State small water system” has the same meaning as
7 provided in Section 116275.

8 (n) “Subsumed water system” means the public water system,
9 state small water system, or affected residences served by domestic
10 wells consolidated into or receiving service from the receiving
11 water system.

12 SEC. 3. Article 9.5 (commencing with Section 116688) is added
13 to Chapter 4 of Part 12 of Division 104 of the Health and Safety
14 Code, to read:

15
16 Article 9.5. Southern Los Angeles County Human Right to Water
17 Collaboration Act
18

19 116688. This article shall be known, and may be cited, as the
20 Southern Los Angeles County Human Right to Water Collaboration
21 Act.

22 116689. (a) The state board shall appoint a commissioner to
23 implement the state board’s Safe and Affordable Funding for
24 Equity and Resilience (SAFER) Program established pursuant to
25 Chapter 120 of the Statutes of 2019 in southern Los Angeles
26 County, within the jurisdictional boundaries of the Water
27 Replenishment District of Southern California and in collaboration
28 with the communities and operators of public water systems in the
29 region.

30 (b) In implementing the SAFER Program in southern Los
31 Angeles County, the commissioner shall, on behalf of the state
32 board, expend moneys from the Safe and Affordable Drinking
33 Water Fund established pursuant to Section 116766, subject to
34 the state board’s approval, for the purposes, and to the eligible
35 recipients, identified in Section 116766. The commissioner may
36 take any reasonable action to accomplish those purposes. Pursuant
37 to subdivision (f) of Section 116766, the commissioner shall make
38 reasonable efforts to ensure that funds are used to secure the
39 long-term sustainability of drinking water service and
40 infrastructure, including, but not limited to, requiring adequate

1 *technical, managerial, and financial capacity of eligible applicants*
2 *as part of funding agreement outcomes.*

3 *(c) (1) In addition to the authority established in subdivision*
4 *(b), the commissioner may do either of the following:*

5 *(A) Assist operators of public water systems in operating and*
6 *managing their public water systems, including, but not limited*
7 *to, funding, technical assistance, and other collaboration that*
8 *promotes economies of scale.*

9 *(B) Serve as an administrator of a public water system pursuant*
10 *to Section 116686, or as a receiver of a public water system*
11 *pursuant to court order, for a public water system that serves a*
12 *disadvantaged community or that consistently fails or is at risk of*
13 *doing so, as determined by the commissioner.*

14 *(2) The commissioner shall seek available funding from state*
15 *and local sources to fund its activities.*

16 *(d) The commissioner shall, on or before December 31, 2024,*
17 *develop and submit to the state board a plan for the long-term*
18 *sustainability of public water systems in southern Los Angeles*
19 *County, in collaboration with the technical advisory board*
20 *established pursuant to Section 116690. In preparing the plan, the*
21 *commissioner shall do all of the following:*

22 *(1) Oversee the work of the Water Replenishment District of*
23 *Southern California in assessing the conditions of small public*
24 *water systems in its jurisdiction pursuant to Item 3860-101-0001*
25 *of Section 2.00 of the Budget Act of 2019 (Chapter 23 of the*
26 *Statutes of 2019), including the sufficiency of each small public*
27 *water system's water quality and water rights. The plan shall*
28 *include evaluation of each small public water system's technical,*
29 *managerial, and financial conditions, which may qualify the small*
30 *public water system for some types of financial assistance.*

31 *(2) Review the assessment described in paragraph (1) and*
32 *evaluate public water systems and other water infrastructure in*
33 *the region. The evaluation shall include assessment of the physical*
34 *conditions of groundwater wells and groundwater quality.*

35 *(3) Identify projects, processes, and systems that may assist*
36 *public water systems that consistently fail or are at risk of doing*
37 *so, as determined by the commissioner. For a public water system*
38 *in a disadvantaged community, the commissioner may consider*
39 *groundwater wells or groundwater quality that pose a risk to the*
40 *public water system of consistently failing and identify actions*

1 *necessary to either assist that public water system or determine*
2 *appropriate changes for the public water system in accordance*
3 *with applicable law.*

4 *(4) Plan for the consolidation of public water systems that either*
5 *consistently fail or are at risk of doing so, as determined by the*
6 *commissioner. The plan shall include identification of a receiving*
7 *water system operated by a municipality or other public agency,*
8 *without regard to jurisdictional boundaries. The commissioner*
9 *shall propose receiving water systems to the state board for*
10 *consolidation proceedings pursuant to Section 116682. This*
11 *paragraph does not preclude the operator of a public water system*
12 *or a state small water system from proposing a voluntary*
13 *consolidation for the identified subsumed water system.*

14 *(5) Consult with the Los Angeles County Local Agency*
15 *Formation Commission regarding effective public water system*
16 *governance strategies in the region and how the Los Angeles*
17 *County Local Agency Formation Commission may facilitate*
18 *consolidation of public water systems that consistently fail or are*
19 *at risk of doing so, as determined by the commissioner.*

20 *(e) The commissioner shall oversee the operations of the Central*
21 *Basin Municipal Water District in selling drinking water and*
22 *recycled water to public water systems in its jurisdiction. The*
23 *Central Basin Municipal Water District shall cooperate with the*
24 *commissioner in exercising the commissioner's oversight*
25 *responsibilities. The commissioner may require the Central Basin*
26 *Municipal Water District to pay for an audit directed by the*
27 *commissioner. The California State Auditor may cooperate with*
28 *the commissioner regarding the audit using the findings of the*
29 *California State Auditor's 2015 audit of the Central Basin*
30 *Municipal Water District.*

31 *(f) The commissioner shall oversee, on behalf of the state board,*
32 *the expenditure of all state funding for groundwater cleanup in*
33 *the region. This oversight shall include identification, for basins*
34 *in the region, of significant contaminants and potential remediation*
35 *of perfluorooctane sulfonate (PFOS). The commissioner shall*
36 *investigate a range of options to pay for remediating groundwater*
37 *contamination in the region, including methods to hold polluters*
38 *accountable for their groundwater contamination.*

39 *116690. (a) (1) The commissioner shall be advised by a*
40 *technical advisory board of experts in water management or water*

1 policy consisting of ____ members. Each member, except the
2 member specified in paragraph (2), shall have at least five years
3 of experience in a managerial level position with a water supplier,
4 in operations, water quality, or finance, or as a general manager
5 of a water supplier.

6 (2) One of the members shall be appointed by the state board
7 and shall have at least one year of experience at a senior level of
8 a nonprofit organization engaging communities in the region on
9 water issues, which may include a member of the state board's
10 SAFER Advisory Group.

11 (3) Each of the following entities shall appoint one member to
12 the technical advisory board: ____.

13 (b) The technical advisory board may promote regional
14 collaboration by developing alternatives for creating sustainable
15 public water systems in the region, which the commissioner may
16 consider in preparing the plan pursuant to subdivision (d) of
17 Section 116689.

18 (c) (1) An entity appointing a member to the board may replace
19 their member as required. If a board member office is declared
20 vacant, the appointing entity shall appoint a successor.

21 (2) A majority of the members of the board may vote to request
22 the replacement of another member of the board.

23 (d) An entity appointing a member to the board shall compensate
24 the member commensurate with the entity's compensation policies
25 and shall provide for out-of-pocket expenses and travel associated
26 with the member's activities on the technical advisory board.

27 (e) (1) In December of each year, the technical advisory board
28 shall select a president to serve a one-year term starting on the
29 following January 1.

30 (2) The technical advisory board shall meet twice each month
31 and as needed to address interventions and the need of the
32 commissioner for the identification of operational and technical
33 resources.

34 SEC. 4. No reimbursement is required by this act pursuant to
35 Section 6 of Article XIII B of the California Constitution because
36 a local agency or school district has the authority to levy service
37 charges, fees, or assessments sufficient to pay for the program or
38 level of service mandated by this act, within the meaning of Section
39 17556 of the Government Code.

1 SECTION 1. ~~Division 9 (commencing with Section 20000) is~~
2 ~~added to the Water Code, to read:~~

3
4 ~~DIVISION 9. SOUTHERN LOS ANGELES COUNTY~~
5 ~~REGIONAL WATER AGENCY ACT~~
6

7 ~~20000. This division shall be known, and may be cited, as the~~
8 ~~Southern Los Angeles County Regional Water Agency Act.~~

9 ~~20005. (a) The Southern Los Angeles County Regional Water~~
10 ~~Agency is hereby created as a regional water agency serving the~~
11 ~~drinking water needs of the cities, unincorporated areas, and~~
12 ~~residents in southern Los Angeles County.~~

13 ~~(b) The agency's jurisdiction shall encompass all communities~~
14 ~~overlying the Central Basin and West Coast Basin aquifers, with~~
15 ~~a jurisdictional territory coextensive to the jurisdictional territory~~
16 ~~of the Water Replenishment District of Southern California. The~~
17 ~~agency shall serve the region as the leader in interagency~~
18 ~~collaboration on water resource issues.~~

19 ~~(c) (1) The agency shall be governed by a five-member board~~
20 ~~of locally elected officials in the agency's jurisdiction. Each of the~~
21 ~~following shall appoint one member to the board:~~

22 ~~(A) The Governor.~~

23 ~~(B) The Los Angeles County Board of Supervisors.~~

24 ~~(C) The Gateway Cities Council of Governments.~~

25 ~~(D) The South Bay Cities Council of Governments.~~

26 ~~(E) The San Gabriel Valley Council of Governments.~~

27 ~~(2) If a board member is no longer a locally elected official, the~~
28 ~~board member's office shall be declared vacant and the appointing~~
29 ~~authority shall appoint a successor.~~

30 ~~(d) In December of each year, the board shall select a president~~
31 ~~to serve a one-year term starting on the following January 1.~~

32 ~~(e) The board shall hire a general manager with at least five~~
33 ~~years of experience in senior management of a water agency;~~
34 ~~relevant technical expertise, and education in a professional field~~
35 ~~related to water resources. The general manager may hire all other~~
36 ~~agency staff as authorized by the board.~~

37 ~~20010. (a) The agency may serve the water needs of its region~~
38 ~~through any of the following activities:~~

39 ~~(1) Operate public water systems or other water infrastructure.~~

~~(2) Consolidate operation of public water systems, as directed by the State Water Resources Control Board pursuant to Section 116682 of the Health and Safety Code, or by an agreement with the operator of a public water system.~~

~~(3) Serve as an administrator of a public water system, as directed by the State Water Resources Control Board pursuant to Section 116686 of the Health and Safety Code, or as receiver of a public water system, as directed by court order.~~

~~(4) Integrate other water systems in the region into its operations, by agreement with a water system or through eminent domain proceedings, and subject to the approval of the Los Angeles County Local Agency Formation Commission, as applicable.~~

~~(5) Develop, construct, operate, and otherwise implement water quality projects, including, but not limited to, stormwater management, groundwater cleanup, or drinking water treatment facilities.~~

~~(6) Assist public water systems and mutual water companies in operating and managing their water systems, including, but not limited to, funding, technical assistance, and other collaboration that promotes economies of scale.~~

~~(7) Serve as an integrated water resource management group or as a member of a larger integrated water resource management group.~~

~~(8) Represent the region's interests in water resources to the County of Los Angeles, regional water agencies, the Southern California Association of Governments, the State of California, and the United States Government.~~

~~(b) As a regional public agency, the agency shall have the legal authorities common to public agencies, including, but not limited to, all of the following:~~

~~(1) To acquire surface water or groundwater rights.~~

~~(2) To sue or be sued.~~

~~(3) To enter into contracts.~~

~~(4) To employ its own legal staff, or engage outside counsel as necessary.~~

~~(5) To receive funds, including funds from private and local governmental sources, contributions from public and private sources, and state and federal appropriations.~~

~~(6) To disburse funds through grants, public assistance, loans, and contracts.~~

1 ~~(7) To adopt regulations or guidelines as needed to carry out~~
2 ~~the powers and duties established in this division.~~

3 ~~(e) The agency may finance its operations by any of the~~
4 ~~following:~~

5 ~~(1) Collect charges for the public water systems it operates from~~
6 ~~their customers or owners.~~

7 ~~(2) Collect water rates, charges, fees, or established parcel~~
8 ~~charges previously charged by a water system for which the agency~~
9 ~~has assumed control and operates.~~

10 ~~(3) Accept grants, loans, or other financial or technical assistance~~
11 ~~from other public agencies.~~

12 ~~20015. For purposes of this division, the following definitions~~
13 ~~apply:~~

14 ~~(a) "Agency" means the Southern Los Angeles County Regional~~
15 ~~Water Agency.~~

16 ~~(b) "Public water system" has the same meaning as defined in~~
17 ~~Section 116275 of the Health and Safety Code.~~

18 ~~(c) "Relevant technical expertise" means employment or~~
19 ~~consulting for a total period of at least five years, before the date~~
20 ~~of first appointment, in one or more positions materially responsible~~
21 ~~for performing services relating to the management, operations,~~
22 ~~engineering, construction, financing, contracting, regulation, or~~
23 ~~resource management of a public water system.~~

24 ~~SEC. 2. No reimbursement is required by this act pursuant to~~
25 ~~Section 6 of Article XIII B of the California Constitution because~~
26 ~~a local agency or school district has the authority to levy service~~
27 ~~charges, fees, or assessments sufficient to pay for the program or~~
28 ~~level of service mandated by this act, within the meaning of Section~~
29 ~~17556 of the Government Code.~~

30 ~~However, if the Commission on State Mandates determines that~~
31 ~~this act contains other costs mandated by the state, reimbursement~~
32 ~~to local agencies and school districts for those costs shall be made~~
33 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
34 ~~4 of Title 2 of the Government Code.~~

O



Item No. 2

ACTION ITEM May 5, 2021

TO: Board of Directors

FROM: Robert Hunter
General Manager

Staff Contact: Heather Baez

SUBJECT: SB 559 (HURTADO) – DEPARTMENT OF WATER RESOURCES: WATER CONVEYANCE SYSTEMS: CANAL CONVEYANCE CAPACITY RESTORATION FUND

STAFF RECOMMENDATION

Staff recommends the Board of Directors vote to adopt a Support position on SB 559.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

BILL SUMMARY

Senate Bill 559 would establish the Canal Conveyance Capacity Restoration Fund and require all moneys deposited in the fund to be expended (upon appropriation by the Legislature) in support of subsidence repair costs, including environmental planning, permitting, design, construction, and necessary road and bridge upgrades required to accommodate capacity improvements. It is a statewide approach to repair and restore State Water Project (SWP) and Central Valley Project (CVP) infrastructure. The bill would establish up to \$785 million for a 10-year Canal Conveyance Capacity Restoration Fund to support this work.

ARGUMENTS IN SUPPORT

SWP and CVP infrastructure, including canals, roads, and bridges, have been damaged by decades of subsidence. As a result, parts of the Friant-Kern Canal, Delta-Mendota Canal, San Luis Canal and California Aqueduct are experiencing a 15-60% reduction of design flow capacity and at least \$15-30 million dollars per year in higher operational and power

Budgeted (Y/N): n/a	Budgeted amount: n/a	Core X	Choice ___
Action item amount: None		Line item:	
Fiscal Impact (explain if unbudgeted):			

costs. This has significantly reduced California's resilience to the impacts of climate change and threatened the water supply for hundreds of California communities, including millions living in disadvantaged communities throughout the state.

SB 559 appropriates a maximum of \$785 million to the Canal Capacity Conveyance Restoration Fund to support repairs to the California Aqueduct, the Delta Mendota, San Luis Canal and the Friant-Kern Canal.

In doing so, the bill helps: 1) maintain affordable, clean water for at least 31,000,000 people, including approximately 1,250,000 people living in disadvantaged communities; 2) preserve the state's \$3 trillion dollar economy, protecting thousands of existing jobs and creating hundreds of new ones each year; 3) support critical habitat and ecosystem restoration efforts already underway; 4) ensure irrigation of nearly 3,250,000 acres of farmland; and 5) bolster California's resilience to the impacts of climate change.

ARGUMENTS IN OPPOSITION

None on file.

BOARD OPTIONS

Option #1

- Adopt a support position on SB 559.

Fiscal Impact: \$785M over ten years, from the state general fund

Business Analysis: Necessary and needed repairs on the SWP will benefit MWDOC and its member agencies as the water delivered is blended with local supplies, used to replenish groundwater basins, fill reservoirs, support recycled water projects and enhance and restore ecosystems.

Option #2

- Take no action

Fiscal Impact: Same as above

Business Analysis: Same as above

STAFF RECOMMENDATION

Option #1

ATTACHED:

- SB 559 Full Text

AMENDED IN SENATE APRIL 19, 2021

SENATE BILL

No. 559

Introduced by Senator Hurtado

(Principal coauthor: Assembly Member Patterson)

**(Coauthors: Senators ~~Borgeas and Caballero~~ Borgeas, Caballero,
and Grove)**

(Coauthors: Assembly Members ~~Gray and Salas~~ Arambula, Bigelow,
Fong, Gray, Mathis, and Salas)

February 18, 2021

An act to add and repeal Section 140.5 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 559, as amended, Hurtado. Department of Water Resources: water conveyance systems: Canal Conveyance Capacity Restoration Fund.

Under existing law, the United States Bureau of Reclamation operates the federal Central Valley Project and the Department of Water Resources operates the State Water Project to supply water to persons and entities in the state. Existing law requires the Friant-Kern Canal to be of such capacity as the department determines necessary to furnish an adequate supply of water for beneficial purposes in the area to be served by the canal.

This bill would establish the Canal Conveyance Capacity Restoration Fund in the State Treasury to be administered by the department. The bill would require all moneys deposited in the fund to be expended, upon appropriation by the Legislature, in support of subsidence repair costs, including environmental planning, permitting, design, and construction and necessary road and bridge upgrades required to accommodate capacity improvements. The bill would require the

department to expend from the fund, upon appropriation by the Legislature, specified monetary amounts to restore the capacity of 4 specified water conveyance systems, as prescribed, with 2 of those 4 expenditures being in the form of a grant to the Friant Water Authority and to the San Luis and Delta-Mendota Water Authority. The bill would make these provisions inoperative on July 1, 2030, and would repeal the provisions as of January 1, 2031.

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 human right to water is an important state policy enacted
4 in 2013. Climate change may impact the ability of existing water
5 infrastructure to continue to provide safe, affordable, and reliable
6 water.
- 7 (b) The Legislature, recognizing that chronic groundwater
8 overpumping was leading to undesirable impacts such as
9 subsidence, enacted the Sustainable Groundwater Management
10 Act (Part 2.74 (commencing with Section 10720) of Division 6 of
11 the Water Code) in 2015.
- 12 (c) Subsidence has impacted the ability of state and regional
13 water conveyance infrastructure to reliably deliver water to the
14 San Joaquin Valley and southern California.
- 15 (d) A significant number of the communities that rely on water
16 delivered by infrastructure of statewide or regional importance are
17 considered disadvantaged or severely disadvantaged.
- 18 (e) These communities, particularly throughout the San Joaquin
19 Valley, face adverse impacts associated with subsidence and loss
20 of water supply, including loss of job opportunities and job
21 security.
- 22 (f) Disadvantaged communities, particularly in southern
23 California, face increasing costs to ensure access to high-quality
24 water and to maintain water supply reliability.
- 25 (g) The Friant-Kern Canal, Delta-Mendota Canal, San Luis
26 Canal, and California Aqueduct are the state's main state and
27 regional water conveyance infrastructure that delivers water for
28 agricultural, municipal, and industrial use, refuge water supplies,

1 and groundwater recharge in the San Joaquin Valley and in
2 southern California.

3 (h) This water is delivered through a series of regional canals
4 and aqueducts that traverse through the San Joaquin Valley for
5 delivery and continue to southern California.

6 (i) At least 5,000,000 people in the state, including
7 approximately 1,250,000 people living in disadvantaged
8 communities, receive water from the Friant-Kern Canal,
9 Delta-Mendota Canal, and San Luis Canal.

10 (j) The State Water Project provides approximately three-fourths
11 of California's disadvantaged communities with some or all of
12 their water supplies.

13 (k) Over 750,000 acres of farmland receive water from the State
14 Water Project and nearly 2,500,000 acres of productive cropland
15 are served water through the Friant-Kern Canal, Delta-Mendota
16 Canal, and San Luis Canal.

17 (l) Climate change has increased the variability of the hydrologic
18 cycle and *has* reduced the availability of surface water supplies to
19 a smaller number of years, which increases the need for conjunctive
20 use of groundwater to manage reductions in surface water supplies.
21 An increase in groundwater pumping has caused significant land
22 subsidence that has affected the ability of regional water
23 conveyance infrastructure to convey water. In some areas, the
24 water conveyance infrastructure has dropped in elevation an
25 average of one inch per month since 2014.

26 (m) The total cost to repair these regional water conveyance
27 structures is approximately \$2,300,000,000 over 10 years.

28 (n) Restoring water conveyance capacity is a necessary step to
29 improving water resilience and to protect critical regional water
30 infrastructure from the impacts of drought and climate change,
31 which will improve the accessibility of safe and reliable drinking
32 water and other beneficial uses of water.

33 (o) The Sustainable Groundwater Management Act (Part 2.74
34 (commencing with Section 10720) of Division 6 of the Water
35 Code) will help to protect investments made to restore water
36 conveyance capacity.

37 (p) It is of paramount importance that the primary state and
38 regional water conveyance infrastructure in the state be protected
39 from subsidence, and that conveyance be restored whenever
40 economically, environmentally, and technically feasible.

1 SEC. 2. Section 140.5 is added to the Water Code, to read:

2 140.5. (a) The Canal Conveyance Capacity Restoration Fund
3 is hereby established in the State Treasury. The department shall
4 administer the fund.

5 (b) All moneys deposited in the fund shall be expended, upon
6 appropriation by the Legislature, in support of subsidence repair
7 costs, including environmental planning, permitting, design, and
8 construction and necessary road and bridge upgrades required to
9 accommodate capacity improvements.

10 (c) Moneys expended from the fund for each individual project
11 specified in subdivision (d) shall not exceed one-third of the total
12 cost of each individual project. The total amount expended from
13 the fund for all of the projects specified in subdivision (d) shall
14 not exceed seven hundred eighty-five million dollars
15 (\$785,000,000).

16 (d) The department shall expend from the fund, upon
17 appropriation by the Legislature, all of the following, consistent
18 with subdivision (b):

19 (1) Three hundred eight million dollars (\$308,000,000) for a
20 grant to the Friant Water Authority to restore the capacity of the
21 Friant-Kern Canal.

22 (2) One hundred eighty-seven million dollars (\$187,000,000)
23 for a grant to the San Luis and Delta-Mendota Water Authority to
24 restore the capacity of the Delta-Mendota Canal.

25 (3) One hundred ninety-four million dollars (\$194,000,000) to
26 restore the capacity of the San Luis Field Division of the California
27 Aqueduct.

28 (4) Ninety-six million dollars (\$96,000,000) to restore the
29 capacity of the San Joaquin Division of the California Aqueduct.

30 (e) This section shall become inoperative on July 1, 2030, and,
31 as of January 1, 2031, is repealed.

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To: Board of Directors, *Municipal Water District of Orange County*

From: Natural Resource Results

RE: Monthly Board Report – May 2021

Nominations

President Biden recently announced another tranche of nominations for key positions within the Department of the Interior (DOI) and the EPA.

DOI Deputy Secretary – Tommy Beaudreau

DOI Assistant Secretary for Fish, Wildlife, and Parks – Shannon Estenoz

DOI Assistant Secretary for Water and Science – Tanya Trujillo

DOI Assistant Secretary for Policy, Management, and Budget – Winne Stachelberg

EPA Assistant Administrator for Water – Radhika Fox

Assistant Secretary of the Army for Civil Works – Michael Connor

On April 22nd, the Senate confirmed Deanne Criswell to be the FEMA Administrator.

On April 27th, the Senate confirmed Janet McCabe to be the EPA Deputy Administrator.

Water Emergency Response Organization of Orange County (WEROC)

NRR and MWDOC staff recently met with Senator Feinstein's office to discuss the importance of WEROC and its current infrastructure needs, including the need for federal funds to upgrade the facility. MWDOC is requesting funds for FEMA's Emergency Operations Center Grant Program due to the fact that the Senate has not yet determined how it will deal with earmarks. The goal of our meeting was twofold: 1) we wanted to demonstrate the importance of WEROC and solicit Senator Feinstein's assistance when seeking FEMA grant funds down the road 2) plant a seed with Senator Feinstein's office that WEROC would be the perfect candidate for an earmark should the Senate formally decide to bring them back.

NRR and MWDOC staff are working on a white paper for Senator Feinstein to share with other Senators as an example of the type of projects that should be funded by earmarks.

Water Conservation Rebate Tax Parity Act

NRR and Met recently met with Congressman Huffman's staff to discuss the Water Conservation Tax Parity Act, which Huffman plans to reintroduce soon in an attempt to get it included in the House infrastructure package. Following introduction of the bill, Huffman will likely lead a letter to House leadership making the case for inclusion of the legislation in the

infrastructure package. NRR will work with Huffman's office to ensure that there is broad support for the request.

Drinking Water and Wastewater Infrastructure Act of 2021

The Senate recently passed the Drinking Water and Wastewater Infrastructure Act of 2021. The legislation, which has bipartisan support, authorizes:

- \$14.7 billion for the Drinking Water State Revolving Funding over a 5-year period
- \$14.7 billion for the Clean Water State Revolving Fund over a 5-year period
- \$250 million for WIFIA over a 5-year period
- \$500 million for EPA's lead reduction projects grant program over a 5-year period

Congressman Huffman's Western Water Legislation

We expect Congressman Huffman to reintroduce his western water legislation in the coming weeks. While legislative text has not been made public, NRR has had numerous conversations with Congressman Huffman's staff who have indicated that his bill will be virtual identical to legislation that he introduced in the 116th Congress. A section by section of Congressman Huffman's legislation from the last Congress is attached to this memo.

We expect Huffman's water bill to be included in the House infrastructure package like it was in the 116th Congress.

Colorado River Update

The Bureau of Reclamation recently released its April 24-month study projections for the upper and lower basins. In short, precipitation and water supply conditions are grim, and shortages are projected for 2022. This will likely exacerbate the tension that all stakeholders are feeling as parties head into trying to develop the next set of interim operating guidelines.

Infrastructure Legislation

On April 22nd, Senate Republicans unveiled the framework of a \$568 billion infrastructure proposal. The Senate GOP conference is touting their proposal as "traditional infrastructure", focused on roads, bridges, airports, rail and transit and see it as a counteroffer to President Biden's \$2.9 trillion plan.

While there has been little information released publicly on the GOP counteroffer, the overall highlights of the plan are below:

- \$299 billion for roads and bridges (***Federal Highway Administration***)
- \$61 billion for public transit systems (***Federal Transit Administration***)
- \$20 billion for rail (***Amtrak, Federal Railroad Administration***)
- \$35 billion for drinking water and wastewater (***EPA***)

- \$13 billion for safety (***Federal Motor Carrier Safety Administration, National Highway Traffic Safety Administration, Pipeline and Hazardous Materials Safety Administration***)
- \$17 billion for ports (***U.S. Army Corps of Engineers, Maritime Administration***)
- \$44 billion for airports (***Federal Aviation Administration***)
- \$66 billion for broadband infrastructure (***Federal Communications Commission, National Telecommunications and Information Administration***)
- \$14 billion for water storage (***Bureau of Reclamation***)

Senate Republicans have stated that their infrastructure plan would be fully paid for through user fees from drivers not impacted by the federal gas tax (i.e. electric vehicles) and also by utilizing unspent funding from previously enacted COVID-19 stimulus bills. Unlike President Biden's American Jobs Plan, the GOP proposal does not contain any tax increases.

The proposal has received mixed reactions thus far. On one hand, numerous Senate Democrats quickly denounced the proposal as woefully inadequate for the country's need, while the White House has stated that it is still reviewing the proposal but is open to continuing negotiations with the GOP.

FUTURE Drought Resiliency Act Discussion Draft
Section by Section Summary

TITLE I—INFRASTRUCTURE DEVELOPMENT

Sec. 101: Competitive Grants for Water Recycling Program Authorization: Incorporates Rep. Napolitano’s Water Recycling Investment and Improvement Act (H.R. 1162) to support a grant program for water recycling projects.

- Raises the Title XVI water recycling program funding authorization to \$500 million through 2024 **to support the creation of approximately 650,000 acre-feet of water each year in additional average yield**
- Raises the \$20 million federal funding cap for individual Title XVI water recycling projects to \$30 million

Sec. 102: Storage Infrastructure Report to Congress: Creates a water storage project authorization process designed to authorize major water storage projects. The process is closely modeled on the existing process used to authorize U.S. Army Corps of Engineers water projects through the Water Resources Development Act (WRDA) process. The Department of the Interior would submit an annual report to Congress listing major potential water storage projects for congressional authorization.

Sec. 103: Surface and Groundwater Storage Project Authorization: Authorizes \$750 million for storage projects that meet certain standards. New authorization is also provided for natural water storage projects that use natural materials to increase aquifer recharge or floodplain water storage and watershed restoration projects that increase water storage yield.

Sec. 104: Modified Approval Process for Grandfathered Storage Projects: Extends the existing federal storage project approval process under current law to certain storage projects that are currently in the middle of the existing project approval process.

Sec. 105: Desalination Infrastructure Development: Incorporates Rep. Levin’s Desalination Development Act (H.R. 3723) to support a grant program for desalination projects. The bill raises the existing desalination program funding authorization to \$240 million through 2024 **to support the creation of approximately 100,000 acre-feet of water each year in additional average yield.**

Sec. 106: Water Infrastructure Fund: Establishes the Water Infrastructure Fund with \$300 million in annual funding for fiscal years 2031 through 2061 with revenues that would otherwise be deposited into the Reclamation Fund. The Reclamation Fund was established to support Western water projects and now has a surplus of more than \$17 billion because of insufficient congressional appropriations from the Fund. The following infrastructure investments will be made each year:

- \$100 million per year for Title XVI water recycling projects
- \$100 million per year for WaterSMART water-use efficiency projects
- \$100 million per year for Bureau of Reclamation dam safety projects

Sec. 107: WaterSMART Extension and Expansion: Permits non-governmental organizations to apply for water-use efficiency grants under the WaterSMART Water and Energy Efficiency Grant Program. Adds direction to incentivize funding for water-use efficiency projects that benefit both consumptive water users and non-consumptive ecological or recreational values. Increases authorization of appropriations through 2025.

Sec. 108: Assistance for Disadvantaged Communities without Adequate Drinking Water: Authorizes \$100 million for a new grant program to help disadvantaged communities facing significant declines in drinking water quantity or quality. Funding can be used for a variety of drinking water relief activities, including to help households connect to existing water distribution facilities and to pay for emergency drinking water supply projects.

TITLE II—IMPROVED TECHNOLOGY AND DATA

Sec. 201: Tax Rebate for Water Harvesting Systems: Incorporates Rep. Huffman’s H.R. 2313 to expand the income tax exclusion for homeowners who receive rebates from water utilities to purchase and install water conservation or stormwater management systems in residential homes.

Sec. 202: Water Availability and Use Assessment: Amends and authorizes funding for the Water Availability and Use Science (WAUSP) program. The WAUSP program helps states and stakeholders assess existing and future water availability for beneficial uses, including through the evaluation of water quantity and quality, the identification of long-term trends in water availability, and improved forecasting of future water availability for economic and environmental uses. Sec. 202 provides additional direction for the United States Geological Survey to evaluate national water availability trends in water reuse and desalination, reauthorizes appropriations for grants to improve states’ water data, expands data grant eligibility to Tribes, and removes the permanent cap in grant funding awards for states in order to permit continued data collection in future years.

Sec. 203: Desalination Technology Development: Expands the Department of the Interior’s support for desalination research to include research on brine management. Increases the research funding authorization from \$3 million to \$20 million annually through 2024.

Sec. 204: X-Prize for Desalination Breakthroughs: Establishes an expanded X-Prize for the development of new water desalination technologies.

Sec. 205: Study Examining Sediment Flows from Removal of Sediment-filled Dams: Directs the National Academies of Sciences to examine sediment flows related to dam removal and to identify appropriate actions to mitigate environmental impacts from these flows.

Sec. 206: Water Supply Allocations: Directs the Department of the Interior to incorporate data from emerging technologies for snowpack measurement such as LIDAR when determining water supply allocations.

Sec. 207: Federal Priority Streamgages: Directs the Department of the Interior to make all streamgages identified by the USGS as “Federal Priority Streamgages” operational within 10 years. Authorizes appropriations to achieve this directive.

Sec. 208: Improved Reclamation Crop Data: Directs the Bureau of Reclamation to compile data for congressional authorizing committees on the planting of water-intensive permanent crops with Reclamation-provided water in areas experiencing extreme or exceptional drought. Requires an annual report to the authorizing committees on the impact of new plantings on Reclamation’s ability to meet competing water demands while reducing water-related conflicts in the Western States.

Sec. 209: Study Examining Climate Vulnerabilities at Dams: Directs the National Academies of Sciences to assess the impact of climate change on the safety of Bureau of Reclamation dams and identify the Reclamation dams most vulnerable to climate-related safety risks in upcoming years.

TITLE III—ECOSYSTEM PROTECTION AND RESTORATION

Sec. 301: Combating Water Theft for Illegal Marijuana Cultivation: Directs several federal agencies to develop a plan to address illegal water diversions for marijuana cultivation in California and other drought-prone states. Creates a structure for funding remediation of trespass marijuana grow sites that threaten to impact watersheds and water quality.

Sec. 302: Waterfowl Habitat Creation Program: Establishes a grant program to provide incentives to farmers to create temporary habitat by flooding farmlands at crucial times for bird migration. The program would be authorized at \$3.5 million annually through 2026.

Sec. 303: Sustaining Biodiversity During Droughts: Directs the Bureau of Reclamation to analyze drought impacts on native biodiversity in major Western river basins and to consider and develop strategies to help sustain native biodiversity during future droughts.

Sec. 304: Cooperative Watershed Management Extension and Expansion: Authorizes funding for the Department of the Interior’s Cooperative Watershed Management Program. Adds direction to include disadvantaged communities in cooperative watershed management decision-making and encourages the development of cooperative management projects that generate water supply and environmental benefits.

Sec. 305: Multi-benefit Projects to Improve Watershed Health: Directs the Department of the Interior to establish a grant program for habitat restoration projects designed to improve watershed health, mitigate against climate change, and benefit ecosystems.

Sec. 306: Actions to Support Refuge Water Deliveries: Directs the Department of the Interior to provide information on the impediments to compliance with the Central Valley Project Improvement Act's required water deliveries to wildlife refuges. Also requires the development of an ecological monitoring and evaluation program for Central Valley wildlife refuges and the development of a construction priority list for the completion of conveyance construction projects at wildlife habitat areas.

Sec. 307: Drought Planning and Preparedness for Critically Important Fisheries: Requires federal agencies to develop proactive plans to sustain the survival of commercially and recreationally important fisheries and listed fish during future droughts in the Western states. Provides a list of strategies that should be investigated and authorizes funding for fish, stream, and hatchery activities related to fish recovery efforts.

Sec. 308: Fish Passage Projects: Authorizes a new Department of the Interior program modeled on an existing U.S. Army Corps of Engineers program to fund voluntary, broadly supported fish passage projects.

Sec. 309: Reauthorization of the Fisheries Restoration and Irrigation Mitigation Act: Authorizes \$25 million through 2027 for fish passage projects under the Fisheries Restoration and Irrigation Mitigation Act to support voluntary fish screen and passage projects in Oregon, Washington, California, Montana, and Idaho.

TITLE IV—MISCELLANEOUS

Sec. 401: Offset: Establishes a one-time process to identify and deauthorize inactive Bureau of Reclamation water projects where no application for federal funding has been received and no construction has occurred in the previous 10 years. Project sponsors would have the opportunity to provide notice of intent to initiate construction of the project to forestall deauthorization. The deauthorization process is closely modeled on a deauthorization process used for U.S. Army Corps of Engineers water projects.

Sec. 402: Water Industry Career Training: Directs the Department of the Interior to establish a grant program for water sector career training. Authorizes \$25 million annually through 2026 to address water industry concerns about a looming "brain drain" in the water sector and help train the next generation of water managers.



To:	Municipal Water District of Orange County
From:	Syrus Devers, Best Best & Krieger
Date:	May 5th, 2021
Re:	State Legislative Report

Legislature:

April 30th was the deadline to move a fiscal bill out of all assigned policy committees and the overwhelming majority of bills are fiscal. Any bill that has not moved beyond the policy committee stage is now a two-year bill and cannot be considered again until next January.

A pattern has developed in the Legislature similar to how it was before term limits were first imposed, which is that very few bills authored by Democrats are killed in the first policy committee. Two important bills opposed by MWDOC were spared an early death by “courtesy votes” from a member following initial opposition but who then gave the final vote to let the bill out of committee. The result is that most successful opposition efforts will be in the second house.

Besides legislation, the other recent event was the Senate Budget Subcommittee on Natural Resources taking the first official action on the Senate’s Drought Relief Budget Plan the 29th. This \$3B proposal literally has something for everyone. The proposal passed (of course) with support expressed from every sector of the water community. If the Assembly were to adopt identical language, the proposal would make it into the final budget. If not, the two proposals would have to be reconciled in a budget conference committee in a few weeks.

The following is the current status of all bills where MWDOC actively engaged:

AB 377 (Rivas): OPPOSE. Sweeping changes to the NPDES permit process. This is one of two bills that was about to be held in committee but Assembly Member Al Muratsuchi (D-Long Beach) then gave it a “courtesy vote” to let it out. Although the bill has been substantially reduced since MWDOC adopted an oppose position, the bill is still problematic and opposed by numerous cities and water agencies including MWD.

AB 442 (Mayes): SUPPORT. MWD sponsored bill amending the Surface Mining and Reclamation Act. Moving unopposed on consent.



AB 1434 (Friedman): OPPOSE. Lowers the indoor water use efficiency levels established in 2018. This is the other bill that was about to die until Assembly Member Muratsuchi gave it a courtesy vote. BB&K staff will discuss this bill in greater detail at the workshop.

SB 230 (Portantino): SUPPORT. Base regulations for constituents of emerging concern (CECs) on sound science. This MWD sponsored bill will have to identify an acceptable funding source before it will be allowed to move. The SWRCB indicated the Drinking Water Fund would be the likely source of funding if the bill did not identify an alternate source, and put a high price tag on the bill. MWD will have until January to figure out a way forward.

SB 223 (Dodd): OPPOSE. Extension of prohibitions on shutoffs for nonpayment. This bill will very likely pass the Senate on a party line. It has been vigorously opposed but the real work will be in the Assembly.

SB 323(Caballero): SUPPORT. Statute of limitations for challenging water rate changes. Despite some serious opposition from consumer attorneys the bill is doing very well. It was eligible for a floor vote at the time this report was prepared.

Administration:

Governor's Drought Proclamation: As the board has no doubt heard, Governor Newsom declared a drought emergency for parts of Northern California. Although limited in scope, it suggests Newsom will adopt a command-and-control approach if extreme drought conditions expand to other areas of the state.

The Department of Water Resources "previewed" the draft of their recommendations for indoor water use efficiency. This appears to be tied to the effort to pass AB 1434 so BB&K staff will cover this in greater detail at the Workshop.

Recall--It's official; we're having one. Enough signatures have been validated to trigger an election, but Newsom is above a 50% approval rating and that's expected to climb once COVID-19 restrictions are lifted in June.

Bill Matrix – May, 2021

Item No. 3c

Prepared by Best Best & Krieger

A. Priority Support/Oppose

Measure	Author	Topic	Status	Brief Summary	Position	Priority	Notes 1
AB 339	Lee D	Local government: open and public meetings.	4/28/2021-VOTE: Do pass as amended and be re-referred to the Committee on [Appropriations] (PASS)	The Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. Under existing law, a member of the legislative body who attends a meeting where action is taken in violation of this provision, with the intent to deprive the public of information that the member knows the public is entitled to, is guilty of a crime. This bill would require all meetings to include an opportunity for members of the public to attend via a telephonic option and an internet-based service option. The bill would require all meetings to include an in-person public comment opportunity, except in specified circumstances during a declared state or local emergency. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via a telephonic and an internet-based service option, as provided, and would specify requirements for public comment registration.	Support	A. Priority Support/ Oppose	Support position adopted April 7th.
AB 361	Rivas, Robert D	Open meetings: local agencies: teleconferences.	4/7/2021-Re-referred to Com. on L. GOV.	Would authorize a local agency to use teleconferencing without complying with the teleconferencing requirements imposed by the Ralph M. Brown Act when a legislative body of a local agency holds a meeting for the purpose of declaring or ratifying a local emergency, during a declared state of emergency or local emergency, as those terms are defined, when state or local health officials have imposed or recommended measures to promote social distancing, and during a declared local emergency provided the legislative body makes certain determinations by majority vote. The bill would require legislative bodies that hold teleconferenced meetings under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment.	Support	A. Priority Support/ Oppose	Support adopted on March 3rd
AB 377	Rivas, Robert D	Water quality: impaired waters.	4/21/2021-From committee:	Would require, by January 1, 2023, the State Water Resources Control Board and regional boards to prioritize enforcement of	Opposition	A. Priority Support/ Oppose	Oppose position adopted

			Do pass and re-refer to Com. on APPR. (Ayes 5. Noes 3.) (April 21). Re-referred to Com. on APPR.	all water quality standard violations that are causing or contributing to an exceedance of a water quality standard in a surface water of the state. The bill would require the state board and regional boards, by January 1, 2025, to evaluate impaired state surface waters and report to the Legislature a plan to bring all water segments into attainment by January 1, 2050. The bill would require the state board and regional boards to update the report with a progress summary to the Legislature every 5 years. The bill would create the Waterway Recovery Account in the Waste Discharge Permit Fund and would make moneys in the Waterway Recovery Account available for the state board to expend, upon appropriation by the Legislature, to bring impaired water segments into attainment in accordance with the plan.		Oppose	April 7th.
AB 442	Mayes I	Surface Mining and Reclamation Act of 1975: exemption: Metropolitan Water District of Southern California: single master reclamation plan.	4/27/2021- From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 15. Noes 0.) (April 26). Re-referred to Com. on APPR.	The Surface Mining and Reclamation Act of 1975 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 (MWD) for its own operations and infrastructure for specified purposes.	Support	A. Priority Support/ Oppose	Support adopted on March 3rd.
AB 703	Rubio, Blanca D	Open meetings: local agencies: teleconferences.	2/25/2021- Referred to Com. on L. GOV.	Current law, by Executive Order N-29-20, suspends the Ralph M. Brown Act's requirements for teleconferencing during the COVID-19 pandemic, provided that notice requirements are met, the ability of the public to observe and comment is preserved, as specified, and that a local agency permitting teleconferencing have a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, as specified. This bill would remove the requirements of the act particular to teleconferencing and allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment. The bill would require that, in each instance in which notice of the time of	Support	A. Priority Support/ Oppose	Support adopted on March 3rd.

				the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the local agency also give notice of the means by which members of the public may observe the meeting and offer public comment and that the legislative body have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act, as provided.			
AB 1195	Garcia, Cristina D	Drinking water.	4/28/2021- VOTE: Do pass and be re-referred to the Committee on [Appropriations] (PASS)	Current law establishes the Safe and Affordable Drinking Water Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both the near and long terms. Current law authorizes the state board to provide for the deposit into the fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would prohibit, once an operator of a public water system exercises water rights for the benefit of the public water system, those surface water rights or groundwater rights from being severed or otherwise separated from the public water system.	Out for Analysis	A. Priority Support/ Oppose	On the agenda for May 5th.
AB 1434	Friedman D	Urban water use objectives: indoor residential water use.	4/27/2021- From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 6.) (April 26). Re-referred to Com. on APPR.	Would establish, beginning January 1, 2023, until January 1, 2025, the standard for indoor residential water use as 48 gallons per capita daily. The bill would establish, beginning January 1, 2025, the standard as 44 gallons per capita daily and, beginning January 1, 2030, 40 gallons per capita daily.	Opposition	A. Priority Support/ Oppose	Opposed position adopted April 7th.
AB 1500	Garcia, Eduardo D	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.	4/15/2021- Re-referred to Com. on NAT. RES.	Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,955,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.	Out for Analysis	A. Priority Support/ Oppose	Bond intended for Nov. '22 ballot. Will remain "out for analysis" for the near future.
SB 45	Portantino D	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.	4/21/2021- Set for hearing May 3.	Would enact the Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$5,595,000,000 pursuant to the State General Obligation Bond Law to finance projects for a wildfire prevention, safe drinking water, drought preparation, and	Out for Analysis	A. Priority Support/ Oppose	Bond intended for the Nov. '22 ballot.

				flood protection program.			
SB 222	Dodd D	Water Rate Assistance Program.	4/21/2021- Set for hearing April 29.	would establish the Water Rate Assistance Fund in the State Treasury to help provide water affordability assistance, for both drinking water and wastewater services, to low-income ratepayers and ratepayers experiencing economic hardship in California. The bill would require the Department of Community Services and Development to develop and administer the Water Rate Assistance Program established by the bill.	Watch	A. Priority Support/ Oppose	Position adopted 2/3/2021
SB 223	Dodd D	Discontinuation of residential water service.	4/21/2021- Set for hearing April 29.	Current law prohibits an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, from discontinuing residential water service for nonpayment until a payment by a customer has been delinquent for at least 60 days. Current law requires an urban and community water system to have a written policy on discontinuation of residential service for nonpayment, including, among other things, specified options for addressing the nonpayment. Current law requires an urban and community water system to provide notice of that policy to customers, as provided. This bill would apply those provisions, on and after July 1, 2022, to a very small community water system, defined as a public water system that supplies water to 200 or fewer service connections used by year long residents.	Opposition	A. Priority Support/ Oppose	Oppose position taken on 2/3/2021
SB 230	Portantino D	State Water Resources Control Board: Constituents of Emerging Concern Program.	3/22/2021- March 22 set for first hearing canceled at the request of author.	Would require the State Water Resources Control Board to establish, maintain, and direct an ongoing, dedicated program called the Constituents of Emerging Concern Program to assess the state of information and recommend areas for further study on, among other things, the occurrence of constituents of emerging concern (CEC) in drinking water sources and treated drinking water. The bill would require the state board to convene, by an unspecified date, the Science Advisory Panel to review and provide recommendations to the state board on CEC for further action, among other duties. The bill would require the state board to provide an annual report to the Legislature on the ongoing work conducted by the panel.	Support	A. Priority Support/ Oppose	Support position adopted April 7th.
SB 323	Caballero D	Local government: water or sewer service: legal actions.	4/22/2021- Read second time. Ordered to third reading.	Current law prohibits a local agency from imposing fees for specified purposes, including fees for water or sewer connections, as defined, that exceed the estimated reasonable cost of providing the service for which the fee is charged, unless voter approval is obtained. Current law provides that a local agency levying a new a water or sewer connection fee or increasing a fee must do so by ordinance or resolution. Current law requires, for specified fees, including water or sewer connection fees, any judicial action or proceeding to attack,	Support	A. Priority Support/ Oppose	Support adopted on March 3rd.

				review, set aside, void, or annul an ordinance, resolution, or motion adopting a new fee or service charge or modifying an existing fee or service charge to be commenced within 120 days of the effective date of the ordinance, resolution, or motion according to specified procedures for validation proceedings. This bill would apply the same judicial action procedure and timelines, as stated above, to ordinances, resolutions, or motions adopting, modifying, or amending water or sewer service fees or charges adopted after January 1, 2022, except as provided.			
SB 351	Caballero D	Water Innovation Act of 2021.	4/20/2021- Read second time and amended. Re-referred to Com. on APPR.	Current law establishes the State Water Resources Control Board for the purposes of providing for the orderly and efficient administration of the water resources of the state. This bill, the Water Innovation Act of 2021, would create the Office of Water Innovation at the California Water Commission for the furtherance of new technologies and other innovative approaches in the water sector. The bill would require the office, by December 31, 2023, to take specified measures to advance innovation in the water sector. The bill would make findings and declarations regarding the need for water innovation.	Support	A. Priority Support/ Oppose	Support adopted on March 3rd.

B. Watch

Measure	Author	Topic	Status	Brief Summary	Position	Priority	Notes 1
AB 11	Ward D	Climate change: regional climate change authorities.	1/25/2021- Re-referred to Com. on NAT. RES.	Would require the Strategic Growth Council, by January 1, 2023, to establish up to 12 regional climate change authorities to coordinate climate adaptation and mitigation activities in their regions, and coordinate with other regional climate adaptation authorities, state agencies, and other relevant stakeholders.	Watch	B. Watch	
AB 50	Boerner Horvath D	Climate change: Climate Adaptation Center and Regional Support Network: sea level rise.	1/11/2021- Referred to Com. on NAT. RES.	Current law requires the Natural Resources Agency, in collaboration with the Ocean Protection Council, to create, and update biannually, a Planning for Sea Level Rise Database describing steps being taken throughout the state to prepare for, and adapt to, sea level rise. This bill would establish the Climate Adaptation Center and Regional Support Network in the Ocean Protection Council to provide local governments facing sea level rise challenges with information and scientific expertise necessary to proceed with sea level rise mitigation.	Watch	B. Watch	
AB 51	Quirk D	Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans.	1/11/2021- Referred to Com. on NAT. RES.	Would require the Strategic Growth Council, by July 1, 2022, to establish guidelines for the formation of regional climate adaptation planning groups. The bill would require the council, by July 1, 2023, and in consultation with certain state entities, to develop criteria for the development of regional climate adaptation	Watch	B. Watch	

				plans.			
AB 59	Gabriel D	Mitigation Fee Act: fees: notice and timelines.	1/11/2021- Referred to Coms. on L. GOV. and H. & C.D.	Current law authorizes any party to protest the imposition of a fee, dedication, reservation, or other exactions imposed on a development project within 90 or 120 days of the imposition of the fee, as applicable, and specifies procedures for those protests and actions. The Mitigation Fee Act imposes the same requirements on a local agency for a new or increased fee for public facilities. Current law, for specified fees, requires any judicial action or proceeding to attack, review, set aside, void, or annul an ordinance, resolution, or motion adopting a new fee or service charge or modifying an existing fee or service charge to be commenced within 120 days of the effective date of the ordinance, resolution, or motion. Current law also provides that, if an ordinance, resolution, or motion provides for an automatic adjustment in a fee or service charge and the adjustment results in an increase in the fee or service charge, that any action to attack, review, set aside, void, or annul the increase to be commenced within 120 days of the increase. This bill would increase, for fees and service charges and for fees for specified public facilities, the time for mailing the notice of the time and place of the meeting to at least 45 days before the meeting.	Watch	B. Watch	
AB 100	Holden D	Drinking water: pipes and fittings: lead content.	4/14/2021- In committee: Set, first hearing. Referred to suspense file.	The California Safe Drinking Water Act prohibits, with certain exceptions, the use of any pipe, pipe or plumbing fitting or fixture, solder, or flux that is not lead free in the installation or repair of any public water system or any plumbing in a facility providing water for human consumption. The act defines "lead free" for purposes of conveying or dispensing water for human consumption to mean not more than 0.2% lead when used with respect to solder and flux and not more than a weighted average of 0.25% lead when used with respect to the wetted surfaces of pipes and pipe fittings, plumbing fittings, and fixtures. This bill would additionally define "lead free," with respect to endpoint devices, as defined, to mean that the devices do not leach more than one microgram of lead under certain tests and meeting a specified certification.	Watch	B. Watch	
SB 1	Atkins D	Coastal resources: sea level rise.	4/20/2021- April 19 hearing: Placed on APPR suspense file.	The California Coastal Act of 1976 establishes the California Coastal Commission and provides for planning and regulation of development in the coastal zone, as defined. The act requires the commission, within 90 days after January 1, 1977, to adopt, after public hearing, procedures for the preparation, submission, approval, appeal, certification, and amendment of a local coastal program, including a common methodology for the preparation of, and the determination of the scope of, the local coastal programs, as	Watch	B. Watch	

				provided. This bill would also include, as part of the procedures the commission is required to adopt, recommendations and guidelines for the identification, assessment, minimization, and mitigation of sea level rise within each local coastal program, as provided. The bill would delete the timeframe specified above by which the commission is required to adopt these procedures.			
SB 273	Hertzberg D	Water quality: municipal wastewater agencies.	4/22/2021- Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	Would authorize a municipal wastewater agency, as defined, to enter into agreements with entities responsible for stormwater management for the purpose of managing stormwater and dry weather runoff, to acquire, construct, expand, operate, maintain, and provide facilities for specified purposes relating to managing stormwater and dry weather runoff, and to levy taxes, fees, and charges consistent with the municipal wastewater agency's existing authority in order to fund projects undertaken pursuant to the bill. The bill would require the exercise of any new authority granted under the bill to comply with the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. To the extent this requirement would impose new duties on local agency formation commissions, the bill would impose a state-mandated local program.	Watch	B. Watch	
SB 274	Wieckowski D	Local government meetings: agenda and documents.	4/22/2021- Read third time. Passed. (Ayes 38. Noes 0.) Ordered to the Assembly. In Assembly. Read first time. Held at Desk.	The Ralph M. Brown Act requires meetings of the legislative body of a local agency to be open and public and also requires regular and special meetings of the legislative body to be held within the boundaries of the territory over which the local agency exercises jurisdiction, with specified exceptions. Current law authorizes a person to request that a copy of an agenda, or a copy of all the documents constituting the agenda packet, of any meeting of a legislative body be mailed to that person. This bill would require a local agency with an internet website, or its designee, to email a copy of, or website link to, the agenda or a copy of all the documents constituting the agenda packet if the person requests that the items be delivered by email. If a local agency determines it to be technologically infeasible to send a copy of the documents or a link to a website that contains the documents by email or by other electronic means, the bill would require the legislative body or its designee to send by mail a copy of the agenda or a website link to the agenda and to mail a copy of all other documents constituting the agenda packet, as specified.	Watch	B. Watch	
SB 403	Gonzalez D	Drinking water: consolidation.	4/27/2021- Read second time and amended. Re-referred	The California Safe Drinking Water Act authorizes the State Water Resources Control Board to order consolidation with a receiving water system where a public water system or a state small water system, serving a disadvantaged community,	Watch	B. Watch	

			to Com. on APPR.	consistently fails to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that consistently fail to provide an adequate supply of safe drinking water. This bill would authorize the state board to also order consolidation where a water system serving a disadvantaged community is an at-risk water system, as defined, or where a disadvantaged community is substantially reliant on at-risk domestic wells, as defined.			
SB 480	Stern D	Metropolitan Water District of Southern California: rules: inappropriate conduct.	4/21/2021-Set for hearing May 3.	The Metropolitan Water District Act provides for the creation of metropolitan water districts and specifies the powers and purposes of a district. The act requires the Metropolitan Water District of Southern California to establish and operate an Office of Ethics and adopt rules relating to internal disclosure, lobbying, conflicts of interest, contracts, campaign contributions, and ethics for application to its board members, officers, and employees. This bill would require the Metropolitan Water District of Southern California to adopt rules relating to inappropriate conduct, as defined, by board members, officers, and employees.	Watch	B. Watch	
SB 526	Min D	Community water systems: lead user service lines.	4/7/2021-April 12 hearing postponed by committee.	Current law requires, by July 1, 2020, a community water system with known lead user service lines in use in its distribution system to provide a timeline for replacement of those lines to the State Water Resources Control Board. Current law requires the state board to review and approve an established timeline, and requires, if the state board fails to act within 30 days of the submission of the timeline, the timeline to be deemed approved. Current law authorizes the state board to enforce these requirements, as specified, and a violation is considered a violation of the California Safe Drinking Water Act, subjecting the violator to specified civil and criminal penalties. This bill would, until January 1, 2025, require a community water system to remove or replace the full lead user service line, if the community water system disturbs, removes, or replaces a portion thereof. The bill would apply the above-described enforcement provisions to a violation of the requirements of the bill, thereby creating a state-mandated local program by expanding the scope of crimes under the California Safe Drinking Water Act.	Watch	B. Watch	
SB 552	Hertzberg D	Drought planning: small water suppliers: nontransient noncommunity water systems.	4/27/2021-Read second time and amended. Re-referred to Com. on APPR.	Would require small water suppliers, as defined, and nontransient noncommunity water systems that are schools, no later than December 31, 2022, to develop and submit to the Division of Drinking Water for the State Water Resources Control Board an Emergency Response Plan that includes specified drought-planning elements. The bill would require these water systems to	Watch	B. Watch	

				report specified water supply condition information to the state board through the state board's Electronic Annual Reporting System, and to include water system risk and water shortage information in the water systems' consumer confidence reports, as provided.			
SB 559	Hurtado D	Department of Water Resources: water conveyance systems: Canal Conveyance Capacity Restoration Fund.	4/27/2021- From committee: Do pass and re-refer to Com. on APPR. (Ayes 6. Noes 0.) (April 27). Re-referred to Com. on APPR.	Would establish the Canal Conveyance Capacity Restoration Fund in the State Treasury to be administered by the Department of Water Resources. The bill would require all moneys deposited in the fund to be expended, upon appropriation by the Legislature, in support of subsidence repair costs, including environmental planning, permitting, design, and construction and necessary road and bridge upgrades required to accommodate capacity improvements. The bill would require the department to expend from the fund, upon appropriation by the Legislature, specified monetary amounts to restore the capacity of 4 specified water conveyance systems, as prescribed, with 2 of those 4 expenditures being in the form of a grant to the Friant Water Authority and to the San Luis and Delta-Mendota Water Authority. The bill would make these provisions inoperative on July 1, 2030, and would repeal the provisions as of January 1, 2031.	Watch	B. Watch	
Total Measures: 27 Total Tracking Forms: 27							

Metropolitan Water District of Southern California
State Legislative Matrix
April 12, 2021 – First Year of Legislative Session

Item No. 3d

Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
Metropolitan-sponsored bills	AB 442 Mayes (I) Sponsor: Metropolitan	Introduced 2/4/2021 Assembly Water, Parks, and Wildlife Committee	Surface Mining and Reclamation Act of 1975: exemption: Metropolitan Water District of Southern California: single master reclamation plan Amends the Surface Mining and Reclamation Act of 1975 (SMARA) to prepare a single reclamation plan for emergency excavations or grading on lands owned, leased, or with easements for repairs and maintenance of pipelines, infrastructure, or related transmission systems used to distribute water in Metropolitan's service area.	SPONSOR Based on October 2019 Board Action	Maintaining critical water infrastructure requires coordinated regulatory compliance. Metropolitan is proposing legislation to allow it to develop a single reclamation plan to consistently administer and enforce SMARA compliance for responding to emergencies and repairing, maintaining or replacing any pipelines, infrastructure, or related transmission systems used to distribute water in Southern California.
Metropolitan-sponsored bills	SB 230 Portantino (D) Sponsors: Metropolitan and the California Municipal Utilities Association	Introduced 1/19/2021 Senate Appropriations Committee Two-year bill	State Water Resources Control Board: Constituents of Emerging Concern Program Seeks to create a statewide program to identify and evaluate Constituents of Emerging Concern (CECs) in drinking water sources.	CO-SPONSOR Based on October 2019 Board Action	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

Metropolitan Water District of Southern California
State Legislative Matrix
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Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
					intent to improve knowledge and future regulatory determinations.
Water Quality and Treatment	AB 377 Rivas, R. (D) Sponsor: California Coastkeeper Alliance	Amended 3/22/2021 Assembly Environmental Safety and Toxic Materials Committee Hearing: 4/21/2021	Water quality: impaired waters Would require all California surface waters to attain applicable beneficial uses by January 1, 2050. Would require the State Water Resources Control Board and Regional Water Quality Control Boards, when issuing a permit, to require that the discharge to surface waters does not cause or contribute to an exceedance of a water quality standard and to not authorize the use of best management practices in permit terms to authorize a discharge that causes or contributes to water quality exceedance standard	OPPOSE Based upon Board-adopted 2021 State Legislative Priorities and Principles	The objective of the bill is to gradually remove California's impaired waterways from the 303(d) impaired waterways list. The bill would have serious negative impacts to Metropolitan, its member agencies, and all sectors that have NPDES permits. The bill contains blanket prohibitions on the issuance of new, renewed, or remodified NPDES waivers, waste discharge requirements, and permits with best management practices. Metropolitan has NPDES permits including a statewide general permit, drinking water discharge permit, and construction general permit.
Delta/State Water Project	SB 369 Pan (D) Sponsor: Sacramento Area Flood Control Agency	Introduced 2/10/2021 Assembly Desk	Flood control: Yolo Bypass Cache Slough Partnership Multi-Benefit Program Codifies State recognition and 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.	SUPPORT Based upon Board-adopted 2021 State Legislative Priorities and Principles	The 2020 Water Resources Development Act authorized a comprehensive study of the Yolo Bypass and its future role in regional flood control. A state master plan for the Yolo Bypass-Cache Slough would similarly advance multi-benefit restoration projects and encourage state and federal agencies to coordinate regulatory compliance and funding for flood control, water supply, habitat and recreation.

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Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
Delta/State Water Project	SB 626 Dodd (D) Sponsor: Author	Amended 4/5/2021 Senate Natural Resources and Water Committee Hearing: 4/15/2021	Construction Manager/General Contractor Procurement Method: Department of Water Resources Authorizes the Department of Water Resources to use the Construction Manager/General Contractor (CM/GC) procurement method for construction contracts.	SUPPORT IF AMENDED Based upon Board-adopted 2021 State Legislative Priorities and Principles	The State Water Contractors (SWCs) fund all State Water Project capital and operations and maintenance (O&M) projects. Projects that use the CM/GC or design build procurement method can begin earlier and take less time because of overlapping design and construction phases. This will reduce the overall cost of capital infrastructure, public safety and habitat restoration projects. The SWCs are seeking amendments to ensure price is considered when selecting a qualified contractor, and to ensure that in the event a procurement contract is appealed that any work started before the appeal is completed.
Water/Energy Nexus	AB 1161 E. Garcia (D) Sponsor: Author	Amended 3/22/2021 Assembly Utilities and Energy Committee	Electricity: eligible renewable energy and zero-carbon resources: state agencies: procurement Requires the Department of Water Resources (DWR) to procure newly eligible renewable energy resources or zero-carbon resources, and associated energy storage, for state agencies to satisfy their 100% renewable energy goals by December 31, 2030.	OPPOSE Based upon Board-adopted 2021 State Legislative Priorities and Principles	SB 100 (DeLeon, 2018) set a state goal for 100% carbon-free resources for all state agencies by 2045. Staff have concerns that this bill misplaces the burden of procuring renewable and carbon-free resources and associated storage onto DWR. Procuring energy for other state agencies is outside DWR's purpose and core expertise. Moreover, accelerating the state's goal of 100% renewable and carbon-free energy resources for all state agencies by 2045 to 2030 could dramatically increase

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Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
Water Bond Infrastructure Funding	AB 1500 Garcia, E. (D) and Mullin (D) Sponsor: Author	Introduced 2/19/2021 Assembly Water, Parks and Wildlife Committee Hearing: 4/8/2021	Safe Drinking Water, Wildlife Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022 Places a \$6.7 billion wildfire and water bond on the 2022 ballot for voter approval.	SUPPORT AND SEEK AMENDMENTS Based upon Board adopted 2021 State Legislative Priorities and Principles and Board action on AB 3256 (Garcia, 2020) 06/09/2020	Metropolitan's retail electricity rates above what is mandated by SB 100. Would provide funding for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs. Metropolitan is seeking amendments to ensure adequate funding for recycled water projects, water quality monitoring and treatment, and subsidence repairs to conveyance infrastructure projects.
Water Bond Infrastructure Funding	SB 45 Portantino (D) Sponsor: Author	Introduced 12/7/2020 Senate Governance and Finance Committee Hearing: 4/15/2021	Wildfire, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022 Places a \$5.51 billion wildfire and water bond on the 2022 ballot for voter approval.	SUPPORT AND SEEK AMENDMENTS Based upon Board adopted 2021 State Legislative Priorities and Principles and Board action on SB 45 (Allen, 2018) 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 recycled water projects, water quality monitoring and treatment, and subsidence repairs to conveyance infrastructure projects.

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State Legislative Matrix
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Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
Water Bond Infrastructure Funding	SB 559 Hurtado (D) Sponsors: Friant Water Authority, San Luis & Delta Mendota Water Authority, and State Water Contractors	Introduced 2/18/2021 Senate Natural Resources & Water Committee Hearing: 4/27/2021	Department of Water Resources: water conveyance systems: Canal Conveyance Capacity Restoration Fund Establishes the Canal Conveyance Capacity Restoration Fund that would upon appropriation provide up to \$785 million in funding for the Department of Water Resources to help pay for subsidence repairs to the State Water Project and Central Valley Project water conveyance systems and for necessary road and bridge upgrades.	SUPPORT Based upon Board adopted 2021 State Legislative Priorities and Principles	Portions of the California Aqueduct, the Friant Kern Canal and the Delta Mendota Canal have lost capacity due to subsidence. The Fund would upon appropriation provide funding to DWR to support a 10-year program to restore the capacity of the canals and ensure a more secure water supply. Funds could be used to cover one-third of the cost to restore the capacity of the canals. A federal companion bill is envisioned that would provide one-third the cost and local partners would contribute the remaining one-third of the cost
Innovation	SB 351 Caballero (D) Sponsor: California Municipal Utilities Association	Introduced 2/9/2021 Senate Natural Resources & Water Committee Hearing: 4/15/2021	Water Innovation Act of 2021 Would create the Office of Water Innovation at the California Water Commission to foster the adoption of new technologies and other innovative approaches in the water sector. Creates the Water Innovation Fund, with monies available upon appropriation, to the Department of Water Resources and State Water Resources Control Board to support water innovation.	SUPPORT Based upon Board adopted 2021 State Legislative Priorities and Principles	The water sector is facing a myriad of challenges from climate change, aging infrastructure, groundwater contamination, subsidence and freshwater ecosystems vulnerable to climate change. Innovative technologies and approaches are needed to ensure a reliable water supply while trying to address the challenges. An Office of Water Innovation could increase collaboration among state agencies on innovative approaches, engage stakeholders, and review regulations that may inhibit innovation in order to recommend regulatory reforms.

Metropolitan Water District of Southern California
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Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
Governance	AB 361 R. Rivas (D) Sponsor: California Special Districts Association	Amended 4/6/2021 Assembly Local Government Committee	Open meetings: local agencies: teleconferences Authorizes local agencies to use teleconferencing during state or local emergencies or when social distancing guidelines have been imposed without complying with physical noticing or quorum requirements under the Ralph M. Brown Act.	SUPPORT Based upon Board Action on 3/9/2021	Codifies Executive Order N-29-20 that allows for teleconferenced public meetings during state or local emergencies. Metropolitan currently hosts teleconferencing public meetings in accordance with the Executive Order. AB 361 provides statutory clarity allowing Metropolitan to maintain transparency and public participation in public meetings through teleconferencing now and during future declared emergencies.
Governance	AB 703 B. Rubio (D) Sponsor: Three Valleys Municipal Water District	Introduced 2/16/2021 Assembly Local Government Committee	Open meetings: local agencies: teleconferences Amends the Ralph M. Brown Act to allow a local agency to use teleconferencing and removes certain noticing provisions for each teleconferencing location and a required physical quorum, but requires the local agency to allow all members of the public to observe the meeting and address the legislative body.	SUPPORT Based upon Board Action on 3/9/2021	Metropolitan currently hosts teleconferencing public meetings in accordance with Executive Order, N-29- 20. AB 703 allows the option to hold teleconferenced meetings into the future after the COVID-19 public health emergency is over and the Executive Order is lifted.



DISCUSSION ITEM

May 5, 2021

TO: Board of Directors

FROM: Robert Hunter,
General Manager

Staff Contact: Melissa Baum-Haley

**SUBJECT: PRESENTATION ON SOUTHERN CALIFORNIA WATER SUPPLY
CONDITIONS AND COMMUNICATIONS/OUTREACH MESSAGING
(METROPOLITAN STAFF BRAD COFFEY AND SUE SIMS)**

STAFF RECOMMENDATION

Staff recommends the Board of Directors review and discuss the information presented.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

REPORT

Last month, the California Department of Water Resources reduced the State Water Project water allocation to just 5 percent of contracted amounts – matching the record-low allocation recorded in 2014 during the depths of California’s last drought. Despite the low allocation, Metropolitan has announced it is prepared to meet the region’s demands, thanks to its Colorado River supplies, record water in storage, and a growing conservation ethic among Southern Californians.

After a nearly six-year hiatus, Metropolitan's coordinated operational balancing act with the Colorado River Aqueduct is once again taking center stage. Earlier this month, the district began operating the CRA at full capacity for the first time since Oct. 14, 2015. The move to an 8-pump CRA flow is in response to the California Department of Water Resources

Budgeted (Y/N): N/A	Budgeted amount: None	Core <input checked="" type="checkbox"/> _X_	Choice <input type="checkbox"/> _
Action item amount: N/A	Line item:		
Fiscal Impact (explain if unbudgeted):			

lowering its State Water Project allocation from 10 to 5 percent of contracted amounts due to a critically dry winter. The decrease is compelling Metropolitan to turn to its Colorado River supplies to help make up the difference.

To further ensure Southern California has enough water as the state faces a second consecutive year of drought, Metropolitan's board voted on April 14, to explore purchasing supplies on the water market. While Metropolitan has enough water from its diverse sources and in storage to serve the region's needs, purchasing transfer supplies will help the agency strategically manage future risk. The purchases will increase reliability in areas of Metropolitan's service area that rely more heavily on water from the State Water Project.

On April 21, Governor Gavin Newsom proclaimed an emergency in two Northern California counties in response to particularly bad drought conditions there. While the announcement affects Mendocino and Sonoma counties, the Governor described this as is being built so additional agencies and actions can be added to this order as required.

Key actions includes:

- Directing state agencies to work with regional and local governments – including groundwater sustainability agencies – to identify watersheds, communities, public water systems and ecosystems that may require coordinated state and local actions to address drought impacts and protect people, natural resources and economic activity.
- Encourages Californians to reduce water use and conserve supplies in case drought conditions continue next year.
- Directs state agencies to partner with local water suppliers to promote conservation tips and messages through the [“Save Our Water”](#) campaign.
- Accelerates funding for water supply enhancement, conservation and species protection projects.
- Works with counties to encourage and track reporting of household water shortages including dry residential wells.
- Provides technical and financial assistance for water systems at risk of water shortages.
- Takes action to protect terrestrial and aquatic species.

As part of his statements, Gov. Newsom acknowledged that “the State and its many partners have strengthened drought resilience since the last drought.”

Metropolitan is well prepared as we head into another cycle of drought, thanks to water in reserves and conservation efforts of Southern California residents. To provide an overview of the current state of Metropolitan's water supply conditions as concert with communications and drought outreach messaging, we have invited Metropolitan's Brad Coffey (Group Manager, Water Resource Management) and Sue Sims (Group Manager, External Affairs).



DISCUSSION ITEM

May 5, 2021

TO: Board of Directors

**FROM: Robert Hunter,
General Manager**

Staff Contact: Melissa Baum-Haley

**SUBJECT: METROPOLITAN WATER DISTRICT (MET) ITEMS CRITICAL TO ORANGE
COUNTY**

STAFF RECOMMENDATION

Staff recommends the Board of Directors to review and discuss this information.

DETAILED REPORT

This report provides a brief update on the current status of the following key MET issues that may affect Orange County:

- a) MET Finance and Rate Issues
- b) MET General Manager Recruitment Process
- c) MET Review of Equal Employment Opportunity Policies and Practices
- d) MET Integrated Resources Plan Update
- e) MET Water Supply Conditions
- f) Colorado River Issues
- g) Delta Conveyance Activities and State Water Project Issues

ISSUE BRIEF #A**SUBJECT: MET Finance and Rate Issues****RECENT ACTIVITY**

Current Update

Water Transactions for February 2021 totaled 95.4 thousand acre-feet (TAF), which was 5.0 TAF lower than the budget of 100.4 TAF. This translates to \$86.6 million in revenues for February 2021, which were \$2.7 million lower than the budget of \$89.3 million.

Year-to-date water transactions through February 2021 were 1,038.6 TAF, which was 28.8 TAF lower than the budget of 1,067.4 TAF. Year-to-date water transactions through February 2021 were \$913.7 million, which were \$32.2 million lower than the budget of \$945.9 million.

On February 4, 2021, Metropolitan issued \$188,890,000 of Water Revenue Bonds, 2021 Series A, at a true interest cost of 2.77 percent. There was strong investor demand with \$839 million in orders. This allowed for interest rates to be lowered, resulting in \$1.27 million in debt service savings, over the life of the bonds. Bond proceeds will provide \$255 million for funding a portion of the Capital Investment Plan for fiscal years 2020/21 and 2021/22.

ISSUE BRIEF #B**SUBJECT: MET General Manager Recruitment Process****RECENT ACTIVITY**

The current steps in the General Manager Recruitment process are as follows:

- At the January 11 OP&T committee, the Hawkins Company presented the Job Description, Recruitment Brochure, and the Outreach Plan to the Metropolitan Board for review and approval.
- Nominations and submittals from interested candidates were accepted up to February 26. While the recruitment is open until the position is filled, candidates are encouraged to apply early; evaluations of all potential candidates will be done throughout the recruitment process.
- At the February 23 Executive Committee meeting, within closed session, the screening criteria, interview process, and interview questions were developed.
- Throughout the month of March, the Hawkins Company reviewed the submitted candidate applications. Only a select number of highly qualified candidates were invited to participate in the interview process.
- On March 23, the Hawkins Company presented a short list of candidates to the Executive Committee within closed session.
- The Executive Committee conducted initial interviews within closed session during the month of April.
- The full Board will conduct interviews of the top candidates in closed session during the month of May.
- The Board will approve selection of the new General Manager, with a potential action on either May 11 or June 8.

The MET General Manager Recruitment brochure can be found at the link:

https://thehawkinscompany.com/wp-content/uploads/2021/01/metro_water_district_v6.pdf

ISSUE BRIEF # C**SUBJECT: MET Review of Equal Employment Opportunity Policies and Practices****RECENT ACTIVITY**

Metropolitan's Board of Directors and executive management are taking steps to foster and ensure a workplace that values equity, inclusion and diversity – both in policy and in practice.

The Metropolitan Board responded to employee comments alleging systemic harassment by authorizing Metropolitan's Ethics Officer in November 2020 to enter into a contract with Shaw Law Group, a certified women-owned business enterprise with extensive expertise in Equal Employment Opportunity issues. The firm is currently conducting an independent and thorough review of allegations of systemic Equal Employment Opportunity-related discrimination, harassment, retaliation and related concerns.

To help ensure greater transparency and accountability, a [microsite](#) has also been created on Metropolitan's website that include information about the Board's actions, policies, correspondence, and related matters. Additional information can be found in the attached statement.

On April 13, a [presentation](#) report was given at the Legal and Claims Committee on the Metropolitan microsite and public employee First Amendment rights. Within the open session component of this report, the general principles of public employee First Amendment rights were outlined.



Metropolitan's Board Responds to Allegations of Discrimination, Safety Issues and Harassment in the Workplace

"Under my leadership, Metropolitan's Board has been unequivocal that we will not tolerate sexual harassment, discrimination, retaliation and other forms of misconduct towards or among our employees. If it is found that our practices and policies have fallen short of this goal, we are prepared to act swiftly and decisively.

- Chairwoman Gloria D. Gray

- The Board responded to employee comments alleging systemic harassment by authorizing Metropolitan's Ethics Officer in November 2020 to enter into a contract with Shaw Law Group, a certified women-owned business enterprise with extensive expertise in EEO issues. The firm is currently conducting an **independent and thorough** review of allegations of systemic Equal Employment Opportunity-related discrimination, harassment, retaliation and related concerns. To date the firm has:
 - Conducted over 50 hours of interviews and reviewed documents regarding policies and prior investigations of EEO complaints
 - Issued a climate assessment survey taken by more than 80% of employees
 - Begun interviews with more than 125 employees who requested to speak to the firm and additional interviews with other staff and management
- Metropolitan is developing a new education campaign aimed at **raising awareness of the rights employees have** when it comes to issues of discrimination and harassment, and how to take action to defend those rights should it become necessary.
- A February 23, 2021 letter was sent to the Joint Legislative Audit Committee pledging Metropolitan's **support and full cooperation** with an audit should the State deem it necessary.
- Metropolitan's **Diversity, Equity and Inclusion Council** was created in 2020. The Chairwoman and executive management attend meetings of the Council, which is comprised of leadership from employee resource groups and employee bargaining units. Actions of the Council so far include:
 - Providing mandatory training on unconscious bias to supplement existing mandatory training on sexual harassment prevention and other workplace conduct
 - Retaining the services of an independent Diversity, Equity and Inclusion consulting firm to perform a thorough culture assessment and provide a roadmap for improvement
 - Taking steps for greater diversity, equity and inclusion in Metropolitan's business practices to improve opportunities for underserved and underrepresented communities
- To ensure **greater transparency** as employee issues are being reviewed, a new [web page](#) on Metropolitan's website provides resources and documents related to the independent review.
- Metropolitan has **fully cooperated** with the Los Angeles Times in response to Public Records Act requests for information about employee issues and District responses.

Updated 3/30/21

ISSUE BRIEF # D

SUBJECT: MET Integrated Resources Plan Update

RECENT ACTIVITY

The Integrated Water Resources Plan (IRP) is Metropolitan's comprehensive resource planning process and serves as Metropolitan's blueprint for long-term water reliability, including key supply development and water use efficiency goals. Metropolitan's 2020 Urban Water Management Plan (UWMP) is being developed as part of the IRP planning process. However, the UWMP does not explicitly discuss specific activities undertaken--that is the role of Metropolitan's Integrated Water Resources Plan.

Metropolitan's 2020 UWMP provides a representation of Metropolitan's planning elements and reliability assessments reported under the conditions required by the UWMP Act, and is prepared as part of the 2020 Integrated Water Resources Plan process. The draft 2020 UWMP complies with California state law requiring urban water suppliers to prepare and update urban water management plans every five years. The draft Appendix 11 to both the 2020 UWMP and the 2015 UWMP includes all of the elements described in Delta Plan Policy WR P1, Reduce Reliance on the Delta Through Improved Regional Water Self-Reliance (Cal. Code Regs. tit. 23, § 5003) which need to be included in a water supplier's UWMP to support a certification of consistency for a future covered action. The draft Water Shortage Contingency Plan (WSCP) includes Metropolitan's efficient management and planned actions to respond to actual water shortage conditions. Metropolitan's draft WSCP satisfies the requirements of the California Water Code.

Metropolitan held a public hearing on Monday, April 12, 2021 to receive comments on its draft 2020 UWMP, draft Appendix 11 as an addendum to its 2015 UWMP, and its draft WSCP.

Metropolitan's Board of Directors will consider whether to adopt the 2020 UWMP, Appendix 11 as an addendum to the 2015 UWMP, and the WSCP at the Board Meeting on May 11, 2021. After Board adoption, the documents will be submitted to the California Department of Water Resources by July 1, 2021.

More information on Metropolitan's IRP can be found at:
<http://www.mwdwatertomorrow.com/IRP/index.html>

ISSUE BRIEF # E

SUBJECT: MET's Water Supply Conditions

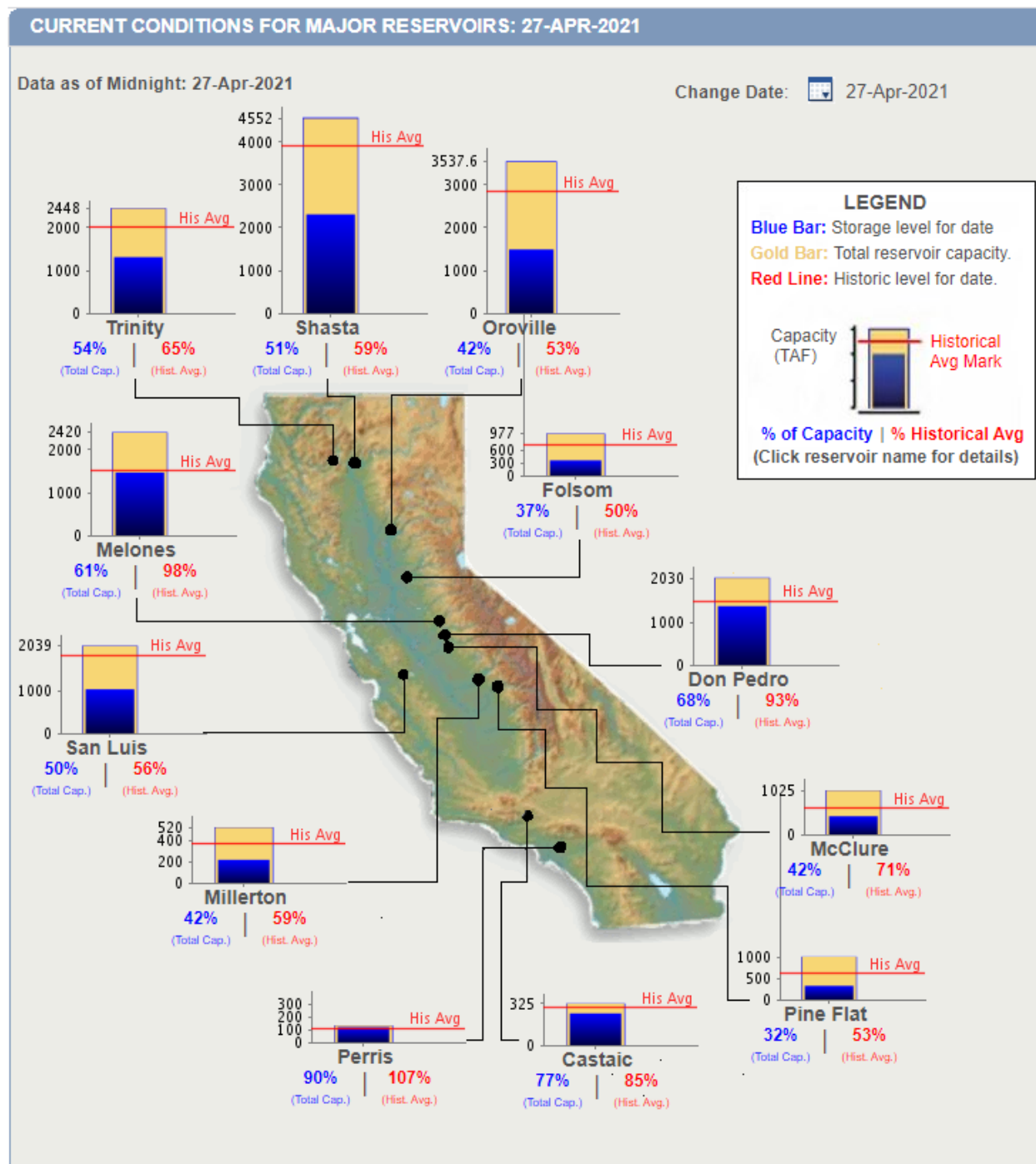
RECENT ACTIVITY

The 2020-21 Water Year (2020-21 WY) officially started on October 1, 2020. Thus far, the Northern California accumulated precipitation (8-Station Index) is reporting **23.1 inches or 50% of normal** as of April 28th.

For 2020-21 WY, the Northern Sierra Snow Water Equivalent is peaked at **20.2 inches on March 24th**, which is **71% of normal** for that day. Due to the below average precipitation/snowfall, the Department of Water Resources (DWR) has reduced the initial State Water Project (SWP) **"Table A" allocation from 10% to 5%**. This allocation provides Metropolitan with approximately **96,575 AF in SWP deliveries this water year**. DWR's SWP Allocation considers several factors including existing storage in SWP, conservation reservoirs, SWP operational regulatory constraints, and the 2021 contractor demands. If the Table A allocation remains at 5%, it would be tied for the lowest allocation dating back to 1968. The last time DWR had a Table A Allocation of 5% was in 2014.

The Upper Colorado River Basin accumulated precipitation is reporting **15.1 inches or 73% of normal as of April 26th**. On the Colorado River system, snowpack is measured across four states in the Upper Colorado River Basin. The Upper Colorado River Basin Snow Water Equivalent was reporting **16.4 inches as of April 1st**, which is **86% of normal** for that day. Due to the below average precipitation/snowfall in 2020-21 WY, there is now a 60% chance of a shortage at Lake Mead in 2022 and a 82% chance of shortage in 2023.

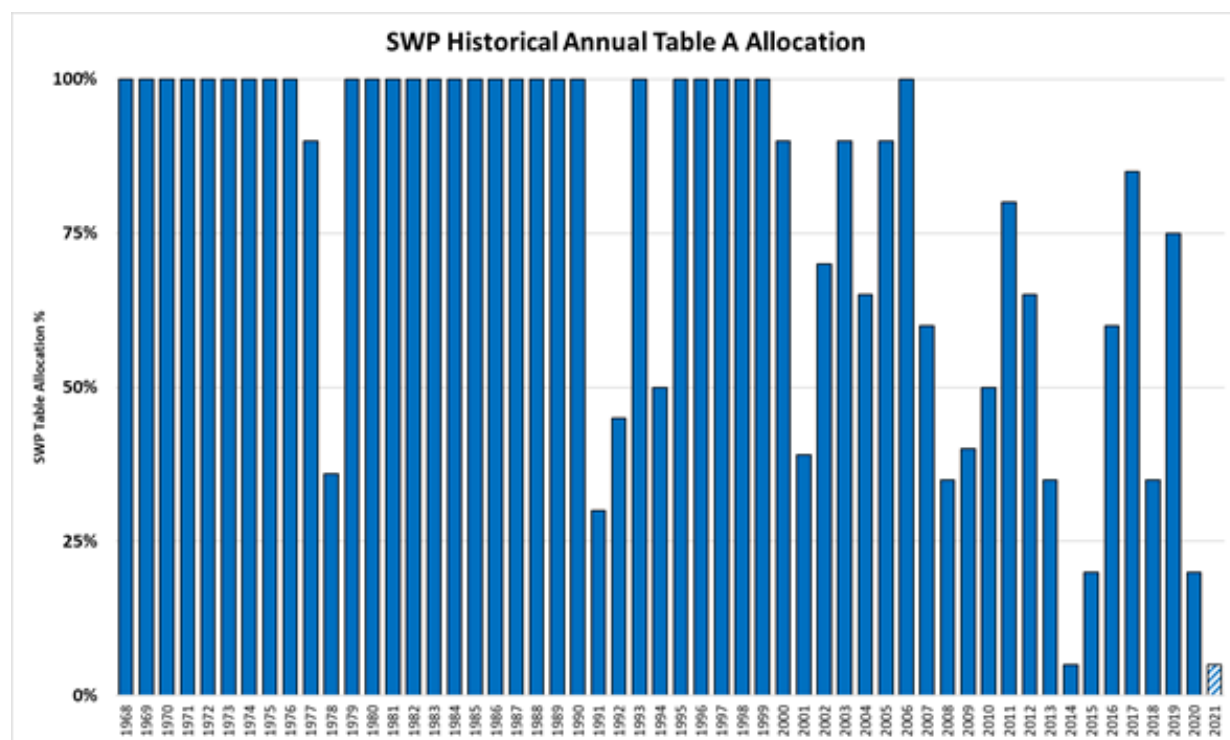
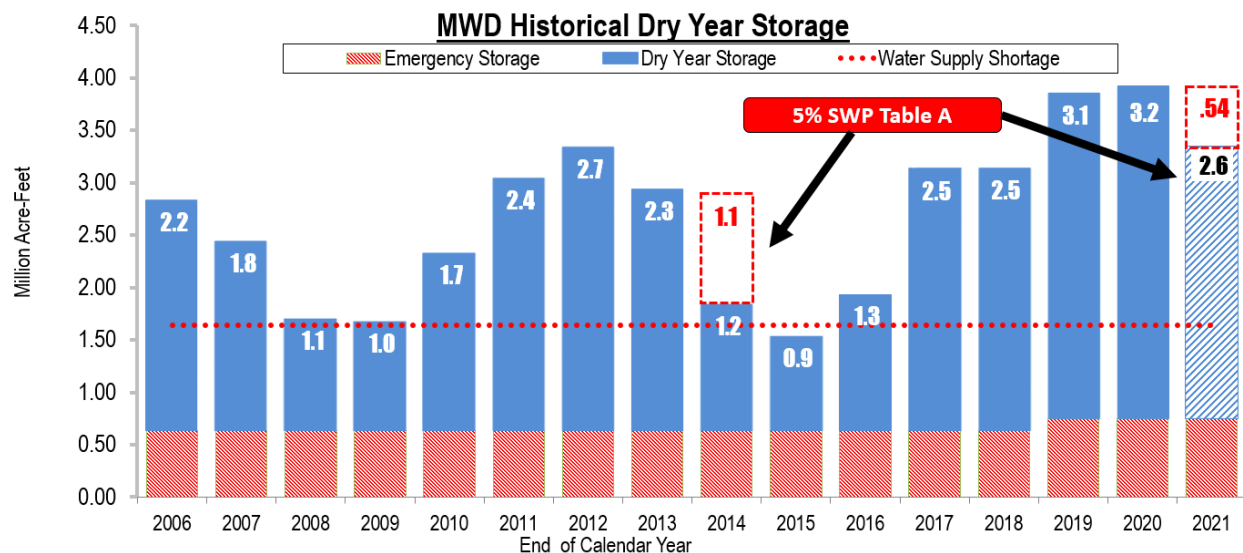
As of April 27th Lake Oroville storage is at **42% of total capacity and 53% of normal**. As of April 27th San Luis Reservoir has a current volume of **51% of the reservoir's total capacity and is 56% of normal**.



With estimated total demands and losses of 1.648 million acre-feet (MAF) and with a 5% SWP Table A Allocation, Metropolitan is projecting that demands will exceed supply levels in Calendar Year (CY) 2021. Based on this, estimated total dry-year storage for Metropolitan at the end of **CY 2021 will go down to approximately 2.6 MAF.**

A projected dry-year storage supply of **2.6 MAF will be the fourth highest amount for Metropolitan, a very impressive accomplishment given that the last two years have been extremely dry in Northern California.** A large factor in maintaining a high water

storage level are lower than expected water demands. We are seeing regional water demands reaching a 38-year low.



Attachment: Water Supply Conditions Presentation



Water Supply Conditions

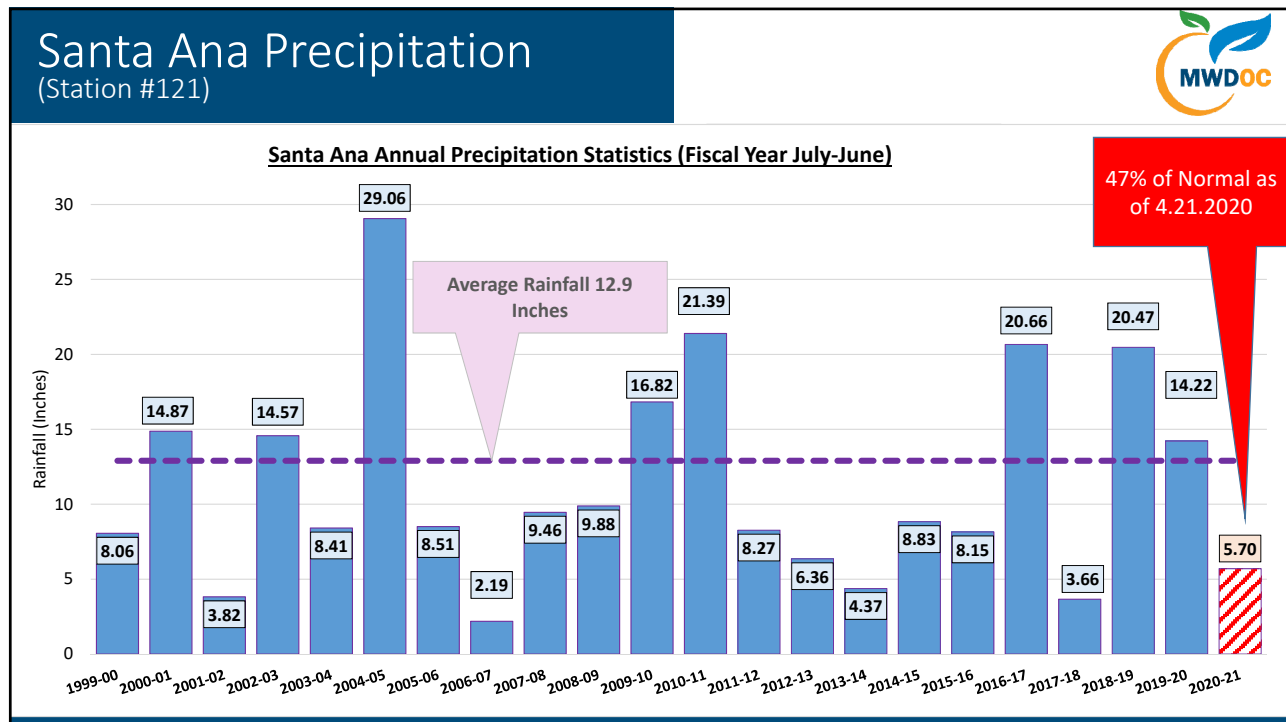
Kevin Hostert, Water Resources Analyst
Municipal Water District of Orange County

May 5th 2021



Orange County Weather and Water Supply Conditions

Insight to local weather conditions that affect Orange County's water supply and water demand

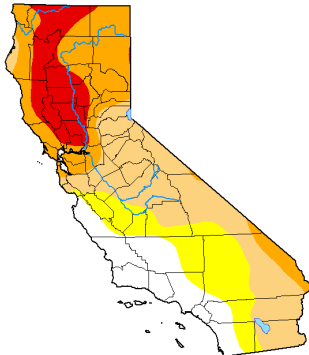


California Drought Monitor

October 2020 = 68% Moderate Drought (D1) in California
October 2020 = 36% Severe to Extreme Drought (D2 to D3) in California

April 2021 = 94% Moderate Drought (D1) in California
April 2021 = 70% Severe to Exceptional Drought (D2 to D4) in California

U.S. Drought Monitor
California



October 20, 2020
(Released Thursday, Oct. 22, 2020)
Valid 8 a.m. EDT

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	15.40	84.60	87.54	35.61	12.74	0.00
Last Week	15.40	84.60	87.54	35.61	12.74	0.00
3 Month Ago	40.34	59.66	48.21	21.50	3.04	0.00
Start of Calendar Year	95.43	3.57	0.00	0.00	0.00	0.00
Start of Water Year	15.35	84.65	87.55	35.62	12.74	0.00
One Year Ago	82.28	17.74	2.95	0.00	0.00	0.00

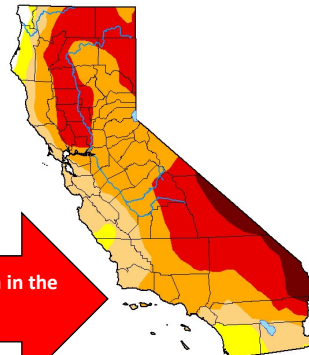
Intensity:
None
D0 Abnormally Dry
D1 Moderate Drought
D2 Severe Drought
D3 Extreme Drought
D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu>.

Drought Conditions Strengthen in the 2020-21 "Wet Season"

droughtmonitor.unl.edu

U.S. Drought Monitor
California



April 13, 2021
(Released Thursday, Apr. 15, 2021)
Valid 8 a.m. EDT

	None	D0-D4	D1-D4	D2-D4	D3-D4	D4
Current	0.78	99.22	94.14	76.97	38.68	5.36
Last Week	0.77	99.23	92.65	69.68	35.42	5.36
3 Month Ago	0.00	100.00	95.20	79.10	39.50	1.19
Start of Calendar Year	0.00	100.00	95.17	74.34	33.75	1.19
Start of Water Year	15.35	84.65	87.55	35.62	12.74	0.00
One Year Ago	41.80	58.20	25.70	12.83	0.00	0.00

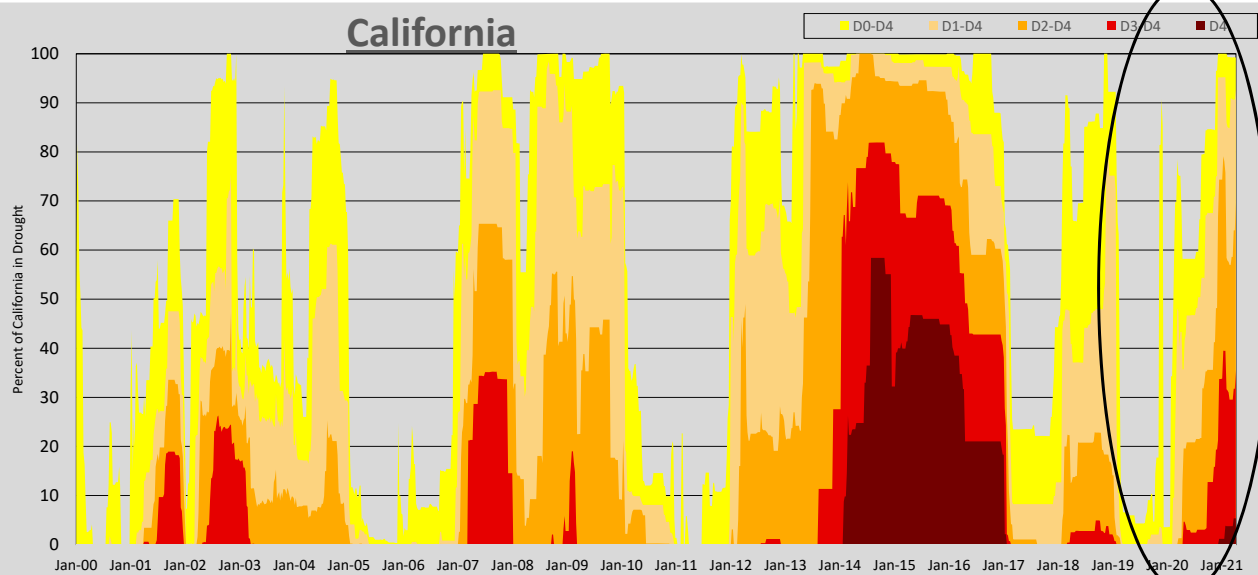
Intensity:
None
D0 Abnormally Dry
D1 Moderate Drought
D2 Severe Drought
D3 Extreme Drought
D4 Exceptional Drought

The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu> about aspx.

Author:
Deborah Bathke
National Drought Mitigation Center

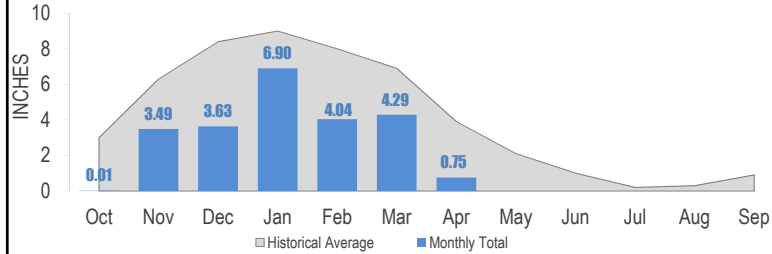
droughtmonitor.unl.edu

California Drought Monitor

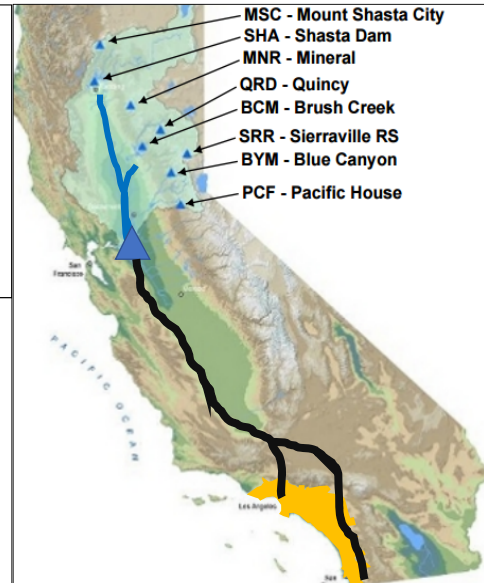
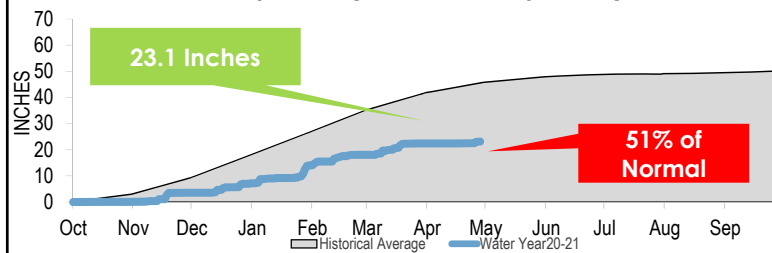


Northern California Accumulated Precipitation WY 2021

Monthly Precipitation (8 Station Precip Index)



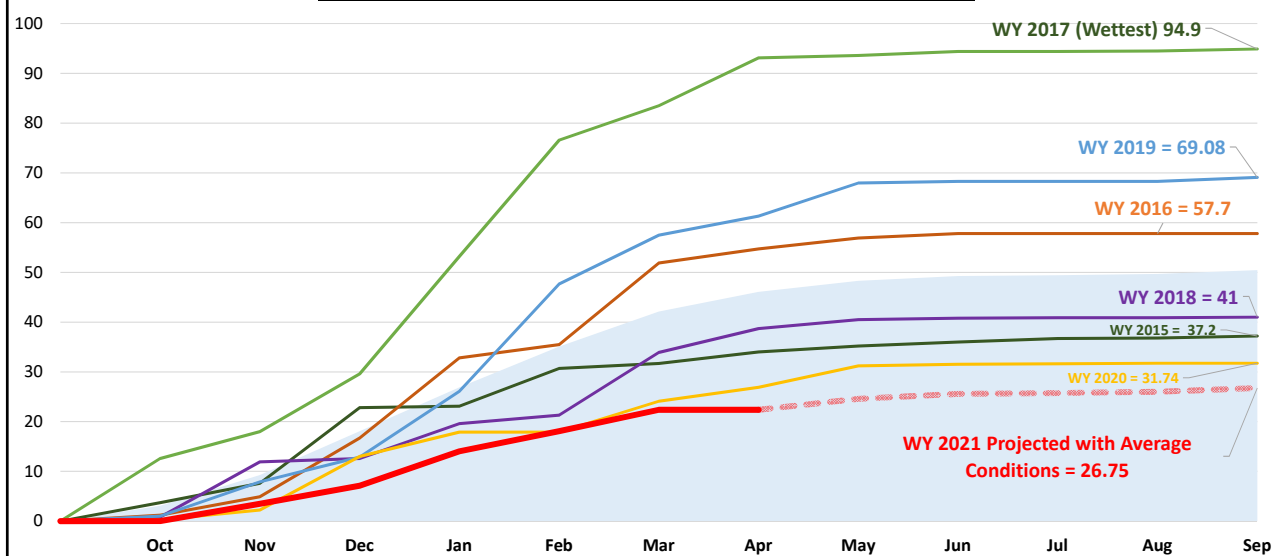
Accumulated Precipitation (8-Station Precip Index)

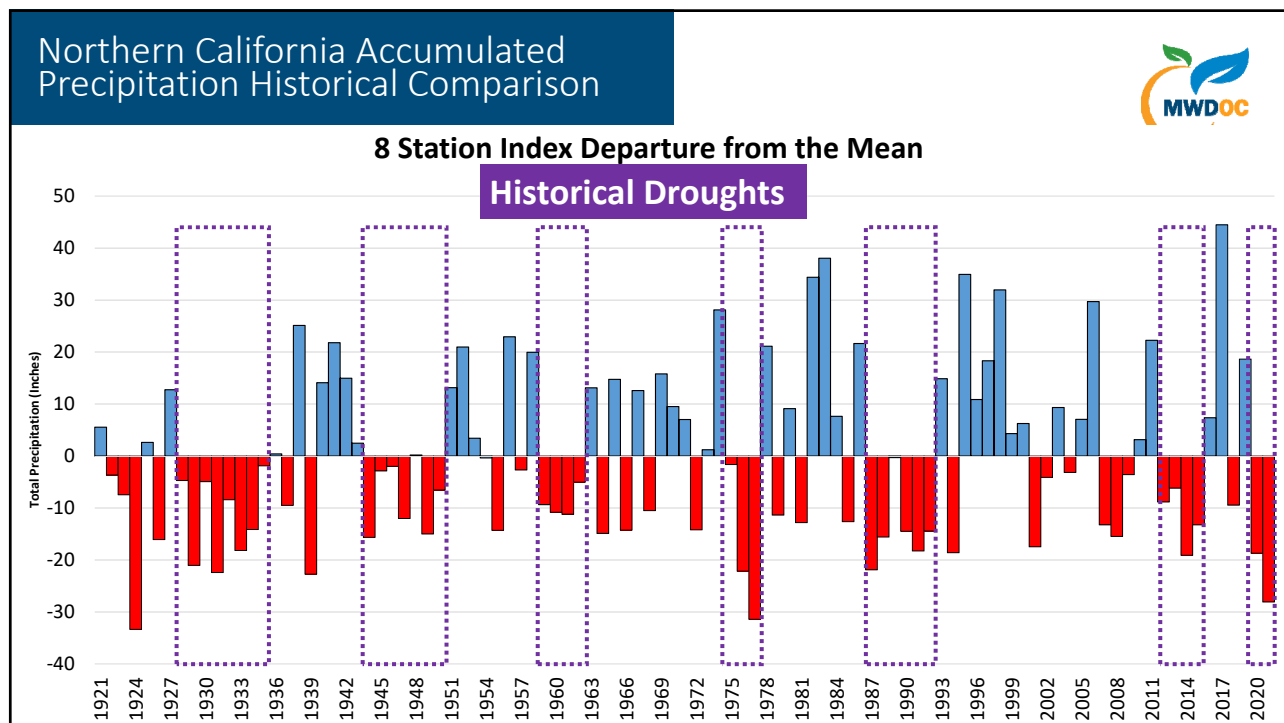
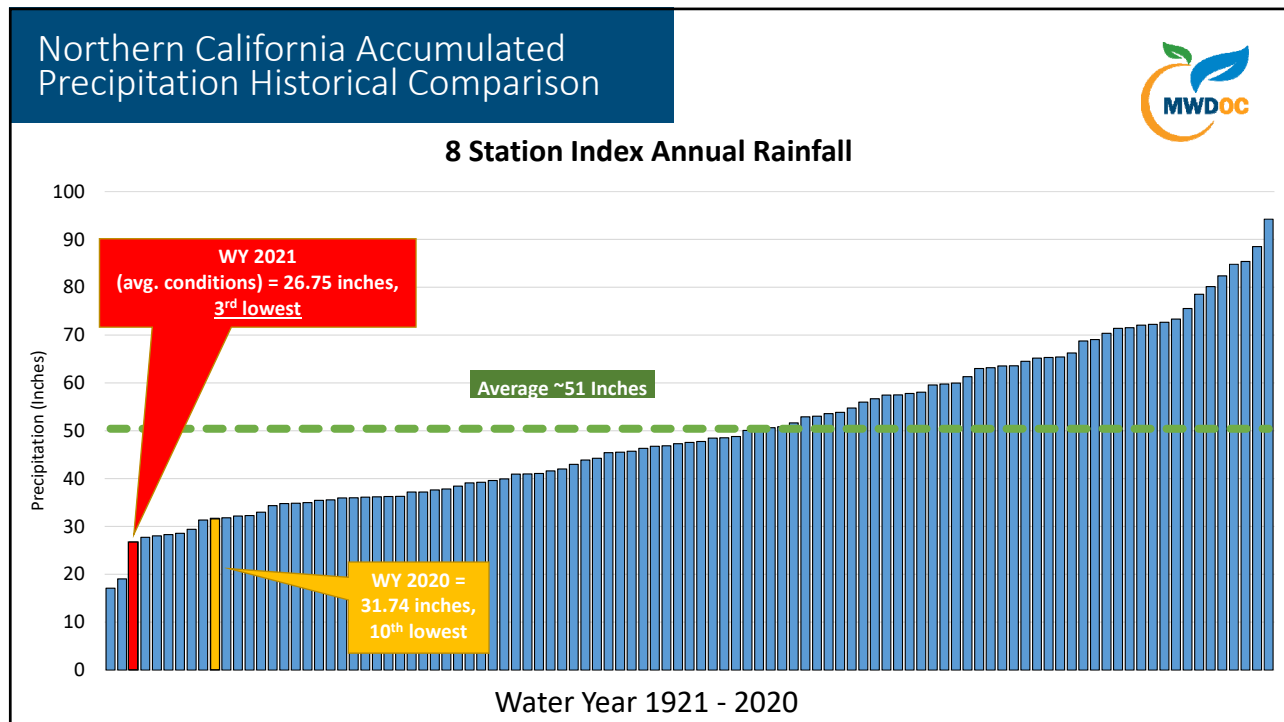


Northern California Accumulated Precipitation Historical Comparison



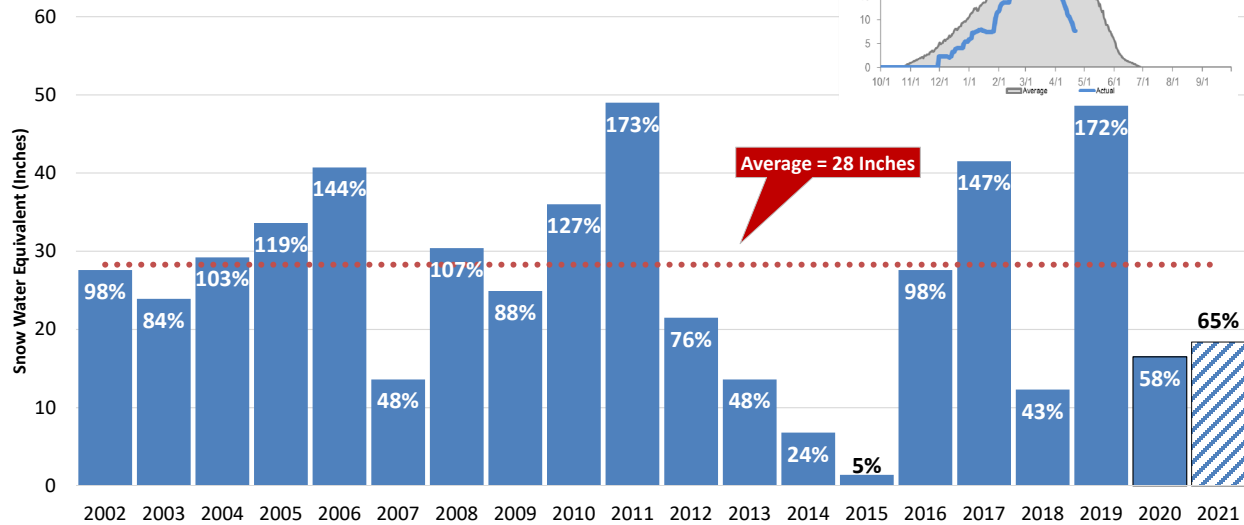
8 Station Index all Time Month by Month Cumulative Totals





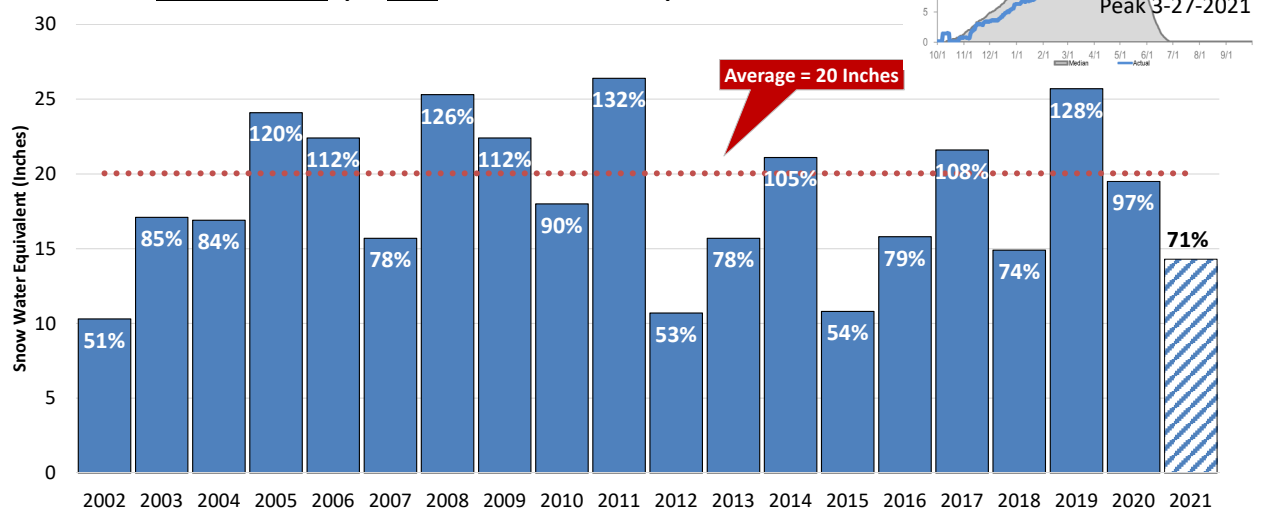
Snow Water Equivalent

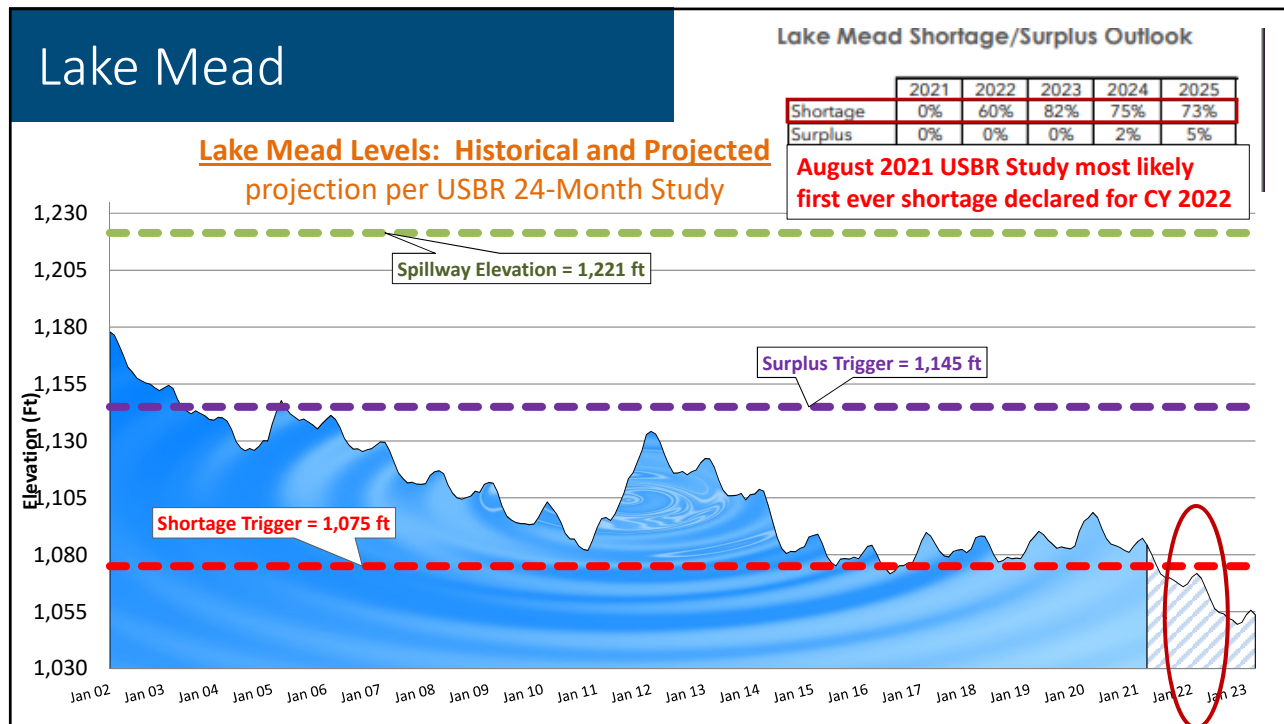
Historical Northern California April 1st Peak Snow Water Equivalent



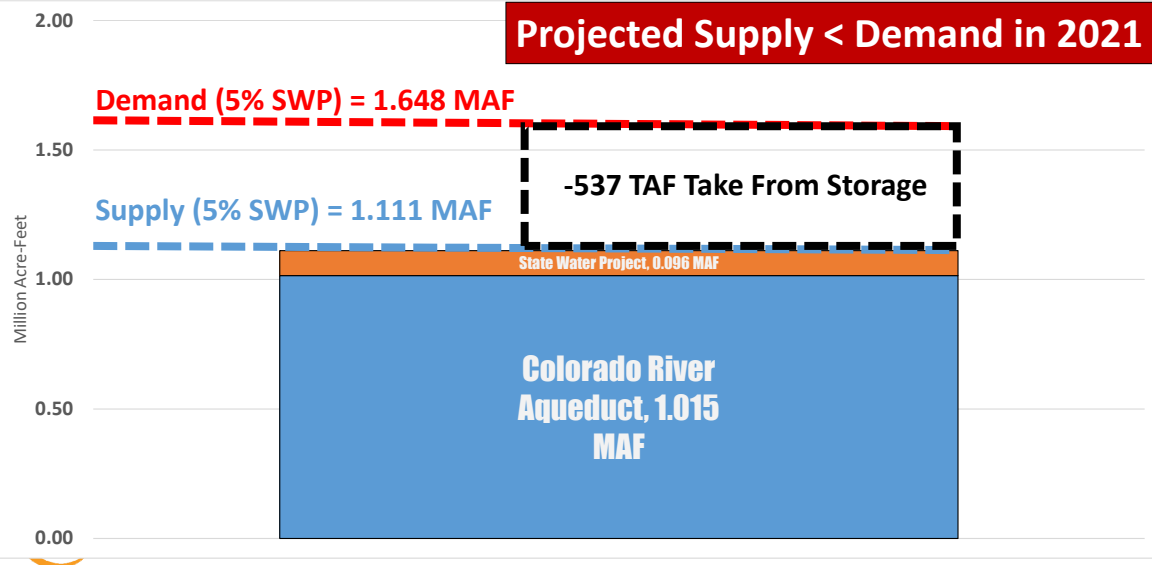
Snow Water Equivalent

Historical Colorado Basin April 15th Peak Snow Water Equivalent

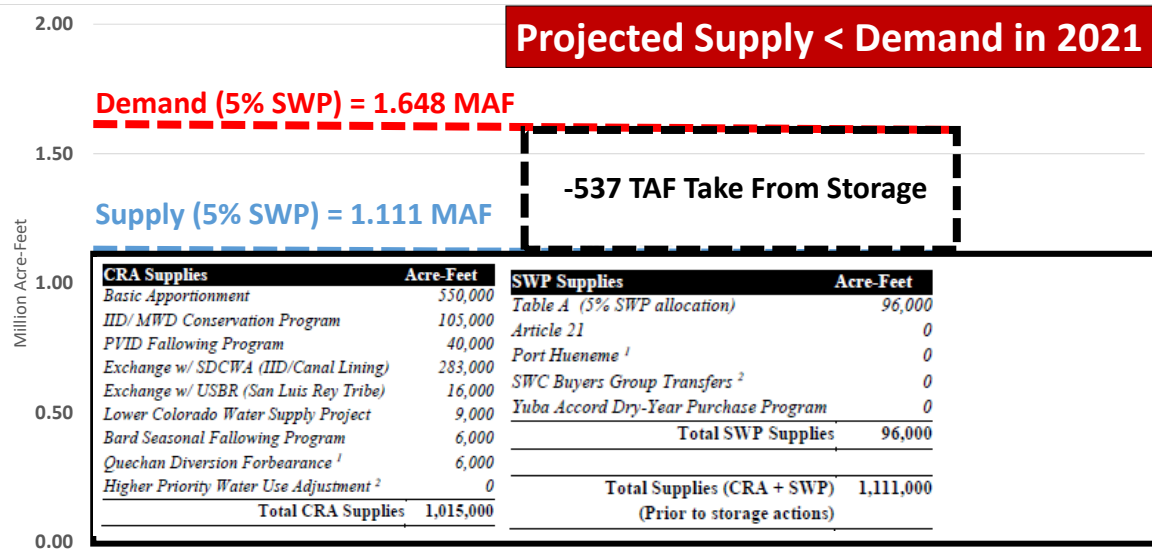




MWD 2021 Estimated Water Storage

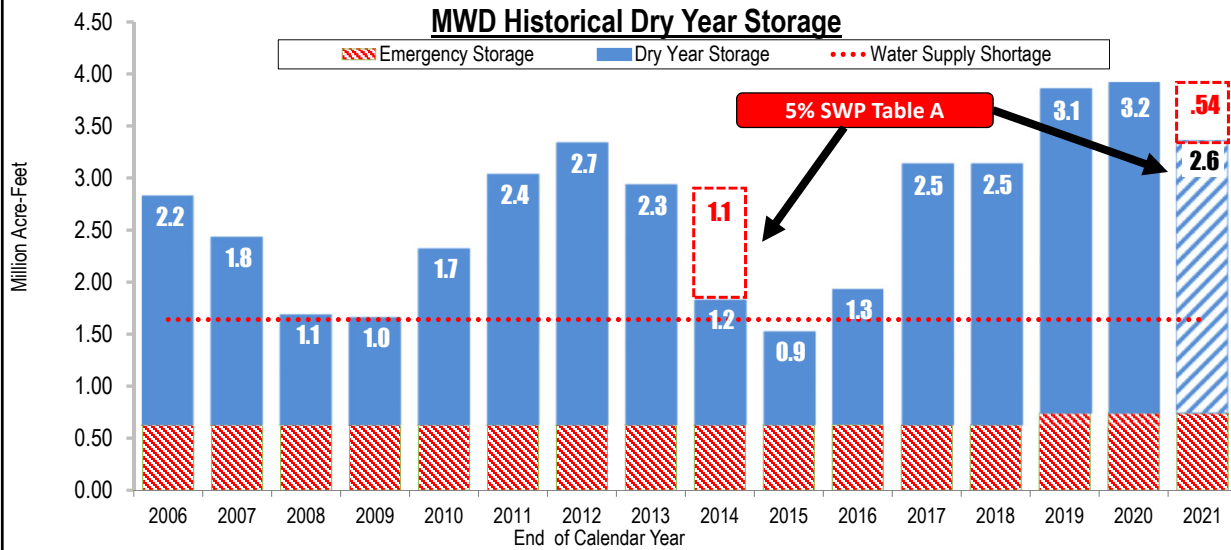


MWD 2021 Estimated Water Storage

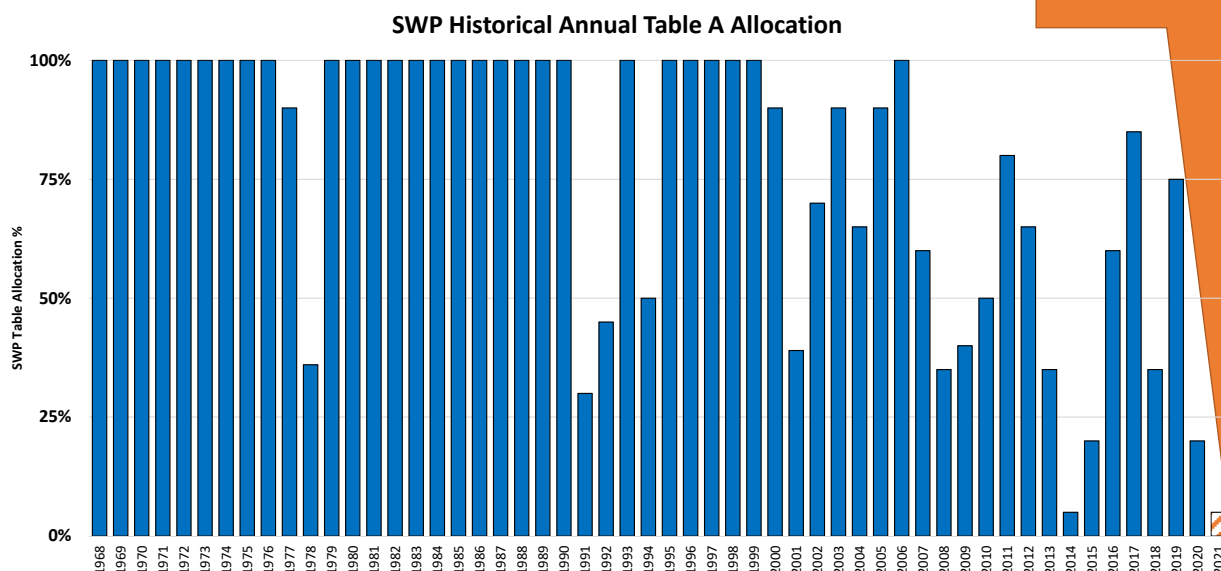


MWD 2021 Estimated Water Storage

0.43 MAF Not used compared to 2014



Historical SWP Table A %



MWD Water Supply Actions



MWD Actions

1. Withdrawing water from its dry-year storage reserves (e.g. Lake Mead ICS account, SWP Carryover storage, SWP Banking Programs, SWP Flexible storage accounts, in-region surface reservoirs).
2. Pursuing north of Delta transfers through the SWC Buyers Group and Yuba Accord.
3. Making adjustments to system operations to preserve SWP supplies and maximize use of Colorado River or stored supplies. These actions include planned pumping at Greg Avenue pump station, drafting water from Diamond Valley Lake to serve the Mills Water Treatment Plant, and shifting demand to service connections supplying Colorado River supplies.
4. Developing a dry-year water management program



ISSUE BRIEF # F

SUBJECT: Colorado River Issues

RECENT ACTIVITY

Quantification Settlement Agreement Annual Meeting

Metropolitan staff attended the annual Quantification Settlement Agreement (QSA) Implementation Workshop in a virtual format, hosted by Imperial Irrigation District (IID). The purpose of the annual meeting is to review each agency's accomplishments in the prior year and verify conservation amounts needed for the QSA water transfers. Metropolitan, IID, Coachella Valley Water District, and San Diego County Water Authority made presentations summarizing significant activities and conservation achievements made during calendar year 2020. U.S. Bureau of Reclamation made a presentation on preliminary 2020 Colorado River water accounting and 2021 water supply numbers. Finally, IID's consultant gave a detailed presentation on the quantitative verification of IID's System Discharge Reduction Conservation Program, a new method IID developed to save water to meet its transfer obligations. Metropolitan is reviewing the data and will make that determination before the 2020 Decree Accounting Report is finalized in May 2020.

Bard Fallowing Program Update

The Bard Land Management and Seasonal Fallowing Program (Program) between Metropolitan and Bard Water District (Bard) successfully launched last year with the fallowing of 2,750 irrigable acres. For the 2021 Fallowing Season, Metropolitan executed agreements with five farmers, four of which also participated in the 2020 Fallowing Season. The five farmers within the Bard Unit will fallow approximately 2,950 irrigable acres of land from April 1 – July 31, 2021. However, due to unforeseen shipping schedule delays that affected harvest schedule, Metropolitan will be allowing the fallowing of five parcels within one participating farmer's land to occur from April 15 – August 15, 2021, instead of April 1 – July 31, 2021. Metropolitan staff has determined this flexibility will allow the farmer to fully participate without compromising the integrity of the Program. By providing an annual incentive of \$459 per irrigable acre fallowed, Metropolitan will issue a total payment of \$1.37 million for this year's fallowing season. In addition to the payments to participating farmers, Bard will receive an estimated payment of \$353,400, which includes \$15,000 for direct program costs and system improvements. Metropolitan anticipates that it will receive about 6,000 acre-feet of Colorado River supply under this program this year.

CLE's Annual Law of the River Conference

Metropolitan staff co-chaired CLE's annual Law of the River Conference in March. Due to the pandemic, this year's conference was held virtually. The annual Law of the River Conference, which has been co-chaired by Metropolitan staff for more than 20 years, highlights past successes, current issues, and future challenges facing the Colorado River. This year's conference included a panel that highlighted the benefits of the Metropolitan/Southern Nevada Water Authority partnership, including the potential partnership in the development of the Regional Recycling Project in Carson. Additional topics included effort to reduce demand in the Upper Colorado River Basin and Arizona's challenges dealing with a potential

first-ever shortage declaration for 2022. Next year, the conference hopes to return to a live event in Santa Fe, New Mexico to commemorate the 100-year anniversary of the signing of the Colorado River Compact.

ISSUE BRIEF # G

SUBJECT: Delta Conveyance Activities and State Water Project Issues

RECENT ACTIVITY

Delta Conveyance

The California Department of Water Resources (DWR) is continuing to develop an Environmental Impact Report (EIR) under the California Environmental Quality Act. DWR has identified a range of reasonable alternatives to analyze in the EIR, and current efforts are focused on analyzing the alternatives' potential impacts on environmental resources. The U.S. Army Corps of Engineers, as part of its permitting review under the Clean Water Act and Rivers and Harbors Act, started preparation of an Environmental Impact Statement to comply with the National Environmental Policy Act.

Field activities under the Initial Study/Mitigated Negative Declaration for Soil Investigations in the Delta (including cone penetration tests, soil borings, and geophysical surveys) have been on hold during the winter season. DWR and the Delta Conveyance Design Construction Authority (DCA) are scheduled to begin 2021 activities during the week of March 14. DWR added a link to their public information website to help provide information to interested members of the public and will update a map weekly of the near-term planned explorations (<https://water.ca.gov/Programs/State-Water-Project/Delta-Conveyance/PublicInformation>).

Additionally, DWR and the DCA are continuing work to obtain temporary entry for soil surveys on private lands. DWR is continuing to pursue permits for soil survey sites that fall under the jurisdiction of the Rivers and Harbors Act (Section 408). Investigations at any given site will not occur until property owners are notified and required permits and approvals for that site are obtained.

DWR continues to compile results from an Environmental Justice survey that was conducted to collect information on how low-income, minority, and other underserved communities rely on resources in the Delta. This information will help assess potential impacts and benefits to these communities. The results from this survey will be shared after the data has been collated and synthesized.

DWR conducted interviews with stakeholders in February and early March on the concept of incorporating a Community Benefits Program as part of the Delta Conveyance Project to help protect and enhance the cultural, recreational, natural resource and agricultural values of the Delta. DWR scheduled three public workshops: April 14, May 6, and May 25, and one tribal workshop on May 17, to have additional discussions and obtain feedback from a wider audience. Registration to participate in the workshops and additional information can be found on DWR's website:

<https://water.ca.gov/Programs/State-Water-Project/Delta-Conveyance/CommunityBenefits-Program>

Joint Powers Authorities

During the March 18 DCA Board of Directors Meeting, the board received an update on monthly progress, with an anticipated end of year budget savings of approximately \$1 million

for fiscal year 2020-2021. At the March DCA meeting, the board unanimously voted to amend the Management Partners Agreement for Executive Director Services transitioning the existing Executive Director Ms. Kathryn Mallon as a Senior Advisor and Mr. Graham Bradner to serve as the Executive Director on an initial interim basis effective April 1, 2021. Ms. Mallon conveyed to the board she wished to pursue other opportunities more closely related to her experience in traditional construction and project delivery. The entire board thanked her for her service and appreciated her willingness to remain onboard for the transition as a Senior Advisor. The DCA Board of Directors Meeting also included updates on planning from DWR and DCA Treasurer and Counsel reports.

The March 18 regularly scheduled meeting of the Delta Conveyance Finance Authority (DCFA) was cancelled. The next DCFA meeting is scheduled for April 15, 2021. Additionally, there were no DCA Stakeholder Engagement Committee (SEC) meetings scheduled in March. The next scheduled SEC meeting is April 28, 2021.

Sites Reservoir

In their March meetings, the Sites Project Authority Board (Authority Board) and the Sites Reservoir Committee (Reservoir Committee) approved various consulting agreement amendments and approved a new Accounts Payable Approval Policy to ensure timely and efficient payment of vendor and service providers' invoices. The Authority Board and Reservoir Committee also received a status update regarding a draft Sites Water Storage Policy and reviewed and commented on the proposed allocation of storage space in the reservoir to each Storage Partner based the final proposed formulaic approach of 1-acre-foot capacity share to 6.234 acre-feet of storage space. They also reviewed and commented on the development of the Sites Project Proforma 2.0, an updated project financial modeling tool for use by participants to evaluate long-term project costs and benefits.

Delta Stewardship Council

As reported in December 2020, the Delta Stewardship Council (Council) is conducting a climate change study for the Delta and Suisun Marsh as part of their Delta Adapts: Creating a Climate Resilient Future initiative. The study will help the Council assess specific climate risks and vulnerabilities in the Delta and, in coordination with stakeholders, develop adaptation strategies to address those vulnerabilities. The draft Climate Change Vulnerability Assessment (CCVA) portion of Delta Adapts analyzes the vulnerability of various asset types within the Delta from a number of climate stressors and hazards. The Council released its draft CCVA in January 2021 and began conducting scoping meetings for its Adaptation Strategy in late February 2021.

Regulatory Activities

As reported last month, Metropolitan staff co-organized and participated in the Delta Science Program's workshop titled, "Monitoring Steelhead Populations in The San Joaquin Basin". The workshop supports the Biological Opinion on Long-Term Operation of the Central Valley Project (CVP) and State Water Project (SWP), which aims to develop a plan to monitor steelhead populations within the San Joaquin Basin and/or the San Joaquin River downstream of the confluence of the Stanislaus River, including steelhead and rainbow trout on non-project San Joaquin tributaries. Metropolitan staff is currently working with the planning committee, including National Marine Fisheries Service (NMFS) and U.S. Bureau of

Reclamation (USBR) on next steps and ideas for how to incorporate information learned from the workshop into a monitoring plan for steelhead in the San Joaquin Basin.

Science Activities

Metropolitan staff is participating in a formal training on how to implement structured decision making (SDM) taught by the Compass Resource Management consulting company. The objective of the SDM process is to develop a common understanding among participating stakeholders about the following elements: (1) what could and could not be achieved with different management alternatives, (2) which trade-offs are acceptable, and (3) which uncertainties are most important. Technical fisheries experts from Metropolitan, SWC, DWR, USBR, NMFS, U.S. Fish and Wildlife Service, and California Department of Fish and Wildlife are all participating in the training. The goal is to ensure that these experts, who are working together in a variety of Incidental Take Permit and Biological Opinion implementation actions, can organize their discussion and selection of management alternatives in a transparent manner through this SDM process.

Metropolitan staff co-authored a recently accepted publication in the journal *Ecotoxicology* titled, "Effects of dietary cypermethrin exposure on swimming performance and expression of lipid homeostatic genes in livers of juvenile Chinook salmon, *Oncorhynchus tshawytscha*." In the study, field relevant concentrations of the pyrethroid pesticide cypermethrin were exposed to Chinook salmon to evaluate the effects of the pesticide on salmon following dietary exposure. The study found that the pesticide exposure significantly altered the salmon fatty acid metabolic pathways suggesting impairments to the salmon nutritional status. The study was funded by Proposition 1 grant funding, and Metropolitan provided cost share funding and participated in the study.

Metropolitan staff continued participating in the Collaborative Science and Adaptive Management Program (CSAMP), including participation on the Collaborative Adaptive Management Team (CAMT). At the March 16 meeting, CAMT received updates on SWP and CVP operations forecast and dry year planning efforts, and on DWR plans to conduct a drought monitoring and synthesis study. CAMT also discussed comments on the draft CSAMP Delta Smelt Organizational Framework document and received a status update on the CDFW Biological Monitoring Survey Design Review process. Metropolitan staff is coordinating with the SWC to develop and submit technical comments on these efforts.

In March, three scientific papers were published in the *San Francisco Estuary & Watershed Science* journal that reported on results from the CAMT Delta smelt entrainment studies (diversion of fish at the state and federal water project diversions in the South Delta). The purpose of the entrainment studies was to evaluate the factors affecting Delta smelt entrainment at the SWP and CVP facilities. The first paper identified hydrology, water clarity, Delta smelt distribution, and precipitation as significant factors affecting entrainment at the export facilities. The other two papers report on the development and results from a Behavioral Particle Tracking model used in conjunction with hydrodynamics to evaluate the potential effects of Delta smelt swimming behaviors on distribution and proportional entrainment losses. Many unknowns were identified as part of these studies, and overall, the researchers report on an improved framework for evaluating entrainment. CAMT will discuss these published studies and consider next steps. CAMT has representatives from state and

federal agencies, public water agencies, and non-governmental organizations. Their work is directed by a policy group of the same entities.

**Summary Report for
The Metropolitan Water District of Southern California
Board Meeting
April 13, 2021**

CONSENT CALENDAR ITEMS – ACTION

The Board:

Approved resolutions fixing and adopting a Readiness-to-Serve Charge and a Capacity Charge for calendar year 2022. **(Agenda Item 7-1)**

Adopted a resolution authorizing moneys in the Iron Mountain Landfill Closure/Postclosure Maintenance Fund to be used to pay for potential non-water corrective actions, if necessary; and amended Sections 5200 and 5201 of the Metropolitan Water District Administrative Code to reflect that funds available in the Iron Mountain Landfill Closure/Postclosure Maintenance Fund may be used to cover potential non-water corrective actions. **(Agenda Item 7-2)**

Authorized the General Manager to:

(a) Secure one-year water transfers with various water districts north of the Sacramento-San Joaquin River Delta for up to 65,000 AF of additional supplies; (b) Secure storage and conveyance agreements with the Department of Water Resources and various water districts north of the Sacramento-San Joaquin River Delta to facilitate these transfers consistent with Articles 55 and 56 of Metropolitan's State Water Project Supply Contract; and (c) Pay up to \$44 million from the State Water Project Budget for such transfers; and to Grant the General Manager final decision-making authority to determine whether or not to move forward with these transfers following completion of any environmental reviews required under CEQA, subject to the terms and conditions set forth in the board letter. **(Agenda Item 7-3)**

Authorized an agreement with HDR Engineering, Inc. in an amount not to exceed \$1,700,000 for engineering services to replace the CRA transformers; and an agreement with Geosyntec Consultants, Inc. in an amount not to exceed \$360,000 for environmental site assessments. **(Agenda Item 7-4)**

Authorized a four-year, \$483,000 extension to an agreement with ZGlobal Inc., for a new not-to-exceed amount of \$733,000, for power scheduling services. **(Agenda Item 7-5)**

Authorized the General Manager to enter into six temporary skilled labor agreements with 22nd Century Technologies, Inc., Johnson Services Group, Tryfacta, Inc., Abacus Service Corporation, EPCM-RMS, Inc. and Skillset Group, LLC, each with an initial amount of \$250,000 per year, and each with up to four annual renewal options, with a maximum amount of \$2 million per year for all six contracts. **(Agenda Item 7-7)**

Authorized an agreement with Syntech Systems Inc. in an amount not to exceed \$1,104,000 for the Fuel Management System Upgrade. **(Agenda Item 7-8)**

Authorized a professional services contract with Morris and Willner Partners Inc., in an amount not to exceed \$2.43 million for the implementation (including the first five years of support maintenance) of the custom developed Water Information System.

(Agenda Item 7-9)

Approved amendments to the Administrative Code set forth in Attachment 2 of the board letter to reflect all changes recommended by the board letter. **(Agenda Item 7-10)**

Authorized the grant of a ten-year license with options to renew to Crown Castle for telecommunication purposes. **(Agenda Item 7-11)**

Authorized the granting of a ten-year license to the city of Anaheim for telecommunication purposes. **(Agenda Item 7-12)**

CONSENT CALENDAR OTHER ITEMS – ACTION

Approved Commendatory Resolution for Director Sylvia Ballin representing the City of San Fernando **(Agenda Item 6C)**

Approved Commendatory Resolution for Director Jesus Quiñonez representing the City of Los Angeles **(Agenda Item 6D)**

OTHER MATTERS AND REPORTS

Presented Commendatory Resolution to Director Adan Ortega representing the City of Fullerton. **(Agenda Item 5G)**

THIS INFORMATION SHOULD NOT BE CONSIDERED THE OFFICIAL MINUTES OF THE MEETING.

Board letters related to the items in this summary are generally posted in the Board Letter Archive approximately one week after the board meeting. In order to view them and their attachments, please copy and paste the following into your browser:

<http://mwdh2o.com/WhoWeAre/Board/Board-Meeting/Pages/search.aspx>

All current month materials, before they are moved to the Board Letter Archive, are available on the public website here: <http://mwdh2o.com/WhoWeAre/archived-board-meetings>



Item No. 7b

Regular Board Meeting

May 11, 2021

12:00 p.m. – Boardroom

Tuesday, May 11, 2021	
Meeting Schedule	
9:00 AM	L&C
10:30 AM	RP&AM
11:30 AM	Break
12:00 PM	Board

Live streaming is available for all board and committee meetings on our mwdh2o.com website
([Click to Access Board Meetings Page](#))

Public Comment Via Teleconference Only: Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via teleconference only. To participate call (404) 400-0335 and use Code: 9601962.

MWD Headquarters Building • 700 N. Alameda Street • Los Angeles, CA 90012

1. Call to Order

- (a) Invocation: Sary Huang, Principal IT Analyst,
Information Technology Group
- (b) Pledge of Allegiance: Director Barry Pressman,
City of Beverly Hills

2. Roll Call

3. Determination of a Quorum

- 4.** Opportunity for members of the public to address the Board on matters within the Board's jurisdiction. (As required by Government Code Section 54954.3(a))

5. OTHER MATTERS AND REPORTS

- A. Report on Directors' events attended at Metropolitan expense for month of April 2021
- B. Chairwoman's Monthly Activity Report
- C. General Manager's summary of activities for the month of April 2021

- D. General Counsel's summary of activities for the month of April 2021
- E. General Auditor's summary of activities for the month of April 2021
- F. Ethics Officer's summary of activities for the month of April 2021
- G. Presentation of Commendatory Resolution for Director Sylvia Ballin representing the City of San Fernando
- H. Presentation of Commendatory Resolution for Director Jesus Quiñonez representing the City of Los Angeles

CONSENT CALENDAR ITEMS — ACTION
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6. CONSENT CALENDAR OTHER ITEMS — ACTION

- A. Approval of the Minutes of the Meeting for April 13, 2021
(Copies have been submitted to each Director)
Any additions, corrections, or omissions
- B. Approve committee assignments

7. CONSENT CALENDAR ITEMS — ACTION

- 7-1** Adopt resolution to continue Metropolitan's Water Standby Charge for fiscal year 2021/22; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. (F&I)
- 7-2** Approve and authorize the distribution of Appendix A for use in the issuance and remarketing of Metropolitan's Bonds; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. (F&I) **[Posting Separately]**
- 7-3** Authorize adjustment to the city of Los Angeles peak day demand calculation for the 2016 period for purposes of the capacity charge determinations; the General Manager has determined that this proposed action is exempt or otherwise not subject to CEQA. (F&I) **[Posting Separately]**

- 7-4** Authorize an increase of \$200,000 in change order authority for the contract to rehabilitate the Greg Avenue Pump Station; and authorize an increase of \$350,000 to an agreement with Black and Veatch, Inc. for a new not to exceed amount of \$1,250,000 for engineering support; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. (E&O)
- 7-5** Award a \$2,022,000 contract to R2BUILD to upgrade the flow monitoring station at Mile 12 of the Colorado River Aqueduct; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. (E&O)
- 7-6** Review and consider the city of Santa Monica's two Final Initial Study/Mitigated Negative Declarations and Addenda and take related CEQA actions; authorize the General Manager to enter into a Local Resources Program Agreement with the city of Santa Monica for the Santa Monica Sustainable Water Supply Project. (WP&S)
- 7-7** Authorize the General Manager to provide credit to offset increased costs incurred by a member agency associated with shifting deliveries to different service connections at the request of Metropolitan during calendar years 2021 and 2022; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. (WP&S) **[Posting Separately]**
- 7-8** Adopt Metropolitan's 2020 Urban Water Management Plan, Appendix 11 Addendum to the 2015 Urban Water Management Plan, Water Shortage Contingency Plan, and their corresponding resolutions for submittal to the State of California; the General Manager has determined that the proposed actions are exempt or otherwise not subject to CEQA. (WP&S) **[Posting Separately]**
- 7-9** Express opposition, unless amended, for AB 1195 (Garcia, C., D-Bell Gardens): drinking water (C&L) **[Posting Separately]**
- 7-10** Authorize the General Manager to grant a permanent power line easement to Southern California Edison traversing across Metropolitan-owned property in the city of San Jacinto and identified as Riverside County Assessor Parcel Number 432-120-013; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. (RP&AM)

- 7-11** Authorize agreements for District housing and property improvements at the Colorado River Aqueduct pumping plants villages with: (1) Helix Environmental Planning, Inc. in an amount not-to-exceed \$250,000 for environmental documentation; and (2) Fugro USA Land, Inc in an amount not to exceed \$350,000 for geotechnical services; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. (RP&AM)
- 7-12** Authorize contracts for Bond Counsel services with Hawkins Delafield Wood LLP, Jones Hall, A Professional Law Corporation, Nixon Peabody LLP, and Norton Rose Fulbright US LLP, Co-Bond Counsel services with Amira Jackson, Law Offices of Alexis S.M. Chiu, and Curls Bartling P.C., and Disclosure Counsel services with Stradling Yocca Carlson & Rauth, P.C. for the period ending June 30, 2024; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. (L&C)
- 7-13** Report on *Imperial Irrigation District v. Metropolitan Water District of Southern California, et al.*, Los Angeles Superior Court Case No. 19STCP01376; and request to authorize an increase in the maximum amount payable under contract with Meyers Nave for legal services by \$210,000 to an amount not-to-exceed \$410,000; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA. (L&C) **[Posting Separately]**
[Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)]

END OF CONSENT CALENDAR ITEMS

8. OTHER BOARD ITEMS — ACTION

None

9. BOARD INFORMATION ITEMS

- 9-1** Update on Conservation Program
- 9-2** Renewal Status of Metropolitan's Property and Casualty Insurance Program. (F&I)

- 9-3** Information on potential refinements to the performance provisions within the Local Resources Program. (WP&S) **[Posting Separately]**

10. FOLLOW-UP ITEMS

11. FUTURE AGENDA ITEMS

12. ADJOURNMENT

NOTE: Each agenda item with a committee designation will be considered and a recommendation may be made by one or more committees prior to consideration and final action by the full Board of Directors. The committee designation appears in parentheses at the end of the description of the agenda item e.g., (E&O, F&I). Committee agendas may be obtained from the Board Executive Secretary.

Writings relating to open session agenda items distributed to Directors less than 72 hours prior to a regular meeting are available for public inspection at Metropolitan's Headquarters Building and on Metropolitan's Web site <http://www.mwdh2o.com>.

Requests for a disability related modification or accommodation, including auxiliary aids or services, in order to attend or participate in a meeting should be made to the Board Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.