WORKSHOP MEETING OF THE BOARD OF DIRECTORS WITH MET DIRECTORS MUNICIPAL WATER DISTRICT OF ORANGE COUNTY 18700 Ward Street, Board Room, Fountain Valley, California November 3, 2021, 8:30 a.m.

Due to the current state of emergency related to the spread of COVID-19 and pursuant to Government Code Section 54953(e), MWDOC will be holding this Board and Committee meeting 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/i/8828665300

Telephone Audio: (669) 900 9128 fees may apply

(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. 2117

ACTION ITEMS

1. APPROVE CONTINUATION OF REMOTE MEETINGS PURSUANT TO AB 361 AND MAKE REQUIRED FINDINGS

Recommendation: Vote to continue virtual meetings pursuant to AB 361 for an

additional 30 days based on the findings that (1) it has reconsidered the circumstances of the state of emergency for COVID-19, and (2)

state and local officials continue to impose or recommend measures to promote social distancing.

2. LRP AGREEMENTS BETWEEN METROPOLITAN, MWDOC, AND SANTA MARGARITA WATER DISTRICT; AND LRP AGREEMENTS BETWEEN METROPOLITAN, MWDOC, AND EL TORO WATER DISTRICT

Recommendation: Authorize the General Manager to: (1) Re-execute two Local

Resources Program (LRP) Agreements with the Metropolitan Water District of Southern California (Metropolitan) and Santa Margarita Water District (SMWD); and one LRP agreement with Metropolitan and El Toro Water District (ETWD) substantially in the form as attached, subject to review and approval by Legal Counsel of any final agreement changes; (2) Authorize the General Manager to advance interim monthly production incentives to SMWD and ETWD for these projects while the contracts are reauthorized; and (3) Authorize the exchange of returned past LRP payments for the three projects against the new Metropolitan LRP payments under the re-approved LRP contracts in the approximate amounts of \$522,000 and \$110,000 for SMWD and ETWD, respectively.

3. ADOPT RESOLUTION IMPLEMENTING THE WATER SHORTAGE CONTINGENCY PLAN PURSUANT TO GOVERNOR NEWSOM'S DROUGHT PROCLAMATION RES. NO.

Recommendation: Adopt the attached resolution activating MWDOC's Water Shortage

Contingency Plan at a Level 2 and direct staff to take appropriate

actions as outlined in the adopted Plan.

PRESENTATION/DISCUSSION ITEMS

4. 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.

5. 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.

6. PRESENTATION REGARDING MET OPERATIONAL DROUGHT ACTIONS TO PRESERVE STATE WATER PROJECT SUPPLIES

Recommendation: Review and discuss the information presented.

7. DISCUSSION/PRESENTATION REGARDING MET INTEGRATED RESOURCES PLAN (IRP) IMPLEMENTATION

Recommendation: Review and discuss the information presented.

8. WATER SUPPLY CONDITIONS UPDATE

Recommendation: Review and discuss the information presented.

INFORMATION ITEMS

- 9. 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 Review of Equal Employment Opportunity Policies and Practices
 - c. MET's Integrated Resources Plan Update
 - d. MET's Water Supply Conditions
 - e. Colorado River Issues
 - f. Delta Conveyance Activities and State Water Project Issues

Recommendation: Review and discuss the information presented.

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

- a. Summary regarding October 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.



ACTION ITEM November 3, 2021

TO: Board of Directors

FROM: Joe Byrne, General Counsel

SUBJECT: Approve Continuation of Remote Meetings pursuant to AB 361 and

Make Required Findings

STAFF RECOMMENDATION

That the Board of Directors vote to continue virtual meetings pursuant to AB 361 for an additional 30 days based on the findings that (1) it has reconsidered the circumstances of the state of emergency for COVID-19, and (2) state and local officials continue to impose or recommend measures to promote social distancing.

COMMITTEE RECOMMENDATION

This item was not presented to a Committee.

SUMMARY

At the October 4, 2021 Board meeting, pursuant to AB 361, the Board of Directors adopted Resolution No. 2115 and authorized the Board to continue to have remote meetings based upon the continued state of emergency for COVID-19 and the finding that state and local officials have imposed or recommended measures to promote social distancing. Since that time, the Board has been holding remote Board meetings pursuant to this authorization. As indicated in the October 4, 2021 staff report, if the Board wishes to continue to hold remote meetings pursuant to AB 361, and assuming a state of emergency still is in place, it must make similar findings every 30 days.

At the time this report was prepared, there is a continued state of emergency for COVID-19 and state and local officials continue to recommend measures to promote social distancing. This item is on the Agenda for the Board to consider whether to continue remote meetings pursuant to AB 361 for an additional 30 days and to make the appropriate findings.

Budgeted (Y/N): N/A	Budgeted a	mount: N/A	Core <u>X</u>	Choice
Action item amount:		Line item:		
Fiscal Impact (explain if	unbudgeted	l):		



ACTION ITEM

November 3, 2021

TO: Board of Directors

FROM: Robert Hunter, General Manager Staff Contact: Melissa Baum-Haley

SUBJECT: LRP Agreements between Metropolitan, MWDOC, and Santa Margarita

Water District; and LRP Agreements between Metropolitan, MWDOC,

and El Toro Water District

STAFF RECOMMENDATION

Staff recommends the Board of Directors authorize the General Manager to:

- Re-execute two Local Resources Program (LRP) Agreements with the Metropolitan Water District of Southern California (Metropolitan) and Santa Margarita Water District (SMWD); and one LRP agreement with Metropolitan and El Toro Water District (ETWD) substantially in the form as attached, subject to review and approval by Legal Counsel of any final agreement changes;
- 2) Authorize the General Manager to advance interim monthly production incentives to SMWD and ETWD for these projects while the contracts are reauthorized; and
- 3) Authorize the exchange of returned past LRP payments for the three projects against the new Metropolitan LRP payments under the re-approved LRP contracts in the approximate amounts of \$522,000 and \$110,000 for SMWD and ETWD, respectively.

REPORT

The Metropolitan Board will consider rescinding the previous Board actions taken on December 13, 2016 approving Board Items 7-6 and 7-7 as well as on June 8, 2021 approving Board Item 7-5 (which authorized Metropolitan to execute three LRP Agreements); and take action to authorize the general Manager to re-execute two LRP Agreements with MWDOC and Santa Margarita Water District (SMWD), and one LRP agreement with MWDOC and El Toro Water District (ETWD).

At issue is the self-reported disclosure on November 9, 2021 of a <u>potential</u> remote financial interest under Government Code section 1090 (section 1090) and associated director recusal requirements. The question focuses on the definition of a director's financial interest relative to a spouse's contract with an agency when that contract is not related to the subject of a vote related to that agency under section 1090. Guidance on this question

Budgeted (Y/N): N	Budgeted a	amount: n/a	Core X	Choice _
Action item amount: No	ne	Line item: Not applicable		
Fiscal Impact (explain if	unbudgete	d): Not applicable		

would normally be found in Attorney General Opinions, California Fair Political Practices Commission (FPPC) regulations, and FPPC advice letters. There is not definitive guidance addressing the specific facts of this situation. Therefore, Metropolitan has decided to take a conservative approach and assume this is a "remote interest" rather than a "noninterest". In an abundance of caution, Metropolitan's Board of Directors will simultaneously consider rescinding the three LRP agreements, approve three new LRP agreements with similar terms adjusted for elapsed time, and authorize the return and reissue of the LRP payments made to date for the three projects.

The LRP Agreements will be substantially in the form as attached, subject to review and approval by Legal Counsel of any final agreement changes. All dates as stipulated within the *Agreement Terms* and *Performance Provisions* sections will remain consistent as outlined within the prior agreements and consistent with current Metropolitan Board policy. While the legal FPPC guidance remains unsettled and during the time it will take to reexecute these three LRP Agreements, this action will also authorize the MWDOC General Manager to cover the regular monthly production incentives for the SMWD Lake Mission Viejo Advanced Purification Water Treatment Facilities Project and the ETWD EI Toro Recycled Water System Expansion Phase II Project, as they are already in production. The total monthly production incentives for these two projects are typically less than \$40,000 per month combined. Following the reauthorization of the LRP Agreements, MWDOC will reconcile the monthly production with the actual amount to be certified through the Metropolitan LRP certification process.

As part of the proposed reauthorization of the LRP Agreements, Metropolitan will also provide retroactive LRP payments in the amounts of approximately \$522,000 for the SMWD Lake Mission Viejo Advanced Purification Water Treatment Facilities Project and \$110,000 for the ETWD EI Toro Recycled Water System Expansion Phase II Project, respectively for previously certified production. The retroactive payments will be made as a credit against returned payments in the same amount.

Prior Board Actions

On November 16, 2016, the MWDOC Board authorized the General Manager to execute a LRP agreement with Metropolitan and El Toro Water District (ETWD) for the El Toro Recycled Water System Expansion Phase II Project. Concurrent action was taken on December 13, 2021 for the Metropolitan Board approval of Board Item 7-6, which authorized the General Manager to enter into the agreement with the MWDOC and ETWD for the El Toro Recycled Water System Expansion Phase II Project for up to 350 acre-feet per year of recycled water under terms included in this letter. The maximum financial obligation would total \$2.5 million based on a project yield of 8,750 acre-feet over 25 years.

On November 16, 2016, the MWDOC Board authorized the General Manager to execute a LRP agreement with Metropolitan and Santa Margarita Water District (SMWD) for the Lake Mission Viejo Advanced Purification Water Treatment Facilities Project. Concurrent action was taken on December 13, 2021 for the Metropolitan Board approval of Board Item 7-7, which authorized the General Manager to enter into the agreement with the MWDOC and SMWD for the Lake Mission Viejo Advanced Purification Water Treatment Facilities Project for up to 300 AFY of advanced treated recycled water under the terms included in the agreement. The maximum financial obligation would total \$2.1 million based on a project yield of 7,500 acre-feet over 25 years.

On May 19, 2021, the MWDOC Board authorized the General Manager to execute a LRP agreement with Metropolitan and Santa Margarita Water District (SMWD) for the Las Flores Recycled Water Expansion Project. With concurrent action taken on June 8, 2021 for the Metropolitan Board approval of Board Item 7-5 which authorized the General Manager to enter into an agreement with the Municipal Water District of Orange County and Santa Margarita Water District for the Las Flores Recycled Water Expansion Project for up to 209 acre-feet per year. The maximum financial obligation would be up to \$1.5 million for a Project yield of 5,225 AF over 25 years.

Recommendation

MWDOC Staff recommends the Board of Directors authorize the General Manager to execute two LRP Agreements with MWDOC and SMWD, and one LRP Agreement with MWDOC and ETWD, substantially in the form as attached, subject to review and approval by Legal Counsel of any final agreement changes; authorize the General Manager to cover interim monthly production incentives; and authorize retroactive LRP payments in the amounts of \$522,000 and \$110,000 for SMWD and ETWD, respectively, as credit against returned payments in the same amount.

BOARD OPTIONS –

Option #1

 Recommends the Board of Directors authorize the General Manager execute two LRP Agreements with MWDOC, Metropolitan, and SMWD, and one LRP agreement with MWDOC, Metropolitan, and ETWD, substantially in the form as attached, subject to review and approval by Legal Counsel of any final agreement changes; authorize the General Manager to cover interim monthly production incentives; and authorize retroactive LRP payments in the approximate amounts of \$522,000 and \$110,000 for SMWD and ETWD, respectively, as credit against returned payments in the same amount.

Fiscal Impact: No fiscal impact to MWDOC directly. Would provide incentive amount up to \$475 per AF to our member agencies.

Business Analysis: Adopting the findings provides financial assistance to our member agencies and a total Metropolitan maximum financial obligation of up to \$6.1 million based on actual production, over the agreement terms. The projects would help Metropolitan to achieve its IRP goals and meet its legislative Mandates, while reducing Metropolitan's system costs.

Option #2

Do not authorize execution of agreements for the Projects.

Fiscal Impact: Probable increase in legal costs of unknown amount.

Business Analysis: Public agency reliance and expectations related to the payment of incentives in support of LRP goals and the specific projects would be unmet.

STAFF RECOMMENDATION

Option #1

Attachments: **Draft LRP Agreements were not available at the time of posting and will be made available when received**



ACTION ITEMNovember 3, 2021

TO: Board of Directors

FROM: Robert Hunter, General Manager Staff Contact: Harvey De La Torre

Melissa Baum-Haley

Alex Heide

SUBJECT: ADOPT RESOLUTION IMPLEMENTING THE WATER SHORTAGE

CONTINGENCY PLAN PURSUANT TOGOVERNOR NEWSOM'S

DROUGHT PROCLAMATION

STAFF RECOMMENDATION

Staff recommends the Board of Directors: Adopt the attached resolution activating MWDOC's Water Shortage Contingency Plan at a Level 2 and direct staff to take appropriate actions as outlined in the adopted Plan.

REPORT

Current Conditions

The state of California is currently in its second year of drought and is preparing for a third consecutive year of dry conditions. The past two water years (WY) have been characterized by record breaking temperatures and extremely dry soils, which has led to large and unexpected reductions in runoff from the State's snowpack. On the Colorado River Basin, similar prolonged drought conditions have pushed water levels in Lake Mead to historic lows, likely triggering the first ever shortage condition on the Colorado River at the end of 2021.

The California Department of Water Resources (DWR) projects that precipitation for WY 2021-2022 would have to equal or exceed 140% of average to see an average "Table A" (about 50%) allocation. The National Weather Service's Three-Month Outlook released on October 21, shows that the Southern portion of California will likely continue to experience above average temperatures and below average precipitation through the winter months. The current start of WY 2021-2022 has seen above average precipitation with significant levels of precipitation being seen in Northern California. While the water year has started off relatively favorably, DWR, the State Water Resources Control Board (SWRCB), and the

Budgeted (Y/N): N/A	Budgeted a	mount: N/A	Core <u>X</u>	Choice
Action item amount:		Line item:		
Fiscal Impact (explain if	unbudgeted	I):		

Governor's Office are planning for a third year of dry conditions through the implementation of actions to further prepare agencies.

State Water Project Allocation & Governors Expanded Drought Declaration

DWR has begun readying State Water Contractors for an almost certain initial "Table A" allocation of 0%. Should the "Table A" allocation be below 15% for the remainder of the water year, Metropolitan will be unable to fully meet normal demands in SWP exclusive areas. Metropolitan has been working with DWR to plan for the potential that deliveries from the SWP may be allocated in accordance with the health and safety provision of the State Water Contract (SWC). Even if DWR allocates water utilizing the health and safety provision of the SWC, Metropolitan will be challenged to meet demands in these SWP exclusive areas under normal conditions.

In addition to the challenges that the Metropolitan service area may face with minimal SWP deliveries, on October 19 Governor Newsom issued a Proclamation of a State of Emergency to expand the pre-existing drought declaration to cover the remaining eight counties in the state that were not previously in a declared drought. Included in the Proclamation was direction to local water suppliers to execute their Water Shortage Contingency Plans (WSCPs) at a level appropriate to local conditions taking into account the possibility of a third consecutive dry year as well in addition to the continued call for and local agencies to voluntarily reduce their water use by 15% from 2020 levels.

Orange County's Investments in Reliability & Water Use Efficiency

While the Governor's call for local agencies to voluntarily reduce water use by 15% from 2020 levels is in response for the need for near-term conservation, it noteworthy that Orange County has been actively investing in conservation, long-term water use efficiency, and reliability projects over the past three decades. As such, these investments have well positioned Orange County for prolonged drought conditions.

The potable water gallons per-capita per day (GPCD) usage within Orange County has fallen from nearly 240 in 1990 to 140 in 2020, which is approximately a 41% drop in GPCD. Within the same three-decade time-frame, Orange County has developed the nation's largest indirect potable reuse water purification system, the Groundwater Replenishment System (GWRS), and increased water recycling three fold.

Moreover, further significant investments in both short-term conservation and long-term water use efficiency programs have been made. In the past five years alone within Orange County, over \$200 million of conservation and local supply investments have been made, yielding 620 TAF of lifetime water savings, which is enough to supply 31,000 people their entire water needs for 20 years.

Metropolitan's Response to Dry Conditions

In response to the Governor's call for a 15% voluntary reduction in water use from 2020 levels and to further preserve system storage, MET moved from a Condition 1 – Water Supply Watch to a Condition 2 - Water Supply Alert at their August Board meeting. Condition 2 includes a regional call for conservation through drought ordinances as well as a call for increase drought messaging and accelerating demand management activities.

Additionally, at their November 9 meeting, the MET Board is will consider whether to call upon MET's member agencies to implement mandatory conservation, as outlined in each of their WSCPs. These plans, which are specific to the needs of each community, will help promote the water savings and preserve regional storage.

MET's potential resolution is expected to focus on MET's limited availability of SWP supplies while calling on member agencies to help MET preserve these supplies for use by the SWP exclusive areas. In addition, MET will take action to expand their conservation programs to enhance near-term water saving activities.

Options Available to MWDOC

As part of the 2020 Urban Water Management Plan (UWMP) process, MWDOC adopted its WSCP. MWDOC's WSCP contains seven shortage levels ranging from "no shortage" (Level 0), to "a shortage of greater than 50%" (Level 6).

The level most consistent with the Governor's call for a voluntary 15% reduction in water use from 2020 levels, and MET's call for the implementation of mandatory conservation requirements, would be Level 2 indicating "a shortage of greater than 10%, but less than 20%".

Activating **Level 2** would entail the following actions:

- MWDOC notifying its member agencies that due to drought a consumer imported demand reduction of up to 20% is necessary to make more efficient use of water and respond to existing water conditions
- Following MWDOC's WSCP Communications protocols for Level 2 including:
 - An updated public information campaign to generate immediate actions from the public
 - Announcing the status change to the public and stakeholders
 - o Increased activities related to mass media, partnerships, and events
 - Enhanced promotion of on-going WUE programs and tools
 - Conduction of issue briefings with elected officials and key civic/business leaders
 - Enhanced coordination with member agencies
 - Analysis of data to determine any appropriate supplemental actions

Alternatively, MWDOC could activate <u>Level 1</u> of its WSCP, which would include the following actions:

- MWDOC notifying its member agencies that due to drought a consumer imported demand reductions of up to 10% is recommended to make more efficient use of water and respond to existing conditions.
- Following MWDOC's WSCP communications protocols for Level 1 including:
 - Updating MWDOC's messaging platform to reflect actions needed from the public
 - Announcing the status change to the public and stakeholders
 - Increased conservation messages compared to standard outreach efforts
 - Enhanced promotion of on-going WUE programs and tools
 - o Increased coordination with member agencies
 - Analysis of data to determine any appropriate supplemental actions

It is important to note that both Level 1 and Level 2 contain substantially similar actions. However, the levels vary in the degree to which MWDOC is targeting water use savings on behalf of water users within the service area. Regardless of which WSCP Level is implemented, MWDOC staff anticipates maintaining close coordination with the member agencies to ensure a coordinated and consistent response.

The activation of MWDOC's WSCP is separate and apart from any activation of MWDOC's Water Supply Allocation Plan (WSAP). At this time, MWDOC staff does not anticipate activating the WSAP in the foreseeable future.

BOARD OPTIONS

Option #1

 Pass the attached resolution activating MWDOC's Water Shortage Contingency Plan at a Level 2 and direct staff to take appropriate actions as outlined in the adopted Plan.

Fiscal Impact: No direct fiscal impact. Upon adoption of the Resolution, conservation activity may increase as customers respond to the Governor's call.

Business Analysis: Activating MWDOC's Water Shortage Contingency plan ensures compliance with the Governor's Proclamation, consistency with Metropolitan's response, and helps encourage conservation to preserve regional storage for a potential third year of drought.

Option #2

 Pass the attached resolution activating MWDOC's Water Shortage Contingency Plan at a Level 1 and direct staff to take appropriate actions as outlined in the adopted Plan.

Fiscal Impact: No direct fiscal impact. Upon adoption of the Resolution, conservation activity may increase as customers respond to the Governor's call.

Business Analysis: Activating MWDOC's Water Shortage Contingency plan ensures compliance with the Governor's Proclamation, consistency with Metropolitan's response, and helps encourage conservation to preserve regional storage for a potential third year of drought.

Option #3

 Do not pass the attached resolution thereby not activating MWDOC's Water Shortage Contingency Plan above the base level.

Fiscal Impact: None

Business Analysis: Not activating the Water Shortage Contingency Plan would not be consistent with the Governor's Proclamation or Metropolitan's response and would limit MWDOC's ability to support the member agencies drought response.

STAFF RECOMMENDATION

Option #1

Attachments:

- Resolution Calling for Enhanced Water Use Efficiency Efforts
 Draft Water Short Contingency Plan Activation PowerPoint Presentation

RESOLUTION NO.

OF THE BOARD OF DIRECTORS OF
THE MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
CALLING FOR ENHANCED WATER USE EFFICIENCY EFFORTS
TO EXTEND REGIONAL WATER SUPPLIES
FOR ORANGE COUNTY RESIDENTS AND BUSINESSES.

Whereas, Orange County depends on imported water from Northern California and the Colorado River to meet approximately half of its supply demand; with the balance of the county's demand being met by local groundwater via a large basin under north and central Orange County, smaller basins in south Orange County, and through local water recycling and water use efficiency; and

Whereas, the state of California is experiencing record-breaking temperatures and extremely dry soils further depleting the expected runoff water from the Sierra-Cascade snowpack, and resulting in a historic and unanticipated reductions in imported water supplies; and

Whereas, in 2021 the Department of Water Resources provided notice to State Water Contractors of a 5% Table A Allocation for State Water Project deliveries, tied for the lowest allocation on record: and

Whereas, A zero percent initial SWP Allocation is expected for calendar year 2022, and current projections indicate that under a best-case scenario the final allocation will likely be only 20 percent.

Whereas, now in its second consecutive year of a drought, the State of California's annual precipitation levels are inadequate to fill the state's key reservoirs; and

Whereas, on October 19, 2021, the U.S. Drought Monitor listed 87% of California in Extreme Drought and 46% of the state in exceptional drought; and

Whereas, on October 21, 2021 the National Weather Service's most recent *Three-Month Outlook* for California forecasts above normal temperatures and below normal precipitation throughout the entire Southwest; and

Whereas, effective July 8, 2021, Governor Gavin Newsom issued an Executive Order (N-10-21) calling for a 15% voluntary reduction in water use from 2020 levels; and

Whereas, on October 19, 2021, Governor Gavin Newsom issued a proclamation declaring a State Of Emergency in all California counties due to drought conditions; and

Whereas, The proclamation also called on local and regional water agencies to implement their Water Shortage Contingency Plans (WSCPs) to achieve needed conservation and at a level appropriate for local conditions taking into account the possibility of a third consecutive dry year; and

Whereas, the Colorado River Basin drought has stretched into a 21st year, continuing to negatively impact storage levels on the river's two main reservoirs; and

Whereas, the U.S. Bureau of Reclamation has found that from 2008 to 2018 was the driest period for the Colorado River Basin in more than 100 years of record keeping; and

Whereas, Metropolitan Water District of Southern California (Metropolitan) has indicated that its water storage reserves, committed to meeting regional drought demands, remain relatively healthy at nearly 2.5 million acre-feet; and

Whereas, Metropolitan has declared a Water Supply Alert calling for all cities, counties, member agencies and retails water agencies to implement extraordinary water use efficiency measures, adopt and implement local drought ordinances to preserve regional storage reserves; and

Whereas, Metropolitan's State Water Project Supplies have been and are being curtailed; and

Whereas, over the past 27 years, southern California rate payers have invested tens of billions in regional storage, infrastructure improvements, local resources and water use efficiency programs that are now serving to sustain supplies during this historic dry period; and

Whereas, the cities and water agencies serving Orange County's population of 3.1 million have done an outstanding job working together to develop water-management strategies and implement comprehensive water use efficiency programs to help ensure a reliable supply of high-quality water to meet countywide demand; and

Whereas, many cities and water agencies serving Orange County have also invested and continue to invest in infrastructure, research, and technology to develop new sources of water such as water recycling and desalination to meet demands; and

Whereas, Municipal Water District of Orange County and its member agencies are increasing their public messaging to create a heightened awareness of the state's water supply conditions; and

Whereas, there are numerous resources and programs to assist us in our countywide water use efficiency efforts, including rebates for water saving devices and information on water-saving strategies at www.bewaterwise.com, and www.mwdoc.com,

Whereas, increasing and applying efficient water use habits today is the responsible thing to do and will help ensure Orange County has enough water to maintain our quality of life and thriving economy; and

Whereas, in 2021 the cities and water agencies serving Orange County adopted Urban Water Management Plans and Water Shortage Contingency Plans to prudently plan for dry conditions and shortages within their respective service areas; and

Now, therefore, be it resolved that the Municipal Water District of Orange County the regional imported water provider do hereby encourage every Orange County water agency, resident and business to take the necessary actions to reduce their water usage, in accordance with Executive Order No. N-10-21 and the Governor's October 21, 2021, Proclamation, through enhanced water use efficiency measures in an effort to extend stored water supplies and prepare for a prolonged drought; and

Be it further resolved that the Municipal Water District of Orange County activate Level _____ of its Water Shortage Contingency Plan consistent with the Governor's call to achieve needed conservation at a level appropriate for local conditions; and

Be it further resolved that the Municipal Water District of Orange County will coordinate with Metropolitan and its member agencies to develop a common regional message and accelerate its outreach efforts in order to communicate the need for additional water use efficiency efforts to Orange County public officials, residents and businesses; and

Be it further resolved, that the Municipal Water District of Orange County encourage all local water agencies, cities, and the County of Orange to join in this call for enhancing water use efficiency efforts through the adoption of appropriate resolutions or ordinances in their

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jurisdictions.

Said Resolution was adopted on November 3, 2021, by the following roll call vote:

AYES: Directors
NOES: Directors
ABSENT: None
ABSTAIN: None

I HEREBY CERTIFY the foregoing is a full, true and correct copy of Resolution No.___ adopted by the Board of Directors of Municipal Water District of Orange County at its meeting held on November 3, 2021.

Maribeth Goldsby, Secretary
Municipal Water District of Orange County



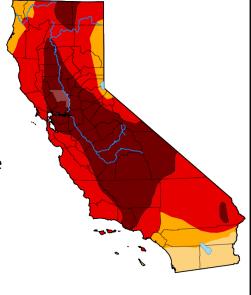


Implementing The Water Shortage Contingency Plan

Joint Board Workshop November 3, 2021

Current Conditions

- Currently in the second year of the driest two year period in California history
- Historic low storage levels seen in the Colorado River Basin
- National Weather Service forecast centers are showing persistent hot and dry conditions across the Southwest through the winter





State Water Project Allocation & Exclusive Areas

- MET anticipates receiving an initial allocation of 0%
- An end-of-year allocation of $\approx 16\%$ is need to balance demands in the SWP Exclusive Areas
- DWR may use the Health and Safety Provision of State Water Contract to allocate water for 2022





3

Governor's Proclamation



- Expanded State of Emergency Drought Conditions
- Called on Water Suppliers to implement their Water Shortage Contingency Plans (WSCPs)
- Reiterated the call for agencies to target
 15% savings from 2020 levels
- Empowered the SWRCB to adopt additional emergency regulations

MET's Response

- Moved to Level 2- Water Supply Alert in August
- Resolution Considered for November Board Meeting
 - Focuses on the preservation of supplies for SWP Exclusive Areas
 - Calls on member agencies to implement mandatory conservation levels

BASELINE Water Use Efficiency	Ongoing conservation, recycling, and outreach to <u>build</u> storage
CONDITION 1 Water Supply Watch	Local agency voluntary dry-year conservation measures and <u>use</u> of regional storage reserves
CONDITION 2 Water Supply Alert	Regional call for conservation through drought ordinances and other measures to mitigate use of storage
CONDITION 3 Water Supply Allocation	Implement Water Supply Allocation Plan: Level: 1 2 3 4 5 6 7 8 9



5

MWDOC's WSCP-Level 1

- MWDOC notifying its member agencies that due to drought a consumer imported demand reductions of up to 10% is recommended.
- Communications Protocols for Level 1
 - Updating MWDOC's messaging platform to reflect actions needed from the public
 - Announcing the status change
 - Increased conservation messages
 - Enhanced promotion of on-going WUE programs
 - Increased coordination
 - Analysis of data to determine any appropriate supplemental actions

Level	Shortage
Level 0	0% (Normal)
Level 1	0%-10%
Level 2	11%-20%
Level 3	21%-30%
Level 4	31%-40%
Level 5	41%-50%
Level 6	>50%



MWDOC's WSCP- Level 2

- MWDOC notifying its member agencies that due to drought a consumer imported demand reduction of over 10% is necessary.
- Communications Protocols for Level 2
 - Updating MWDOC's messaging platform to generate immediate actions
 - Announcing the status change
 - Increased activities related to mass media, partnerships, and events
 - Enhanced promotion of on-going WUE programs
 - Conduction of issue briefings with elected officials
 - Increased coordination
 - Analysis of data to determine any appropriate supplemental actions

1	
	MWDOC

Level	Shortage
Level 0	0% (Normal)
Level 1	0%-10%
Level 2	11%-20%
Level 3	21%-30%
Level 4	31%-40%
Level 5	41%-50%
Level 6	>50%

7

MWDOC's WSCP



- Level 1 & Level 2 actions contain substantially similar actions
- Primary difference is the degree to which MWDOC is targeting water use savings
- At either level MWDOC staff will coordinate with member agencies
- Activation of the WSCP is separate and apart from the Water Supply Allocation Plan

Options

- Option 1- Pass the attached resolution activating MWDOC's Water Shortage Contingency Plan at a Level 2 and direct staff to take appropriate actions as outlined in the adopted Plan.
- Option 2- Pass the attached resolution activating MWDOC's Water Shortage Contingency Plan at a Level 1 and direct staff to take appropriate actions as outlined in the adopted Plan.
- Option 3- Do not pass the attached resolution thereby not activating MWDOC's Water Shortage Contingency Plan above the base level.



9

Recommendation

- Staff recommends Option 1
- Staff is available for any questions





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

From: Natural Resource Results

RE: Monthly Board Report - November 2021

Appropriations

On October 19th, Senate Democrats unveiled the remaining nine appropriations bills that had not yet been made public (three bills, including the bill that funds the Bureau of Reclamation, were released in August). In theory, this is a step forward in the Fiscal Year 2022 appropriations process. However, Senate Republicans have clearly stated their opposition to these bills based upon the fact that there is not yet an agreement on the topline spending amount for all twelve appropriations bills. Given that, the Democratic bills could still be subject to change. As a reminder, federal agencies are currently operating under a short-term Continuing Resolution (CR) that expires on December 3rd.

WEROC

With the release of the remaining appropriations bills, we were able to determine that the WEROC EOC was unfortunately not provided funding. You will recall that both Senators Feinstein and Padilla requested project specific funding for the EOC.

Since the release of the bills, NRR and MWDOC staff have begun a post-mortem analysis to determine why WEROC was not funded. In conversations with Senator Feinstein's office, we have learned that FEMA provided technically assistance to the Senate Appropriations Committee on the specific account that we were seeking funding from. According to Feinstein's office, FEMA determined that the WEROC was technically not eligible for funding from the Emergency Operations Center Grant Program (projects had to meet eligibility requirements for the grant program to be eligible for an earmark).

We have contacted both the Senate Appropriations Committee and FEMA to better understand FEMA's rationale and to make the case that we are in fact eligible for funding – we aren't going down without a fight.

Infrastructure

On October 28th, the White House and Democratic leaders announced a \$1.75 trillion "framework" on the budget reconciliation bill. It remains to be seen if the framework, which does not have legislative text, will be enough for progressive Democrats to support moving

forward on a vote on the bipartisan infrastructure bill. Speaker Pelosi will attempt to bring the infrastructure bill to the House floor vote for a vote later today (October 28th) after President Biden went to Congress this morning in an attempt to sell the framework to the Democratic caucus. The situation is very fluid and will likely look different by the time that we present this report to the MWDOC board.

Colorado River Hearings

Earlier this month, the House Natural Resources Subcommittee on Water, Oceans and Wildlife, held a hearing on "Colorado River Drought Conditions and Response Measures." All seven basin state representatives, including Peter Nelson representing the Colorado River Board of California, testified in addition to Assistant Secretary for Water and Science, Tanya Trujillo, and representatives of the tribes. The main theme of the hearing was collaboration and cooperation amongst the states and their partners, including the federal government. The tribal representatives asked for more representation in the upcoming negotiations. John Enstminger, the Nevada state representative, said this which accurately summed up where things stand: "This river community is at a crossroads and has a simple but difficult decision to make: do we double down on the promises of last century and fight about water that simply isn't there or do we roll up our sleeves and deal with the climate realities of this century?"

Congressman Huffman asked Ms. Trujillo about the Salton Sea and she responded that stability at the Salton Sea helps create stability within California and with other states and the federal government. Congressman Huffman asked Mr. Nelson why federal support of partnerships around Salton Sea restoration is so important and Mr. Nelson answered that Salton Sea historically has been a part of the delta and part of the Colorado River Basin and it is critically important to the Pacific Flyway. The public health risks need to be mitigated and a partnership will ensure success. He noted support from other basin states in managing the Salton Sea.

The second day of the hearing on October 20th included testimony from other participants including Adel Hagekhalil, General Manager and Chief Executive Office of The Metropolitan Water District of Southern California and Enrique Martinez, General Manager of the Imperial Irrigation District. Mr. Hagekhalil spoke of the importance of the proposed partnership between Metropolitan, the Los Angeles County Sanitation District, the Southern Nevada Water Authority, Central Arizona Water Conservation District, and the Arizona Department of Water Resources to develop the largest wastewater purification facility in the United States.

CVP Biological Opinions

There are currently two ongoing federal lawsuits related to the 2019 CVP biological opinion. In one of those cases, the State of California sued the federal government over what they claim are inadequate protections for listed fish species in the 2019 biological opinions. There has quite a bit of activity in the court lately over this litigation which is highlighted below.

- In early October, the federal government formally reinitiated consultation on the 2019 biological opinion.
- The state and feds agreed to an interim operations plan for the CVP for water year 2022 and filed that with a federal judge in an effort to show progress on the litigation. The interim operations plan essentially has the CVP operate to the SWP ITP, rather than the 2019 biological opinion.

Water users and fisheries group both filed complaints with the court stating that there was insufficient modeling done during the development of the interim operations plan (which neither the NGOs nor the water users had seen).

There have also been several letters (attached) from members of Congress in both parties to the Secretary of the Interior and the Secretary of Commerce highlighting their serious concerns with the proposed interim operations plan.

PFAS

On October 18th, the EPA unveiled its "PFAS Strategic Roadmap". Of note for MWDOC, the plan, includes timelines for the agency to regulate PFAS in drinking water between now and 2024. EPA proposes to develop, through rulemaking, a national drinking water standard for PFOA and PFAS. EPA expects to issue a proposed rule in the fall of 2022 followed by a final rule in the fall of 2023. One thing that the roadmap does not do is delineate whether EPA plans to regulate PFAS wholesale as a class or take a smaller scale approach of regulating specific compounds.

Shortly after release of the plan, Rhadika Fox, who leads EPA's Office of Water, testified in front of the Senate Environment and Public Works Committee where she faced questions from Senators on EPA's roadmap. While there was bipartisan support for addressing PFAS, there was also bipartisan concern over the critical question of liability. Lawmakers from both parties noted that there are many industries, including the water sector, that do not manufacture PFAS but are extremely worried about being held liable for contamination.

Voluntary Agreements

On October 20th, CalEPA and the California Natural Resources Agency sent a letter (attached) to several water districts that have been working towards a Voluntary Agreement on the San Joaquin River and its tributaries (technically Phase I of the Water Quality Control Plan Update). The letter essentially states that the state agencies will be moving forward trying to secure a VA on the Sacramento River and its tributaries (technically Phase II of the Water Quality Control Plan Update) due to the lack of progress on a Phase I agreement.

While it's hard to tell exactly what this means for the VAs on a macro level, it means that for the time being, the state plans to move forward with its unimpaired flow proposal for Phase I rather than with a voluntary agreement.

Congress of the United States Washington, DC 20515

October 14, 2021

Secretary Secretary

U.S. Department of the Interior California Natural Resources Agency

1849 C Street NW 715 P Street, 20th Floor Washington D.C. 20240 Sacramento, CA 95814

Dear Secretary Haaland and Secretary Crowfoot:

We write to express our strongest concerns over new court filings in the State of California's lawsuit challenging the 2019 Biological Opinions for the continued coordinated operations of the federal Central Valley Project and the State Water Project.

We understand the new filings include an unprecedented operations plan for the coming water year, submitted by the State with the federal Bureau of Reclamation. Amid ongoing extreme drought conditions facing California and across the West, a court-ordered water management plan for a single water year, which has not been subject to adequate scientific or public review, is the worst possible outcome.

The recently concluded water year was the worst drought year since 1976-1977. Lack of water has brought hardship and lost jobs to farms, farmworkers, and communities in the Central Valley. We must do all we can to provide reliable water supply to our communities, safeguard our environment, and to ensure that we grow the food needed to feed our nation. The drought has had equally devastating impacts on protected fisheries in the Central Valley, which the interim water operations plan would not fix but, instead, undercut any continued voluntary habitat restoration efforts for protected species.

When the State of California and federal government began developing different water project operation requirements, we warned in April 2020 that protracted litigation was likely to occur that would have dire impacts for California. We fear that is now becoming reality.

The interim operations plan submitted to the court seemingly reverts to a calendarbased approach using historical averages predating 2009, which neither account for changing hydrological conditions due to climate change nor conditions on the ground for protected fish species such as habitat restoration efforts. It simply makes no sense and is both bad public policy and a backslide to an outdated approach.

Moreover, the interim water operations plan prevents progress on reaching voluntary agreements that most agree would improve California's water system and sustainability. Governor Newsom committed to finalize such voluntary agreements in his 2020 California Water Resilience Portfolio. This court filing by the State and federal government undermines that commitment.

A sustainable operations plan needs to incorporate real-time monitoring, adaptive management, and other flexibility so that water can get to areas experiencing extreme drought and water supply shortages. Any such water operations plan also needs to account for the needs for fisheries as determined by conditions in real time, not calendar-based flow averages. The interim operations plan falls flat on both accounts.

If the federal court process continues to unfold as we expect, we foresee more lawsuits driving operational decisions, which are best left to operations, environmental, and water professionals, not judges and attorneys. Court-ordered management throws California's water supply into chaos, ignoring an already punishing drought year. Simply put, it would inflict avoidable harm on our state's economy, people, and the environment.

We urge you to commit to resolving operational differences through compromise instead of prolonged litigation detrimental to the people we all serve. Thank you for your consideration.

Sincerely,

JIM COSTA Member of Congress JOHN GARAMENDI Member of Congress JOSH HARDER Member of Congress

/s/

Congress of the United States Washington, DC 20515

October 21, 2021

The Honorable Deb Haaland Secretary U.S. Department of the Interior 1849 C Street, NW Washington, D.C. 20240

The Honorable Gina M. Raimondo Secretary U.S. Department of Commerce 1401 Constitution Ave. NW Washington, D.C. 20230

Dear Secretary Haaland and Secretary Raimondo:

We are writing to express our grave concerns with the proposed interim operations plan for the Central Valley Project (CVP) and the State Water Project (SWP) submitted on October 14, 2021, by Federal and State agencies to the United States District Court in the consolidated litigation challenging the 2019 biological opinions for long-term operations of the CVP and SWP (2019 BiOps) and the 2020 Record of Decision on Reinitiation of Consultation on the Coordinated Long-Term Modified Operations of the Central Valley Project and State Water Project (2020 ROD).

The proposed interim operations plan represents a huge step backward in California's effort to protect, restore and enhance the Delta ecosystem and provide reliable water supplies. We are at a complete loss as to why the U.S. Bureau of Reclamation (Reclamation) would agree to the proposed changes in operations, which deviate significantly from operations described in the 2019 BiOps and the 2020 ROD.

The 2019 BiOps and the 2020 ROD: (1) were the product of a consultation that was initiated in 2016 by the Obama administration; (2) reviewed operations of the CVP and SWP proposed by Reclamation and the California Department of Water Resources, which operates the SWP; (3) were prepared by career staff in the U.S. Fish and Wildlife Service (FWS) and the National Marine Fisheries Service, under the leadership of the Regional Director of the FWS, an appointee of the Obama administration; (4) were peer-reviewed in the course of their development; and (5) were based on the best scientific and commercial data available, including

what had been learned about the impact of CVP and SWP operations on species in the decade after adoption of the biological opinions they replaced. Furthermore, at the time of their release, these career staff extolled that the 2019 biological opinions would provide greater protection of the listed species, while restoring operational flexibility for the CVP and SWP. Indeed, as explained by career staff in declarations filed in the consolidated litigation, operations under the 2019 BiOps and the 2020 ROD have shown demonstrative benefits to the species resulting from the adaptive, real-time management approach prescribed by the 2019 biological opinions.

Now, less than two years after the 2019 BiOps were issued and accepted through the 2020 ROD, the Reclamation and State agencies have proposed, without any explanation, an interim operations plan that seemingly reverts to a calendar-based approach using historical averages, which accounts for neither changing hydrological conditions nor real-time biological needs or environmental information concerning listed fish species, such as their distribution. At a minimum, any changes in operations adopted through an interim operations plan that further restrict water supply must be based on an analysis that employs the best available science and provides a clear explanation of why the changes are required to avoid jeopardy or adverse modification of designated critical habitat. (It must be noted that for some species, which have a three-to-four-year life cycle, it would be difficult to reach that conclusion because the 2019 biological opinions have not been given time to work.) In addition, prior to the adoption of changes in operations through an interim operations plan, Reclamation must prepare an adequate analysis under the National Environmental Policy Act, as it did in 2019 prior to the adoption of an interim operations plan for Klamath Project.

Accordingly, we request that you defer implementation of the proposed interim operations plan until the agencies in your respective departments: (1) evaluate whether the proposed changes are required to avoid jeopardy to federally listed species or adverse modification of designated critical habitat; and, (2) analyze potential impacts of the proposed operational changes on the environment, species, and water supply. During that process, it is our expectation that, consistent with Section 4004 of the Water Infrastructure Improvements for the Nation Act, you will involve public water agencies that contract for the delivery of water from the CVP and SWP.

We understand fully that California is experiencing extraordinary drought conditions. However, those extraordinary drought conditions make it all the more important that decisions regarding the management of water be carefully evaluated and explained. Those decisions will affect millions of people, in nearly every region of the State, millions of acres of farmland, and the environment. Care must be taken to ensure that additional, avoidable hardships are not imposed on people already experiencing hardships because of the pandemic and ongoing drought.

Thank you for your attention to this matter. We look forward to your prompt response and request we receive your response no later than November 4, 2021.

Sincerely,

Ken Calvert
Member of Congress

Darrell Issa Member of Congress

Doug LaMalfa Member of Congress

Devin Nunes Member of Congress

Michelle Steel Member of Congress

makelle Street

Kevin McCarthy House Republican Leader

Keni Mª Cust

Mike Garcia Member of Congress

Young Kim Member of Congress

Tom McClintock Member of Congress

Jay Obernolte
Member of Congress

Congress of the United States

Washington, DC 20515

October 20, 2021

The Honorable Gavin Newsom Governor State Capitol, Suite 1173 Sacramento, CA 95814

The Honorable Deb Haaland Secretary, Department of the Interior 1849 C Street, NW Washington, D.C. 20240

The Honorable Gina M. Raimondo Secretary, Department of Commerce 1401 Constitution Ave. NW Washington, D.C. 20230

Dear Governor Newsom and Secretaries Haaland and Raimondo:

We appreciate your extensive efforts to collaborate with each other on the proposed interim operating plan for the Central Valley Project and the State Water Project recently filed in the *PCFFA v. Raimondo* consolidated litigation. However, it has come to our attention that there has been limited analysis and disclosure of the plan's impacts, and a lack of consultation with affected interests to refine the proposal and mitigate its adverse impacts. We therefore request that you defer implementation of any proposed plan until its effects are more thoroughly analyzed and options to reduce its impacts are carefully vetted in discussions with interested parties. We believe this effort could be completed before the start of the winter operations season in January.

The environmental plaintiffs and the water agency defendant-intervenors in the *PCFFA v. Raimondo* litigation have nearly diametrically opposed views on how the state and federal water projects should be managed. Yet their recent status reports in the litigation are in complete agreement that they have been provided neither information on the effects of the proposed plan, nor analysis of how it will comply with relevant legal standards. Unfortunately, the parties were given very little time to review and comment on the draft plan, with no supporting analysis provided to evaluate it until the Court required the Federal defendants to release such analysis in its October 15, 2021 order.

There are critically important questions that we urge your agencies to reevaluate following informed discussion with affected interests, including:

- whether the proposed changes are necessary to adequately protect the listed fish species, compared to actions under the 2019 Biological Opinions;
- whether alternatives, including non-flow actions that may provide equal or greater protection for those species, should be part of the proposal;
- whether greater flexibility to adapt to real-time information, which has become much more available over the past decade, could avoid jeopardizing fish while reducing hardships to multiple interests that depend on water supply; and
- how to address likely second-order effects of the proposal, including limited availability of water from other reservoirs besides Shasta for critically needed purposes and effects on other species.

While we commend you on reaching agreement in this matter, there is simply too much at stake to rush this plan. The actions taken by your agencies will affect millions of people and more than two-million acres of farmland and wildlife in California. We recognize that navigating the drought is extremely challenging, and appreciate the dedication of you and your staff to make the best of a very difficult situation. Going forward, we urge you to take the two months before the start of the winter operations season in January to engage with stakeholders and develop a more fully informed analysis of a revised interim operations proposal.

Sincerely,

Dianne Feinstein

United States Senator

John Garamendi

United States Representative

ranent

Jim Costa

United States Representative

Josh Harder

United States Representative

cc: Secretary Wade Crowfoot Secretary Jared Blumenfeld





October 20, 2021

Michael Carlin, Acting General Manager and Chief Operating Officer San Francisco Public Utilities Commission 525 Golden Gate Avenue (at Polk St.) San Francisco, CA 94102

Steve Knell, General Manager Oakdale Irrigation District 1205 East F Street Oakdale, CA 95361

Michelle Reimers, General Manager Turlock Irrigation District 333 East Canal Drive P.O. Box 949 Turlock, CA 95381

Peter Reitkerk, General Manager South San Joaquin Irrigation District P.O. Box 747 Ripon, CA 95366

Bill Schwandt, General Manager Modesto Irrigation District 1231 11th Street Modesto, CA 95352

John Sweigard, General Manager Merced Irrigation District 744 W. 20th Street Merced, CA 95340

Dear water district leaders,

Thank you for your engagement over the last several years to develop a Voluntary Agreement (VA) to improve conditions for fish and wildlife in the Sacramento-San Joaquin Delta and its major rivers, through a commitment to create habitat and increase flows while providing regulatory certainty to water users. Your collaboration and hard work have been truly appreciated.

We all recognize that a successful VA among water users and state and federal agencies must withstand legal and scientific scrutiny. This VA will be submitted to the State Water Resources Control Board (State Water Board) as a proposed pathway to implement its update to the San

Water District Leaders Page 2 October 20, 2021

Francisco Bay/Sacramento-San Joaquin Delta Water Quality Control Plan (Bay-Delta Plan). In that process, the VA will be subject to third-party scientific peer review and environmental analysis pursuant to the Water Code and the California Environmental Quality Act. The public will also have the opportunity to participate through the State Water Board's public proceedings.

Given the need for a strong, durable VA, our state team has worked together with waters users to secure certain thresholds of increased water flows and habitat improvements necessary to make a VA scientifically defensible. Meeting these thresholds is essential to enable a VA that can be approved by the State Water Board as a pathway to implement the Bay-Delta Plan.

These thresholds of needed flow and habitat have been clearly communicated over the last two years by our state team, and we have worked together with you to explore how these thresholds can be met. In fact, we paused discussions among all parties during this summer and early fall to allow for more time for the proposals by the San Joaquin River tributaries to develop. However, at this point it is clear that despite considerable efforts, proposed voluntary actions by water agencies on the San Joaquin River tributaries have fallen short of needed flow and habitat improvements, and viable proposals are not being offered at this time.

Accordingly, at this point, we will focus our efforts on advancing a VA with the Sacramento River basin water users and water agencies who contract with the State and Federal water projects. On a dual track, we will ask the State Water Board to resume all activities necessary to implement the flow objectives established by the 2018 Bay-Delta Plan for the Lower San Joaquin River and its three major tributaries, the Stanislaus, Tuolumne, and Merced rivers.

We continue to believe that collaboration, adaptive management, and voluntary agreements are the best way to ensure water resilience for California's communities, economy, and environment. Accordingly, we maintain hope that water agencies that utilize the San Joaquin River and its tributaries can become part of the VA. Specifically, we are including a provision in the VA to enable additional water agencies to join the agreement at a later date if they propose necessary levels of additional water flows and habitat. We stand ready and eager to collaborate with you on this important effort.

Sincerely,

Jared Blumenteld

Secretary

California Environmental Protection Agency

Wade Crowfoot

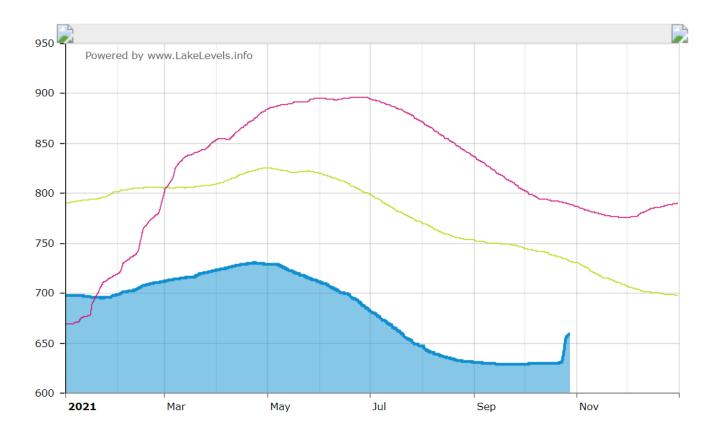
Secretary

California Natural Resources Agency



To:	MWDOC
From:	Syrus Devers, Best Best & Krieger
Date:	November 3rd, 2021
Re:	State Legislative Report

As this report is being prepared Sacramento is still drying out from the "bomb cyclone." In case you are as curious as at least one BB&K staffer, a bomb cyclone is caused by the jet stream carrying off rising air around the center of a storm, which causes atmospheric pressure to drop inside the storm at least 24 millibars in a 24 hour period. (Now you know.) The graph of water levels in the Oroville reservoir shows what everyone who works in water policy already knows.



The dark line at the top is the 2019 water level and the middle line is 2020. The largest reservoir, Shasta, rose a paltry three feet, and the New Melonies reservoir (4th largest) came up a foot...maybe. It was a great storm but the champagne corks will have to remain in place for now.



The Department of Water Resources continued working at a good clip by releasing the guidelines for the Sustainable Groundwater Management Act grant program on October 13th. The public comment period runs until November 29th and applications are due in February. The Budget Act allocated \$180 million to the program.

On December 2nd and 3rd the State Water Resources Control Board will hold workshops on "water use efficiency" including impacts on local wastewater management. It is difficult not to draw a connection between these workshops and the likely return of AB 1434 (Friedman) in January. That bill would have prematurely changed the water use standard for indoor water set in the conservation bill package in 2018. The principal argument against AB 1434 earlier this year was that there had been no public input in setting the standards. BB&K expects dealing with AB 1434 to be a major focus next year.

Bill Matrix

Item No. 4c

Prepared by Best Best & Krieger, October 28th, 2021

A. Prior	A. Priority Support/Oppose	/Oppose				
Measure	Author	Topic	Status	Brief Summary	Position	Priority
AB 339	Lee D	Local government: open and public meetings.	10/7/2021-Vetoed by the Governor	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 local agencies to conduct meetings subject to the act consistent with applicable state and federal civil rights laws, as specified.	Support	A. Priority Support/Oppose
AB 361	Rivas, Robert D	Open meetings: state and local agencies: teleconferences.	9/16/2021- Approved by the Governor. Chaptered by Secretary of State - Chapter 165, Statutes of 2021.	Would, until January 1, 2024, 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 during a declared state of emergency, as that term is defined, when state or local health officials have imposed or recommended measures to promote social distancing, during a proclaimed state of emergency held for the purpose of determining, by majority vote, whether meeting in person would present imminent risks to the health or safety of attendees, and during a proclaimed state of emergency when the legislative body has determined that meeting in person would present imminent risks to the health or safety of attendees, as provided.	Support	A. Priority Support/Oppose
Page 36 of 113	Rivas, Robert D	Water quality: impaired waters.	Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENS E FILE on 5/19/2021) (May be acted upon	Failed Control Board and regional boards to prioritize enforcement of Deadline 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. SUSPENS The bill would create the Waterway Recovery Account in the E FILE on Waste Discharge Permit Fund and would make moneys in the S/19/2021) 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.	Opposition	A. Priority Support/Oppose

	A. Priority Support/Oppose	A. Priority Support/Oppose	A. Priority Support/Oppose
	Support	Support	Oppose unless amended
	The Surface Mining and Reclamation Act of 1975 prohibits a person, with exceptions, from conducting surface mining operations unless, among other things, a permit is obtained from, a specified reclamation plan is submitted to and approved by, and financial assurances for reclamation have been approved by the lead agency for the operation of the surface mining operation. The act exempts certain activities from the provisions of the act, including, among others, emergency excavations or grading conducted by the Department of Water Resources or the Central Valley Flood Protection Board for the specified purposes; surface mining operations conducted on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the Department of Water Resources for the purpose of the State Water Resources Development System or flood control; and surface mining operations on lands owned or leased, or upon which easements or rights-of-way have been obtained, by the Central Valley Flood Protection Board for the purpose of flood control. This bill would additionally exempt from the provisions of the act emergency excavations or grading conducted by the Metropolitan Water District of Southern California (MWD) for its own operations and infrastructure for specified purposes.	Current law, by Executive Order N-29-20, suspends the Ralph ailed 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 notice requirements particular to teleconferencing and would revise the requirements of the act to allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda, provided that the public is allowed to observe the meeting and address the legislative body directly both in person and remotely via a call-in option or internet-based service option, and that a quorum of members participate in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the jurisdiction.	Failed Fund in the State Treasury to help water systems provide an adequate and affordable supply of safe drinking water in both pursuant to 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 (Last board for grants, loans, contracts, or services to assist eligible
Jan 2022)	9/16/2021- Approved by the Governor. Chaptered by Secretary of State - Chapter 166, Statutes of 2021.	5/7/2021-F ailed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 2/25/2021) (May be acted upon Jan 2021)	7/14/2021- Failed Deadline pursuant to Rule 61(a)(11).
	Surface Mining and Reclamation Act of 1975: exemption: Metropolitan Water District of Southern California: master reclamation plan.	Open meetings: local agencies: teleconferences.	Drinking water.
	Mayes I	Rubio, Blanca D	Gristina D
	<u>AB 442</u>	AB 703	9611 BV 37 of 113

	A. Priority Support/Oppose	A. Priority Support/Oppose	A. Priority Support/Oppose
	Opposition		
recipients. This bill would prohibit a public water system from transferring or abandoning a water right held by the public water system except upon approval of the state board, as prescribed.	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.	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 \$7,080,000,000 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.	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 flood protection program.
location was N.R. & W. on 6/9/2021)(May be acted upon Jan 2022)	5/25/2021- Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 4/27/2021) (May be acted upon Jan 2022)	9/10/2021- Failed Deadline pursuant to Rule 61(a)(15). (Last location was RLS. on 5/20/2021) (May be acted upon Jan 2022)	9/10/2021- Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIV E FILE on 6/1/2021)(
	Urban water use objectives: indoor residential water use.	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022.	Wildfire Prevention, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022.
	Friedman D	Garcia, Eduardo D	Portantino D
	AB 1434	<u>AB 1500</u>	Page 38 of 113

	A. Priority Support/Oppose	A. Priority Support/Oppose	A. Priority Support/Oppose
	Watch	Opposition	Support
	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.	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.	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.
May be acted upon Jan 2022)	9/10/2021- Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIV E FILE on 9/3/2021)(May be acted upon Jan 2022)	Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENS E FILE on 5/17/2021) (May be acted upon Jan 2022)	Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. on 3/15/2021) (May be acted upon
	Water Rate Assistance Program.	Discontinuation of residential water service.	State Water Resources Control Board: Constituents of Emerging Concern Program.
	Dodd D	Dodd D	Portantino D
	SB 222	SB 223	OE 28 230 Page 39 of 113

	A. Priority Support/Oppose	A. Priority Support/Oppose	A. Priority Support/Oppose
	Support	Support	Support
	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. Existing law provides that a local agency levying a new 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, 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 or proceeding to attack, review, set aside, void, validate, or annul an ordinance, resolution, or motion adopting, modifying, or amending water or sewer service fees or charges adopted after January 1, 2022, to be commenced within 120 days of the effective date or the date of final passage, adoption, or approval of the ordinance, resolution, or motion, whichever is later.	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.	Would establish the Water Conveyance Restoration Fund in the State Treasury to be administered by the Department of Water Resources in consultation with the State Water Resources Control Board and the Department of Fish and Wildlife. 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
Jan 2022)	9/23/2021- Chaptered by Secretary of State. Chapter 216, Statutes of 2021.	5/25/2021- Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENS E FILE on 5/10/2021) (May be acted upon Jan 2022)	9/10/2021- Failed Deadline pursuant to Rule 61(a)(15). (Last location
	Local government: water or sewer service: legal actions.	Water Innovation Act of 2021.	Department of Water Resources: water conveyance systems: Water Conveyance Restoration Fund.
	Caballero D	Caballero D	Hurtado D
	<u>SB 323</u>	<u>SB 351</u>	652 H Page 40 of 113

			INACTIV E FILE on 9/8/2021)(May be acted upon Jan 2022)	would require the Director of Water Resources to apportion money appropriated from the fund, subject to specified requirements, for the Friant-Kern Canal, Delta-Mendota Canal, San Luis Field Division of the California Aqueduct, and San Joaquin Division of the California Aqueduct.		
B. Watch	ے					
Measure	Author	Topic	Status	Brief Summary	Position	Priority
AB 11	Ward D	Climate change: regional climate change authorities.	4/30/2021- Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 1/11/2021) (May be acted upon Jan 2022)	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 autorities, state agencies, and other relevant stakeholders.	Watch	B. Watch
<u>AB 50</u>	Boerner Horvath D	Climate change: Climate Adaptation Center and Regional Support Network: sea level rise.	4/30/2021- Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 1/11/2021) (May be acted upon Jan 2022)	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
15 8 Page 41 of 113	<u>Quirk</u> D	Climate change: adaptation: regional climate adaptation planning groups: regional climate adaptation plans.	4/30/2021- Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT.	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 plans.	Watch	B. Watch

	B. Watch	B. Watch	B. Watch
	Watch	Watch	Watch
	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 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.	The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law 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. Current law 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, commencing January 1, 2023, prohibit a person from manufacturing, and offering for sale in the state, an endpoint device, as defined, that does not meet a certain lead leaching standard. The bill would, commerce or offering for sale in the state an endpoint device that does not meet that lead leaching standard.	Thee 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
RES. on 1/11/2021) (May be acted upon Jan 2022)	4/30/2021- Failed Deadline pursuant to Rule 61(a)(2). (Last location was L. GOV. on 1/11/2021) (May be acted upon Jan 2022)	10/8/2021- Approved by the Governor. Chaptered by Secretary of State - Chapter 692, Statutes of 2021.	9/23/2021- Approved by the
	Mitigation Fee Act: fees: notice and timelines.	Drinking water: endpoint devices: lead content.	Coastal resources: sea level rise.
	Gabriel D	Holden D	Atkins D
	<u>AB 59</u>	00 Page 42 of 11	<u>SB 1</u>

	B. Watch	B. Watch
	Watch	Watch
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 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.	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, as defined, 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. The bill would require a municipal wastewater agency that enters into or amends one of these agreements after January 1, 2022, to file a copy of the agreement or amendment with the local agency formation commission in each county where any part of the municipal wastewater agency's territory is located, but would exempt those agreements and amendments from local agency formation commission approval except as required by the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.	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
Governor. Chaptered by Secretary of State. Chapter 236, Statutes of 2021.	9/23/2021- Approved by the Governor. Chaptered by Secretary of State. Chapter 241, Statutes of 2021.	10/9/2021- Approved by the Governor. Chaptered by Secretary of State. Chapter 763, Statutes of 2021.
	Water quality: municipal wastewater agencies.	Local government meetings: agenda and documents.
	Hertzberg D	Wieckowski D
	<u>SB 273</u>	Page 43 of 113

	B. Watch	B. Watch	/atch
	B B B	B B	B. Watch
	Watch	Watch	Watch
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.	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, 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 revise those consolidation provisions, including, among other revisions, authorizing the state board to also order consolidation where a water system, as defined, or where 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.	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.	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
	9/23/2021- Approved by the Governor. Chaptered by Secretary of State. Chapter 242, Statutes of 2021.	9/10/2021- Failed Deadline pursuant to Rule 61(a)(15). (Last location was INACTIV E FILE on 8/19/2021) (May be acted upon Jan 2022)	4/30/2021- Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 2/25/2021) (May be acted upon Jan 2022)
	Drinking water:	Metropolitan Water District of Southern California: rules: inappropriate conduct.	Community water systems: lead user service lines.
	Gonzalez D	Stem D	Min D
	<u>SB 403</u>	<u>SB 480</u>	929 Page 44 of 113

				creating a state-mandated local program by expanding the scope of crimes under the California Safe Drinking Water Act.			
SB 552	Hertzberg D	Drought planning: Small water suppliers: Approved nontransient noncommunity water Systems. Chaptered by Secretary of State. Chapter 245, Statutes of 2021.	Approved by the Governor. Chaptered by Secretary of State. Chapter 245, Statutes of 2021.	Current law required the Department of Water Resources, in consultation with the State Water Resources Control Board, to propose to the Governor and the Legislature, by January 1, 2020, recommendations and guidance relating to the development and implementation of countywide drought and water shortage contingency plans to address the planning needs of small water suppliers and rural communities, as provided. This bill would require small water suppliers, as defined, serving 1,000 to 2,999 service connections, inclusive, and nontransient noncommunity water systems that are schools, no later than July 1, 2023, to develop and maintain an abridged Water Shortage Contingency Plan that includes specified drought-planning elements.	Watch	B. Watch	

Total Measures: 27

Total Tracking Forms: 27

Item No. 4d

Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
Metropolitan-	AB 442	Amended	Surface Mining and Reclamation	SPONSOR	Maintaining critical water infrastructure
sponsored bills	Mayes (I)	8/16/2021	Act of 1975: exemption:		requires coordinated regulatory
	5		Metropolitan water District of		compliance. Metropolitan is proposing
	Sponsor:	CUAPTEBED	Southern California: single master	Dand on Oatslan	legislation to allow it to develop a master
	Metropolitan	CITALIENED	reciamation pian	Based on October 2019 Board	site to consistently administer and enforce
	•		Amends the Surface Mining and	Action	SMARA compliance for responding to
			Reclamation Act of 1975 (SMARA)		emergencies and repairing, maintaining or
			to prepare a master reclamation plan		replacing any pipelines, infrastructure, or
			for emergency excavations or		related transmission systems used to
			grading on lands owned, leased, or		distribute water in Southern California.
			with easements for repairs and		The July 12 amendments clarify that the
			maintenance of pipelines,		master reclamation plan satisfies all
			infrastructure, or related		reclamation plan requirements for each
			transmission systems used to		individual surface mining site and the role
			distribute water in Metropolitan's		of the State Mining and Geology Board
			service area.		as lead agency for surface mining
					operations, including the ability to
					conduct site inspections and collect fees.
Metropolitan-	SB 230	Introduced	State Water Resources Control	CO-SPONSOR	Metropolitan and CMUA are co-
sponsored bills	Portantino (D)	1/19/2021	Board: Constituents of Emerging		sponsoring legislation in response to
			Concern Program		growing public concern about CECs in
	Sponsors:			Based on October	drinking water. The bill would establish
		Senate	Seeks to create a statewide program	2019 Board	a CEC Drinking Water Program at the
	Metropolitan and	Appropriations	to identify and evaluate Constituents	Action	State Water Resources Control Board.
F	the California	Committee	of Emerging Concern (CECs) in		The program would set up a consistent
Pag	Municipal		drinking water sources.		and science-based approach for
je 4	Utilities	Two-year bill			assessing the public health and drinking
16 of	Association (CMUA)				water consequences of CECs, with the
113			1		

Topic	Bill Number	Status	Title – Summary	MWD Position	Effects on Metropolitan
	Author				intout to immunity Irania of conditions
					Illelli to illiplove kilowicuge allu luture
					regulatory determinations.
Drinking Water	AB 588	Amended	California Safe Drinking Water	SUPPORT	The bill would create flexibility for water
	Garcia, E. (D)	3/30/2021	Act: compliance		agencies to comply with new primary
				Based upon	drinking water standards. Metropolitan
	Sponsors:		Would allow the State Water	Board-adopted	supports granting more time to comply if
		Two-year bill	Resources Control Board to approve	2021 State	a contaminant requires extensive
	Association of		a compliance period of not less than	Legislative	treatment and capital investments. Large
	California Water		30 days and no more than 6 months	Priorities and	water agencies with adequate resources
	Agencies		for new primary drinking water	Principles	may be able to comply sooner with new
			standards and would allow an		MCLs, but smaller systems may need
	California		additional 12 months on a case-by-		longer lead times to invest in routine
	Association of		case basis.		monitoring and treatment. Water agencies
	Mutual Water				granted longer compliance periods would
	Companies				have to report on progress.
Water Quality	AB 377	Amended	Water quality: impaired waters	WATCH	The April 13 amendment substantively
and Treatment	Rivas, R. (D)	4/13/2021			revised the bill. The blanket prohibitions
			Would require the State Water	Based upon	on the issuance of new, renewed, or
	Sponsor:	Assembly	Resources Control Board and	Board-adopted	remodified NPDES waivers, waste
		Appropriations	Regional Water Quality Control	2021 State	discharge requirements, and permits with
	California	Committee	Boards to evaluate impaired surface	Legislative	best management practices have been
	Coastkeeper		waters and report to the Legislature a	Priorities and	removed. There is still language with
	Alliance	Suspense File	plan to bring them in to attainment	Principles	provisions pertaining to new enforcement
			by January 1, 2050. Requires by		procedures for discharges that are
			January 1, 2023 the State Water		"causing or contributing to an exceedance
ſ			Board and Regional Boards		of water quality standard in a surface
⊃aç			prioritize enforcement of surface		water of the state." However, it is too
ge 4			water quality standards and creates		early to assess how, or if, the State and
47 (the Waterway Recovery Account to		Regional boards will take enforcement
of 1			provide funding to bring impaired		action on low-threat drinking water

Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
			surface water segments into compliance		discharges to bring "all water segments" into attainment by the 2050 target date.
Water Governance and	AB 1195 C. Garcia (D)	Amended 5/24/2021	Drinking water.	OPPOSE UNLESS	Seeks to address the needs of public water systems in Southern Los Angeles County
Funding	Sponsor:		Requires the State Water Resources Control Board (State Water Board)	AMENDED	struggling to provide safe and affordable retail water. The May 24 amendments
	J	Two-year bill	to appoint a commissioner to	Based upon May	limit the role of the commissioner to
	Author		implement the Safe and Affordable Fund for Equity and Resilience	2021 Board Action	focus on implementation of the SAFER Prooram and create a nilot prooram with
			Program (SAFER Program) in		Los Angeles County LAFCO to extend
			Southern Los Angeles County.		service or consolidate struggling systems.
					amendments to further clarify the role of
					the commissioner; strike a provision that
					grants the commissioner the authority to
					audit public water systems and bypass the
					public process created by the Legislature;
					Chota Wotar Doord inniediation over
					State water Board jurisdiction over
					decisions to transfer or abandon groundwater rights.
Delta/State	SB 369	Amended	Flood control: Yolo Bypass Cache	SUPPORT	The 2020 Water Resources Development
Water Project	Pan (D)	6/14/2021	Slough Partnership Multi-Benefit		Act authorized a comprehensive study of
			Program	Based upon	the Yolo Bypass and its future role in
	Sponsor:			Board-adopted	regional flood control. A state master plan
F		CHAPTERED	Codifies State recognition and	2021 State	for the Yolo Bypass-Cache Slough would
Pag	Sacramento Area		support for the Yolo Bypass	Legislative	similarly advance multi-benefit
je 4	Flood Control		Partnership and its efforts to advance	Priorities and	restoration projects and encourage state
18 of	Agency		coordinated master planning and accelerate restoration activities for	Principles	and federal agencies to coordinate regulatory compliance and funding for
113			3		

Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
			the Yolo Bypass-Cache Slough region.		flood control, water supply, habitat and recreation. The June 14 amendments support work by the city of West Sacramento in collaboration with state and federal agencies.
Delta/State Water Project	SB 626 Dodd (D)	Amended 6/21/2021	Construction Manager/General Contractor Procurement Method: Department of Water Resources	SUPPORT Based upon Board-adouted	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
	Sponsor: Author	CHAPTERED	Authorizes the Department of Water Resources (DWR) to use the Construction Manager/General Contractor (CM/GC) procurement	2021 State Legislative Priorities and Principles	design build procurement method can begin earlier and take less time because of overlapping design and construction phases. This will reduce the overall cost
			method for construction contracts.	•	ot capital infrastructure, public safety and habitat restoration projects. The bill requires an annual report to the Legislature regarding the use of these procurement methods and sets a limit of no more than seven projects per procurement method. The June 21 amendments clarify the construction manager/general contractor procurement
3		,			method process.
Delta/State Water Project	AB 979 Frazier (D)	Amended 4/13/2021	Sacramento-San Joaquin Delta: projects: sea level rise analysis	OPPOSE	The bill as amended on April 13 would apply to Metropolitan as owners of Delta
Page	Sponsor:	Held under	report	Board-adopted	Islands and the Department of Water Resources as operator of the State Water
e 49 of	Author		private developers undertaking a project in the San Joaquin-	2021 State Legislative	Ocean Protection Council scenarios from a 2018 guidance document including one
113			4		

Topic	Bill Number	Status	Title – Summary	MWD Position	Effects on Metropolitan
			Sacramento Delta to complete and submit to the Delta Stewardship Council, Delta Protection Commission and Legislature a report that analyzes the impact of sea-level rise (SLR) on the project.	Priorities and Principles	projecting an additional 22 feet of rise at the Golden Gate bridge. It could add significant costs and delays to Delta levees or habitat restoration projects including the DCP, an action covered under the Delta Reform Plan. Any updates to the plan already require the Delta Stewardship Council to consider sea level rise.
Water/Energy Nexus	AB 1161 E. Garcia (D) Sponsor: Author	Amended 4/13/2021 Two-year bill	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.	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 Metropolitan's retail electricity rates above what is mandated by SB 100.
Water Bond Anfrastructure Annoling O	AB 1500 Garcia, E. (D) and Mullin (D) Sponsor:	Amended 5/18/2021 Two-year bill	Safe Drinking Water, Wildlife Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022	SUPPORT AND SEEK AMENDMENTS	Would provide funding for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.
113					

Topic	Bill Number	Status	Title – Summary	MWD Position	Effects on Metropolitan
	Author		Places a \$6.995 billion wildfire and water bond on the 2022 ballot for voter approval.	Based upon Board adopted 2021 State Legislative Priorities and Principles and Board action on AB 3256 (Garcia, 2020) 06/09/2020	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	Amended 4/8/2021 Two-year bill	Wildfire, Safe Drinking Water, Drought Preparation, and Flood Protection Bond Act of 2022 Places a \$5.595 billion wildfire and water bond on the 2022 ballot for voter approval.	AND SEEK 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.
Water Bond Infrastructure Funding abb 15	SB 559 Hurtado (D) Sponsors:	Amended 8/30/2021 Two-year bill	Department of Water Resources: water conveyance systems: Canal Conveyance Capacity Restoration Fund	WATCH Based upon Board adopted 2021 State Legislative	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
of 113			9		

E	Bill Number	27-7-2		A STATE OF THE STA	
1 opic	Author	Status	i iue – Summary	MWD POSITION	Effects on Metropolitan
	Friant Water		Establishes the Canal Conveyance	Priorities and	capacity of the canals and ensure a more
	Authority,		Capacity Restoration Fund that	Principles	secure water supply. Funds could be used
	San Luis & Delta		would upon appropriation provide up		to cover one-third of the cost to restore
	Mendota Water		to \$785 million in funding for the		the capacity of the canals. A federal
	Authority, and		Department of Water Resources		companion bill is envisioned that would
	State Water		(DWR) to help pay for subsidence		provide one-third the cost and local
	Contractors		repairs to the State Water Project and		partners would contribute the remaining
			Central Valley Project water		one-third of the cost. The creation of the
			conveyance systems and for		Fund is contingent upon all the following:
			necessary road and bridge upgrades.		an appropriation of funds; an agreement is
					executed to provide for local cost share;
					and the provision of adequate cost share
					as determined by the DWR Director. The
					August 8 Assembly Amendments are
					problematic causing the State Water
					Contractors and Metropolitan to withdraw
					support for the bill.
Innovation	SB 351	Amended	Water Innovation Act of 2021	SUPPORT	The water sector is facing a myriad of
	Caballero (D)	4/20/2021			challenges from climate change, aging
			Would create the Office of Water	Based upon Board	infrastructure, groundwater
	Sponsor:	Held under	Innovation at the California Water	adopted 2021	contamination, subsidence and freshwater
		submission	Commission to foster the adoption of	State Legislative	ecosystems vulnerable to climate change.
	California		new technologies and other	Priorities and	Innovative technologies and approaches
	Municipal Utilities		innovative approaches in the water	Principles	are needed to ensure a reliable water
	Association		sector. Creates the Water Innovation	Coldination	supply while trying to address the
			Fund, with monies available upon		challenges. An Office of Water
Pa			appropriation, to the Department of		Innovation could increase collaboration
ge :			Water Resources and State Water		among state agencies on innovative
52 (Resources Control Board to support		approaches, engage stakeholders, and
of			water innovation.		review regulations that may inhibit
113			7		

Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan
					innovation in order to recommend
					regulatory retorms.
Governance	AB 361 R Rivas (D)	Amended 9/3/2021	Open meetings: local agencies:	SUPPORT	Codifies Executive Order N-29-20 that
		1101		Based 11900	meetings virtually during state
			Authorizes local agencies to use	Dascu upon	emeroencies. Metropolitan currently hosts
	Sponsor:		teleconferencing during state	Board Action 270/2021	teleconferencing public meetings in
	٦.	CHAPTERED	emergencies and when social	011 3/3/2021	accordance with the Executive Order. AB
	California Special		distancing guidelines have been		361 allows Metropolitan to maintain
	Districts		imposed without complying with		transparency and public participation in
	Association		physical noticing or quorum		public meetings during current and future
			requirements under the Ralph M.		state declared emergencies until January
			Brown Act.		1, 2024. The September 3 amendments
					extend to certain state agencies the ability
					to meet virtually during state declared
					emergencies until January 31, 2022.
Governance	AB 703	Amended	Open meetings: local agencies:	SUPPORT	Metropolitan currently hosts
	B. Rubio (D)	04/29/2021	teleconferences		teleconferencing public meetings in
				Based upon	accordance with Executive Order, N-29-
			Amends the Ralph M. Brown Act to	Board Action	20. AB 703 allows the option to hold
	Sponsor:	Two-year bill	allow a local agency to use	on 3/9/2021	teleconferenced meetings into the future
			teleconferencing and removes certain		after the COVID-19 public health
	Three Valleys		noticing provisions for each		emergency is over and the Executive
	Municipal Water		teleconferencing location, requires		Order is lifted as long as a quorum of the
	District		the local agency to allow all		Board's directors participate in person,
ſ			members of the public to observe the		give notice and post agendas as
⊃aç			meeting and address the legislative		prescribed, and the public can address the
ge (body in person and remotely by		Board in person or by teleconference.
53 of			teleconference or internet option, and requires a quorum of members		
113			&		

Topic	Bill Number Author	Status	Title – Summary	MWD Position	Effects on Metropolitan	
			participate in person from a location noticed in the meeting agenda.			



DISCUSSION ITEMNovember 3, 2021

TO: Board of Directors

FROM: Robert Hunter, General Manager

Staff Contact: Melissa Baum-Haley

SUBJECT: PRESENTATION REGARDING MET OPERATIONAL DROUGHT

ACTIONS TO PRESERVE STATE WATER PROJECT SUPPLIES

STAFF RECOMMENDATION

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

REPORT

As a result of the record low State Water Project (SWP) "Table A" allocation and continued stresses from climate change, the critical need to address the reliability gap in areas of the Metropolitan system that only have access to SWP supplies has been intensified. At Metropolitan's October Engineering and Operations Committee, Metropolitan staff provided an update on on-going and future drought mitigation actions to preserve SWP Supplies.

Currently, the Department of Water Resources (DWR) is expected to announce a 0% initial 2022 SWP allocation by December 1, with no Table A allocation expected at least through January. If the year results in normal conditions, DWR only projects an increase up to a 20% allocation. Therefore, Metropolitan has been evaluating new drought actions for both the near- and long-term and has been working closely with the member agencies which comprise the "SWP Only" areas of the system.

The near-term opportunities Metropolitan is considering, includes integration between Metropolitan, DWR, and the San Bernardino Valley Municipal Water District systems for short-term water exchanges. Metropolitan is also looking at two near-term key facility improvements which are needed on the SWP East Branch at the (1) Wadsworth Bypass Pipeline and (2) Inland Feeder/Rialto Pipeline Intertie. While the long-term opportunities aim further reduce demands for limited SWP supplies. Such projects will likely require significant planning and capital investments.

Budgeted (Y/N): N/A	Budgeted a	amount: None	Core <u>X</u>	Choice
Action item amount: N/	A	Line item:		
Fiscal Impact (explain if	unbudgete	d):		



Further, as part of Governor Newsom's October 19 Drought Proclamation, to proactively prevent situations where a community runs out of drinking water, the Water Board, the Department of Water Resources, the Office of Emergency Services, and the Office of Planning and Research shall assist local agencies with identifying acute drinking water shortages in domestic water supplies, and shall work with local agencies in implementing solutions to those water shortages.

As DWR is signaling and planning for a dry 2022, Metropolitan is completing its health and safety needs assessment for the SWP Only areas. Of note, Article 18 (a) stipulates that if required, DWR may allocate SWP supplies on the basis of meeting minimum demands of contractors domestic, fire protection, or sanitation water needs during the year.

Next Steps

Metropolitan will continue coordination and action planning with member agencies, DWR, and other partnering agencies. While a number of short-term drought mitigation actions are in the process of being implemented, the Metropolitan Board will need to take action on the Wadsworth Bypass and Inland Feeder/Rialto Pipeline Intertie. Metropolitan staff is also developing a long-term plan for increased system resilience and flexibility.

MWDOC staff has invited Metropolitan's Keith Nobriga, Section Manager of Water Operations and Planning, to provide an overview of the extraordinary operational actions Metropolitan is taking to maximize reliability and preserve SWP supplies.

ATTACHMENT: Update on Drought Mitigation Actions - Metropolitan Engineering and Operations Committee presentation, Oct 11



Update on Drought Mitigation Actions

Engineering and Operations Committee

e Item 6b

Coctober 11, 2021

Ongoing Extraordinary Drought Actions to Preserve SWP Supplies



Maximizing reliability with extraordinary operational drought actions

October 11, 2027

Anticipating a zero percent initial 2022 SWP allocation Bleak Outlook for State Water Project

Lake Oroville







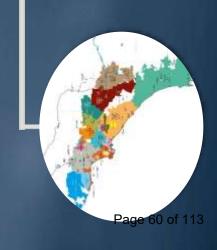
- Oroville storage may end the year at record low levels
- allocation in 2022 under normal DWR projects a 20 percent SWP conditions

Evaluating New Drought Actions for the Nearand Long-lerm

Collaboration and idea generation across Metropolitan and Member Agencies

- Generated 132 creative ideas
- About 50 ideas selected for further study and potential development

Project Categories









Conservation

Increase

Increase Local

Supplies

of Deliveries

and Operations

Shift Timing



Long-Term Opportunities to Further Reduce Demands for Limited SWP Supplies



Projects require significant planning and capital investments

Continue
investigating
long-term
project
opportunities

October 11, 202

Long-Term Opportunities to Further Reduce Demands for Limited SWP Supplies

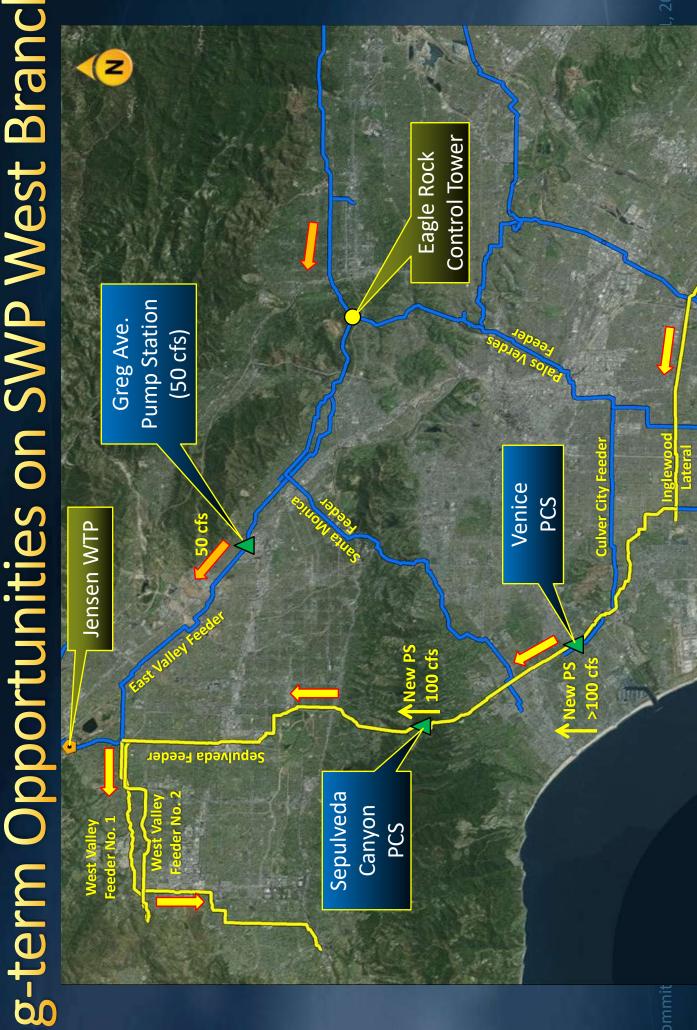


Projects require significant planning and capital investments

Continue
investigating
long-term
project
opportunities

October 11, 202

Long-term Opportunities on SWP West Branch

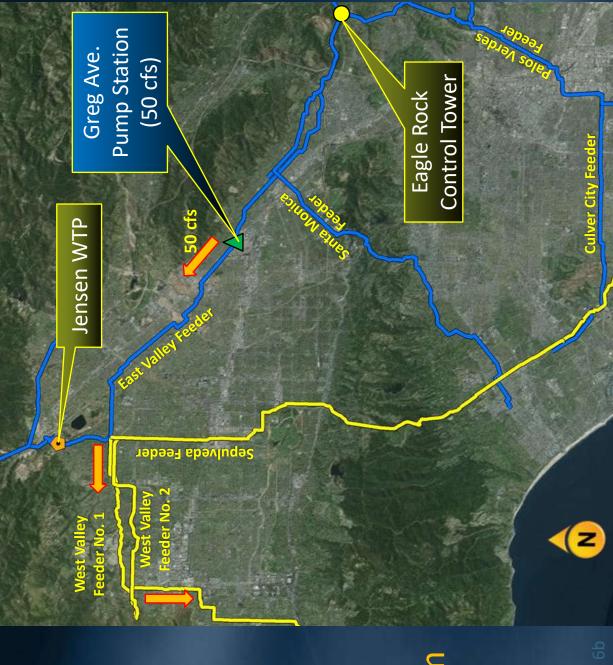


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Long-term Opportunities on SWP West Branch

Greg Avenue Pump Station East Valley Feeder and

- Designed for a maximum 50 cfs
- Increase in capacity requires:
- Additional pumping capacity
- Feeder or lining the existing East A pipeline parallel to East Valley Valley Feeder
- Increase the capacity of the system from Eagle Rock to Greg Avenue double barrel portions)



Long-term Opportunities on SWP West Branch

Greg Ave. Venice and Sepulveda Pump Stations Pump

Deliver water from the Common Pool

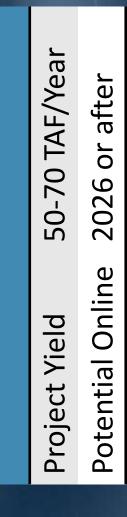
(50 cfs)

Jensen WTP

- 🏓 Reverse flow in Sepulveda Feeder
- Requires pumping
- One or both pump stations under consideration
- Requires expediting Sepulveda Feeder PCCP relining, currently scheduled to finish in **2027** or after

Sepulveda

Canyon



Venice

PCS

Itam 6h Slide

October 11, 2021

DWR's Devil Canyon

Integration of Metropolitan, DWR, and SBVMWD systems

Local Supply Introduction		>	>		
New or Revised Agreements	>	>	>	>	
Other Agency Facilities		>	>	>	
Mew Infrastructure	>			>	>
Existing Infrastructure	>	>	>	>	>
Basic Feature	Exchange	Exchange	Exchange	Pump DVL water to Rialto	Pump DVL water to Rialto
Option Description	DVL to SBVMWD	SBVMWD Local Supply to SBVMWD System	SBVMWD Local Supply to Rialto	DVL to Rialto via Existing Booster Pump Station	DVL to Rialto via New Pump Station at PC-1
Option	1	2а	2b	m Pa	7 ige 66 of

RIALTO PIPELINE

TOTALTO PIPEL

Option 1 – SBVMWD Exchange

Take SBVMWD SWP supply

Exchange later with DVL Supply

Use current pumping capacity

Requires Wadsworth Bypass

Project Yield 5-6 TAF (carryover supplies)
Potential Online 2023

SWP Supply
Second Afterbay
Second Afterbay
Et. 1930'
Et.

SBVMWD

Option 2a – SBVMWD Exchange with Local Supply Introduction

- Take SBVMWD SWP supply
- Pump SBVMWD local supply through Inland Feeder to parts of their system to offset demands
- Exchange with DVL or SWP supply after drought period
- Requires no new infrastructure

(carryover supplies) 5-6 TAF Potential Online 2022 **Project Yield**

DWR's Devil Canyon system Second Afterbay Mountains VA San Bernardino PIPELINE **SWP Supply** Fontana Rialtr Pump Station **Redlands GW** Pipeline Legend: SBVMWD

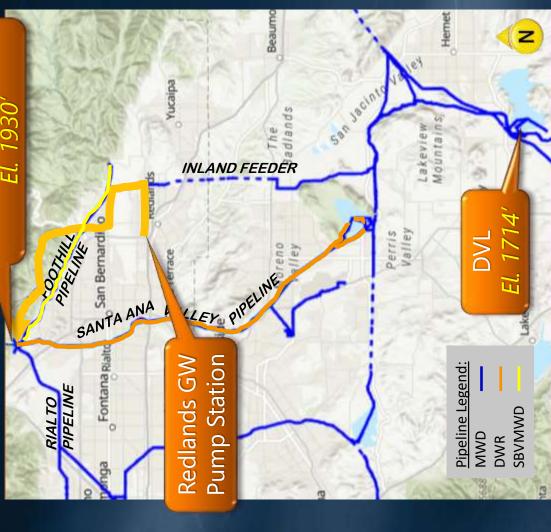
Option 2b – SBVMWD Exchange with Local Supply Introduction

DWR's Devil Canyon

Second Afterbay

- Inland Feeder to Devil Canyon to Rialto Pump SBVMWD local supply through
- Exchange with DVL or SWP supply after drought period
- Requires no new infrastructure

Project Yield 10-12 TAF/Year Potential Online 2022



E&O Committee

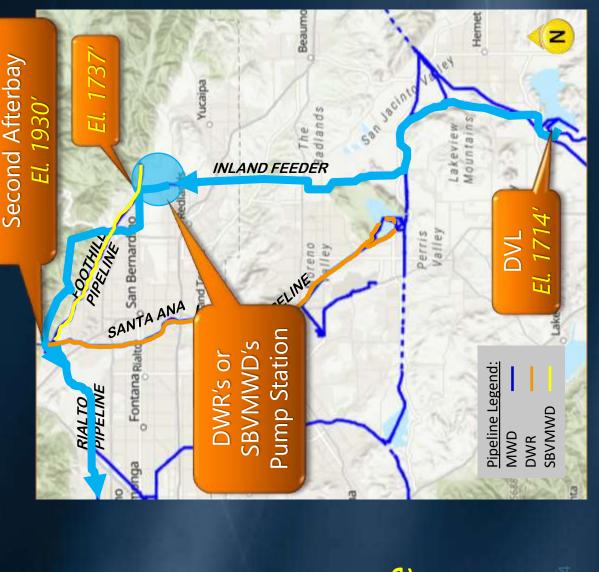
DWR's Devil Canyon

Option 3 – DVL to Rialto

(Existing Booster Pump Station)

- Tie into DWR's or SBVMWD's existing sdwnd
- Pump water from DVL to Rialto
- Agreements with DWR and SBVMWD for facility uses
- Inland Feeder / Rialto Pipeline Intertie Requires Wadsworth Bypass and the

Project Yield 60-100 TAF/Year Potential Online 2023 or after



ge 70 of 11

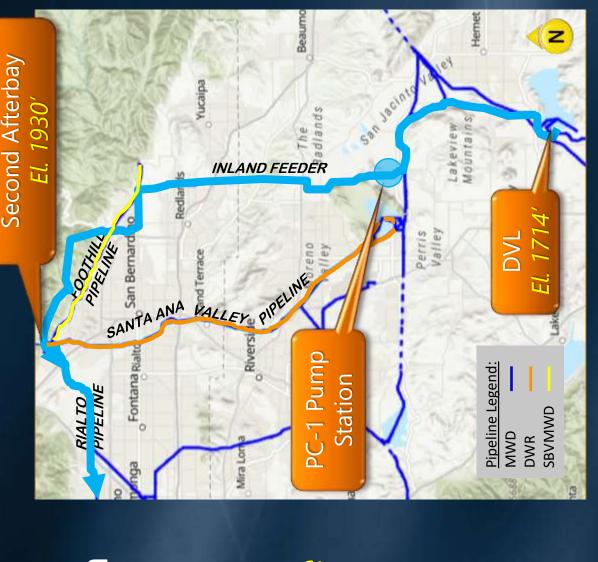
Long-term Opportunity on SWP East Branch

DWR's Devil Canyon

Option 4 - DVL to Rialto (New Pump Station at PC-1)

- Design/Construct PC-1 Pump Station
- Pump water from DVL to Rialto (via PC-1)
- Use of Metropolitan facilities only
- Requires Wadsworth Bypass and the Inland Feeder / Rialto Pipeline ntertie

Project Yield 60-100 TAF/Year Potential Online 2026 or after

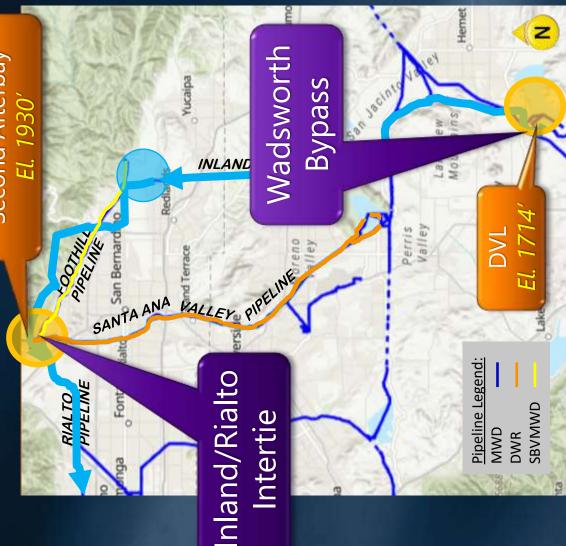


Two Key Facility Improvements Needed

DWR's Devil Canyon Second Afterbay

Wadsworth Bypass Pipeline

Inland Feeder/Rialto Pipeline Intertie



Pumphouse Forebay 2021 Google From DVL Current DVL Operation Pressure Control Structure (by gravity) To Mills

Wadsworth Bypass Pipeline



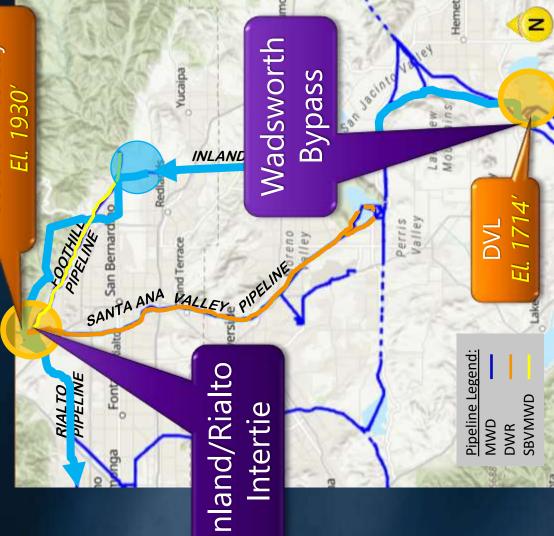
Tunnel Portal Arrowhead Proposed El. 1875' Intertie Inland Feeder / Rialto Pipeline Intertie Proposed ~El. 1830 Intertie and easier operation Allows higher flow DWR's Devil Canyon Second Aferbay El. 1930

Near-term Opportunities on SWP East Branch

Two Key Facility Improvements Needed

DWR's Devil Canyon Second Afterbay

			9		
Potential Yield	5-6 TAF (carryover)	5-6 TAF (carryover)	10-12 TAF/yr	60-100 TAF/yr	60-100 TAF/yr
Needs Inland/Rialto Intertie				>	>
Needs Wadsworth Bypass	>			>	>
Potential Online Date	2023	2022	2022	2023 or after	2026 or after
Description	DVL to SBVMWD	SBVMWD Local Supply to SBVMWD System	SBVMWD Local Supply to Rialto	DVL to Rialto via Existing Booster Pump Station	DVL to Rialto via New Pumps at PC-1
Option	1	2a	2b	ო	▼ Page 76 of



Next Steps

- Continued coordination and action planning with member agencies, DWR, and other partnering agencies
- Implement short-term drought mitigation actions
- Staff to review details at the E&O Virtual Field Inspection Trip on October 21
- Schedule Board Action on Wadsworth Bypass and Inland Feeder/Rialto Pipeline Intertie
- 🏓 Develop long-term plan for increased system resilience and flexibility





DISCUSSION ITEMNovember 3, 2021

TO: Board of Directors

FROM: Robert Hunter, General Manager

Staff Contact: Melissa Baum-Haley

SUBJECT: DISCUSSION REGARDING METROPLITAN'S INTEGRATED

RESOURCES PLAN (IRP) IMPLEMENTATION

STAFF RECOMMENDATION

Staff recommends the Board of Directors discuss and file this information.

REPORT

Metropolitan staff is currently incorporating the Integrated Water Resources Plan (IRP) observations from the gap analysis findings for the four scenario portfolios into key takeaways and high-level recommendations. The IRP is anticipated to be adopted by the end of Calendar Year 2021.

With this, the technical-level process will transition to a collaborative process with member agencies and stakeholders focused on implementation and adaptive management. The post-IRP Implementation Plan is expected to commence early in 2022. This will be used to develop a decision support strategy for thinking through timing and the basis for adaptive management actions, using available information and evaluation. The post-IRP Implementation process will likely consider various projects and programs to meet the scenario gaps with recognition of factors such as cost, supply yield, and timing.

General Manager Hagekhalil has explained that the IRP will capture Metropolitan's potential supply gaps and guide the district during the post-IRP Implementation Plan process of identifying what alternatives (such as projects or programs) to invest in. This process may also be tied to a Financial Plan.

The post-IRP Implementation Plan will likely consider the most severe outcomes as identified in the IRP (Scenario D), where challenges are due to both increasing demands and

Budgeted (Y/N): N/A	Budgeted amount: None		Core <u>X</u>	Choice		
Action item amount: N/A		Line item:				
Fiscal Impact (explain if unbudgeted):						

decreasing local and imported supplies resulting in shortages to both Metropolitan's "blended" areas as well as the "SWP-Only" areas.

It should be noted, that the vulnerability of the "SWP-Only" areas is a key finding in the IRP gap analysis. The IRP confirmed this is a critically vulnerable issue across the range of scenarios and needs to be addressed to ensure regional reliability. This reliability gap has only intensified with the record low SWP "Table A" allocation and continued stresses from climate change. Therefore, based on this IRP finding and an anticipated zero percent initial SWP "Table A" Allocation for 2022, investments in the SWP exclusive areas is assumed to be the foremost priority for Metropolitan.

RECAPITULATION

Portfolio Analysis Approach

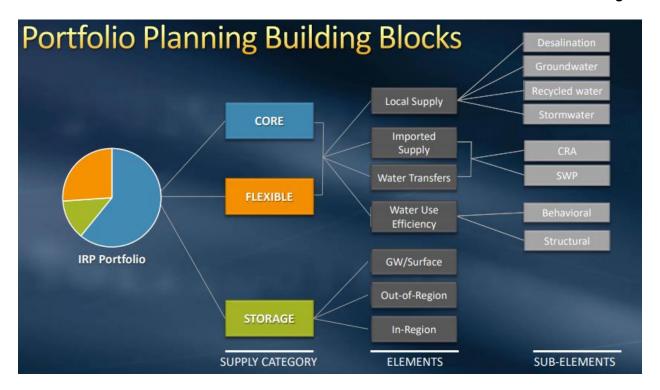
The portfolio planning approach began with the assessment of categories of investments at a high level. A portfolio is the result of a set of investments and actions to meet given objectives over a period of time. It consists of existing supplies and programs, and future investments or actions. For the 2020 IRP, water reliability has been identified as a primary goal, with a time frame of 25 years (to the year 2045).

Three portfolio planning categories are identified: Core Supply, Flexible Supply, and Storage.

- Core supply/Demand reduction is generally available and used every year to meet demands under normal conditions. It has a high level of reliability and value if used often, otherwise it is expensive.
- 2. **Flexible supply/Demand response** is implemented on an as-needed basis and may or may not be available for use each year. It would be considered expensive if used too much or too often, resulting in better value if only used occasionally.
- 3. **Storage** is the capability to save water supplies to meet demands at a later time. It is the means to convert a core supply into a flexible supply, thereby evening out variability in supply and demand. The portfolio planning categories can be broken into building blocks as illustrated below.

Additionally, a successful portfolio will address reliability challenges, such as areas of the system that are constrained to only State Water Project water, and may need a combination of all three categories.

The portfolio modeling incorporates Metropolitan's Water Surplus and Drought Management (WSDM) Plan, taking into account the programs, facilities, and operations that are currently in place. Considerations include: WSDM actions; put and take capabilities; total storage capacities; and distribution system constraints such as areas only served by SWP water.



Gap Analysis Findings and Portfolio Category Analysis

Scenario A

Scenario A is driven by a combination of plentiful regional and local supplies, a struggling economy, low population growth, and a continuing water use ethic across the region. It is the least challenging overall reliability outlook of the four IRP scenarios.

- Shortages are addressed with existing resources and storage programs/supplies
- Unable to manage up to 770 TAF of surplus supply 50% of the time
- End of year storage is above 4.5 MAF 89% of the time by 2045

Key takeaways from Scenario A include:

- No new investments in Core, Flexible or Storage are necessary provided the assumed demand and supply levels are maintained
- Combination of lower demand and stable supplies are end-user initiated without additional intervention from Metropolitan

Scenario B

Scenario B reflects increasing retail demands across the region resulting from relatively high population growth and a strong economy. Fortunately, climate change impacts are manageable and imported supplies remain stable.

- Shortages occur between 1-5% of the time through planning horizon
- Up to 300 TAF of shortage in 2045
- End of year storage is above 4.5 MAF 90% of the time by 2045

Development would be needed of each portfolio category alone to achieve reliability. An additional 500,000 AF of new SWP storage capacity with a 250,000 AFY put/take capacity will eliminate shortage (except for 1% in 2045), if that storage can reach the "SWP-Only" areas.

Key takeaways from Scenario B include the following:

- Challenges are due mostly to increasing demands
- A combination of Core, Flexible and Storage will optimize how we eliminate shortages
- 150 TAF of Core supply need is feasible, however time to develop near-term supply must be considered
- Up to 300 TAF of Flexible supply need is identified that would require both new supply and demand response actions
- All shortages experienced in "SWP-Only" areas, adding CRA storage will not reduce frequency or magnitude of shortage

Scenario C

Scenario C combines modest population and economic growth with successful efforts among local agencies to manage water use behavior. Rapid onset of climate change effects and regulatory constraints impact imported supplies and local supplies.

- Shortages occur between 1-5% of the time through planning horizon
- Up to 200 TAF of shortage in 2045
- End of year storage is above 4.5 MAF 52% of the time by 2045

Development would be needed of each portfolio category alone to achieve reliability. An additional 500,000 AF of new SWP storage capacity with a 250,000 AFY put/take capacity will eliminate shortages.

Key takeaways from Scenario C include the following:

- Challenges are due mostly to decreasing local and imported supplies
- A combination of Core, Flexible and Storage will optimize how we eliminate shortages
- 100 TAF of Core supply need is reasonable, however the lead time to develop nearterm Core supply must be considered
- Up to 200 TAF of Flexible supply need is identified that would require both new supply and demand response actions
- All shortages experienced in "SWP-Only" areas, adding CRA Storage will not reduce frequency or magnitude of shortage

<u>Scenario D</u>
Scenario D is affected by higher demands, unstable imported and diminishing local supplies. Drivers of change on both demand and supply-side conspire to present serious threats to water reliability. High retail demands reflect strong economic and demographic growth and a rebound of water using behaviors. Severe climate change and regulatory constraints impact both imported and local supplies. Scenario D is the most challenging overall reliability outlook of the four IRP scenarios.

- Risk of shortage increasing substantially through the planning horizon (2-66%)
- Up to 1.22 MAF of shortage in 2045
- End of year storage is above 4.5 MAF 52% of the time by 2045

Development would be needed of each portfolio category alone to achieve reliability and no amount of additional storage capacity will eliminate shortage on its own. However, combining categories optimizes outcomes. The addition of 1 MAF of SWP storage with 500,000 AFY put/take capacity reduces the need for 100-250 TAF of Core Supply in years 2036-2045.

Key takeaways from Scenario D include the following:

- Challenges are due to both increasing demands and decreasing local and imported supplies
- Investments in a combination of Core, Flexible and Storage are necessary to address shortages
- Additions to Core Supply and Storage work together in tandem
 - More storage reduces how much core supply is needed
 - More core supplies are needed to stockpile in storage over time
- Shortages affect Metropolitan's "blended" areas in the out-years, not just attributed to the "SWP-Only" areas

IRP Key Observations

The overall key observations can be partitioned into five main subjects: reliability, storage, efficiency/demands, system improvements, and implementation.

The *reliability* needs focus on managing and meeting "SWP-Only" demands in order to achieve the regional reliability goal as potential shortages in "SWP-Only" demands are critical vulnerabilities in any scenario. Maintaining existing levels and/or developing new core supplies is imperative to achieving the reliability goal. Maintaining and developing local supplies is key to core supply where potential loss of imported supplies have significant impacts.

Storage is critical for balancing supply/demands across all scenarios and optimizes core supply development. New storage capacity is most effective if that supply can reach the "SWP-Only" areas. As existing storage programs begin to expire during the IRP planning horizon, the Metropolitan Board will need to set policy direction on whether to renegotiate existing storage programs.

Water use efficiency and behavior have a large impact on the size of the supply/demand gap for all scenarios and the scenarios in which demands are lower lead to greater reliability. Taking steps to control growth in demands for Metropolitan deliveries can be a robust strategy to ensure reliability as lower demands are easier to manage but also put stress on financial sustainability.

Investments in **system improvements** may help move additional water currently available to Metropolitan to the "SWP-Only" areas. Additionally, partnerships with agencies to provide access to additional supply to the "SWP-Only" areas may assist in achieving the reliability goal.

Moving into the arena of *implementation*, while each scenario warrants different sets of actions to ultimately achieve the reliability goal, looking across all scenarios with combined portfolio categories will result in robust actions.



INFORMATION ITEM

November 3, 2021

TO: Board of Directors

FROM: Robert Hunter, General Manager

Staff Contact: Kevin Hostert

SUBJECT: WATER SUPPLY CONDITIONS UPDATE

STAFF RECOMMENDATION

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

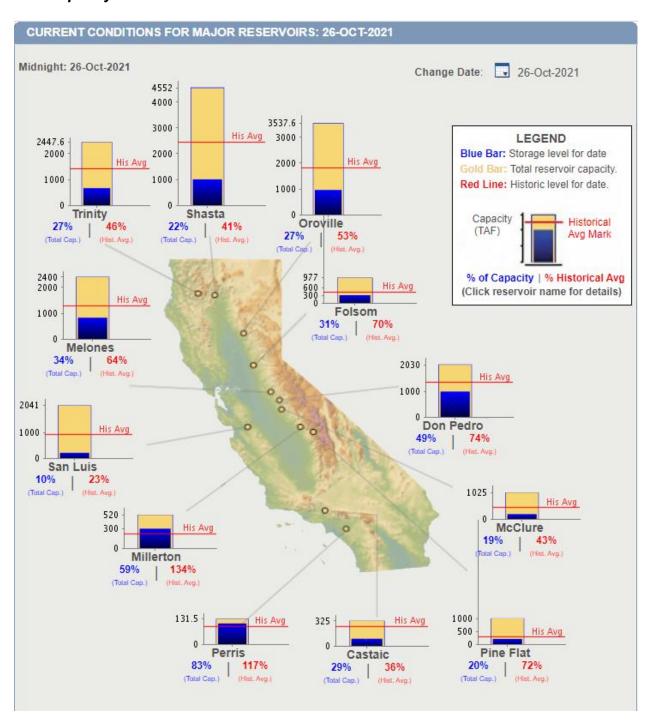
SUMMARY REPORT

The 2021-22 Water Year (2021-22 WY) officially started on October 1, 2021. Thus far, Northern California accumulated precipitation (8-Station Index) reported 12.5 inches or 478% of normal as of October 27th. For 2021-20 WY, the Northern Sierra Snow Water Equivalent peaked at 20.2 inches on March 24th, which is 71% of normal for that day. Due to the below average precipitation/snowfall in 2020-21 WY, the Department of Water Resources (DWR) has set the State Water Project (SWP) "Table A" allocation at 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. A Table A allocation of 5% is 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 **2.6 inches or 151%** of normal as of October **25th**. 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 **1.4 inches as of October 27th**, which is **140% of** normal for that day. Due to the below average precipitation/snowfall in 2020-21 WY, the United States Bureau of Reclamation declared a shortage at Lake Mead starting January 1st, 2022. There is and a 97% chance of shortage continuing in 2023.

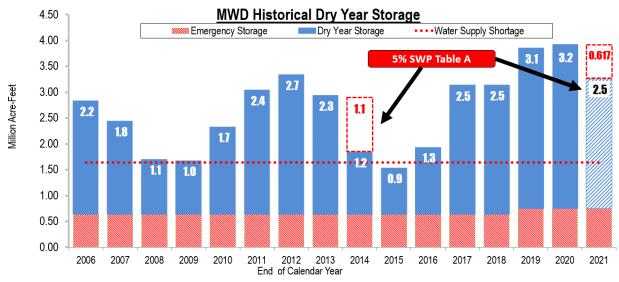
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Action item amount: N/A		Line item:				
Fiscal Impact (explain if unbudgeted):						

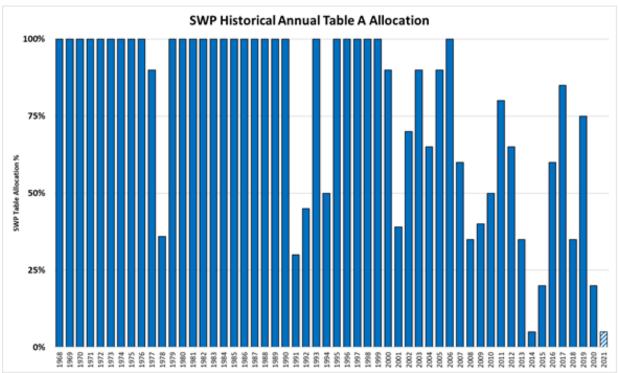
As of October 26th Lake Oroville storage is at **27% of total capacity and 53% of normal**. As of October 26th San Luis Reservoir has a current volume of **10% of the reservoir's total capacity and is 23% of normal**.



With estimated total demands and losses of 1.797 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 2.5 MAF.**

A projected dry-year storage supply of 2.5 MAF will be the fourth highest amount for Metropolitan, a very impressive accomplishment given that the last two years have been exceptionally 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 PowerPoint







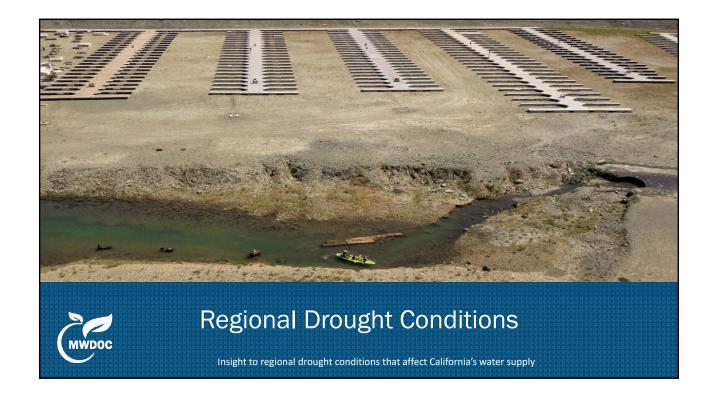


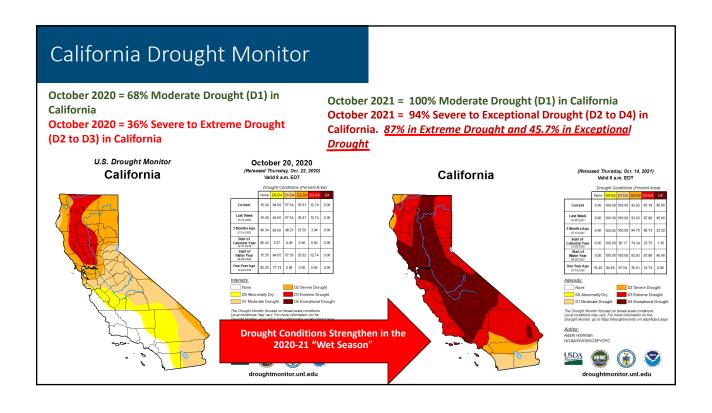
Water Supply Conditions

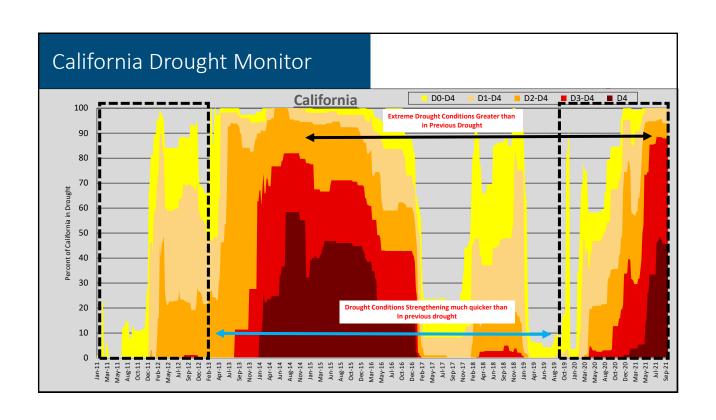
Kevin Hostert, Water Resources Analyst
Municipal Water District of Orange County

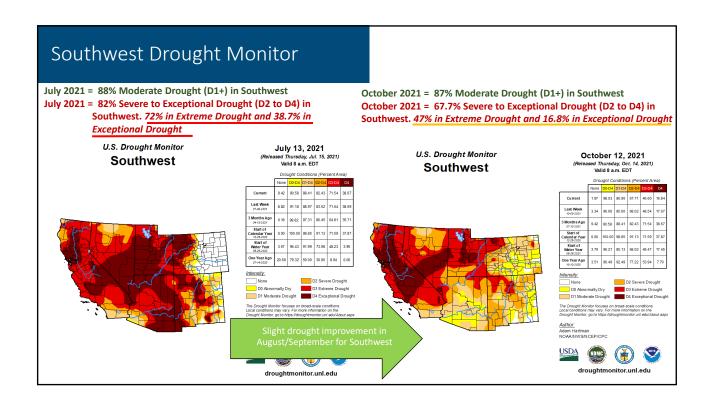
November 3rd 2021

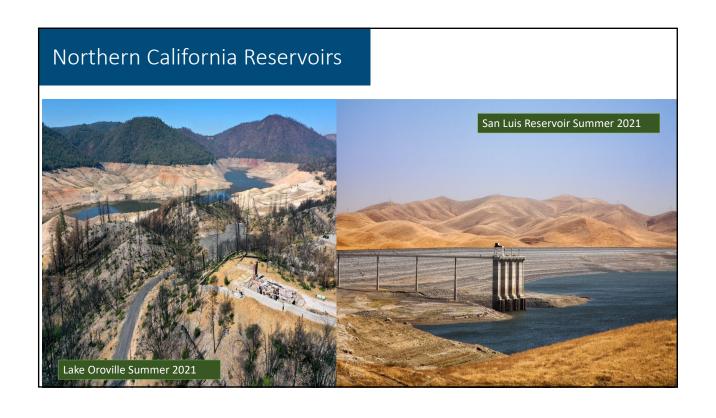


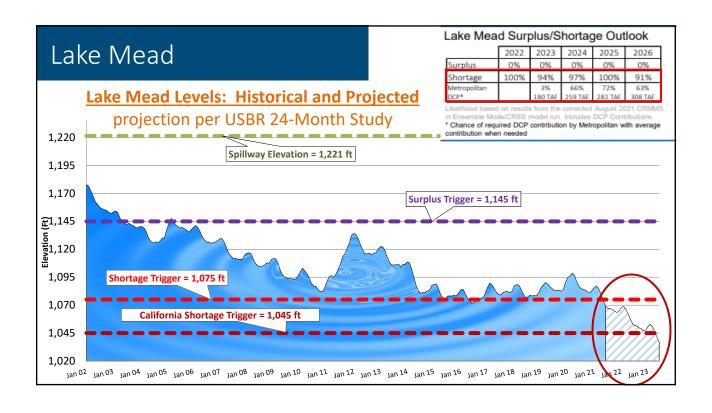


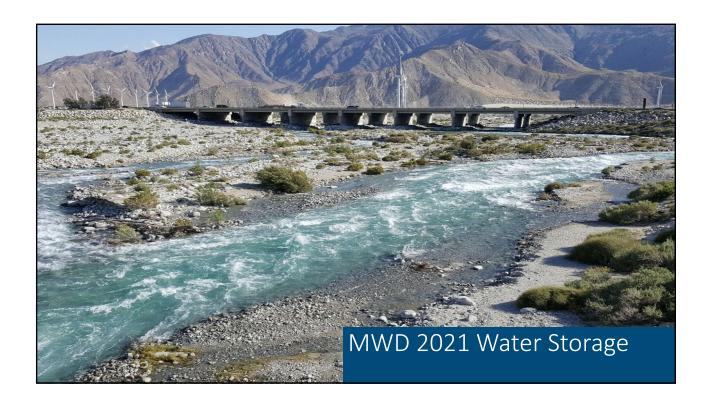


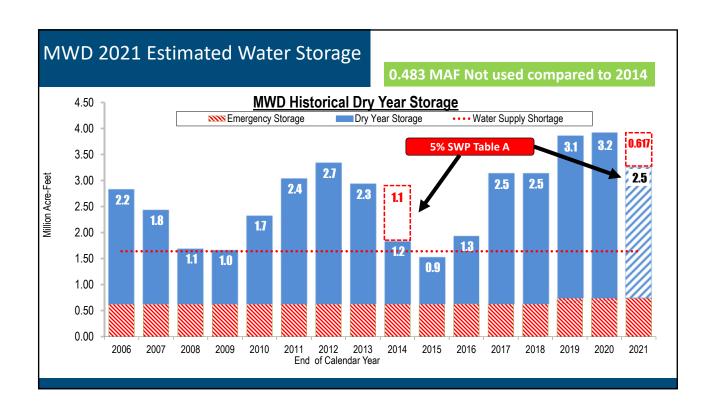




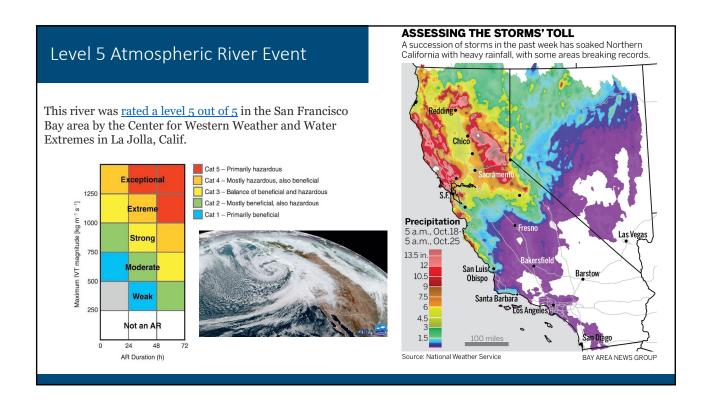


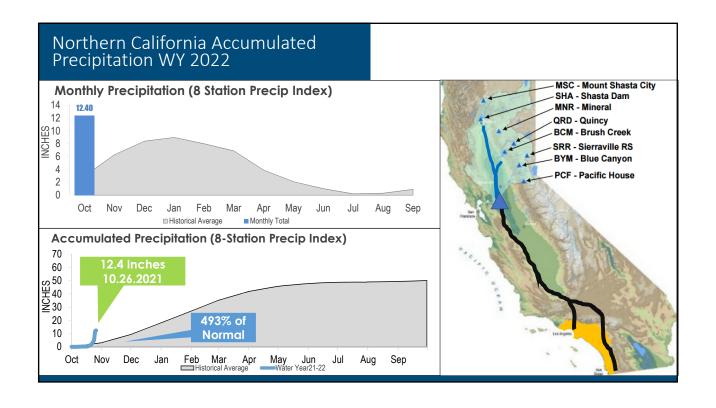


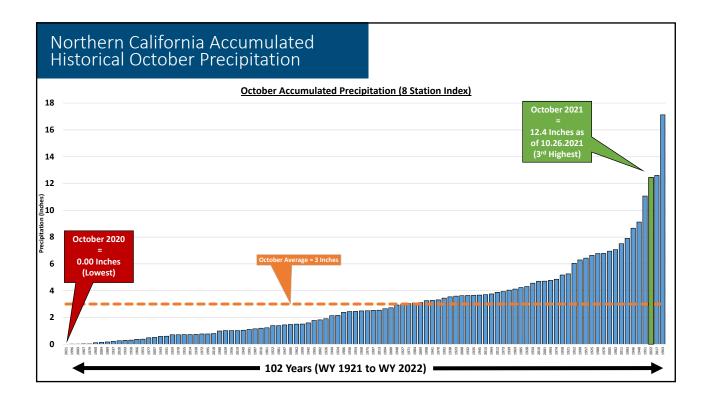


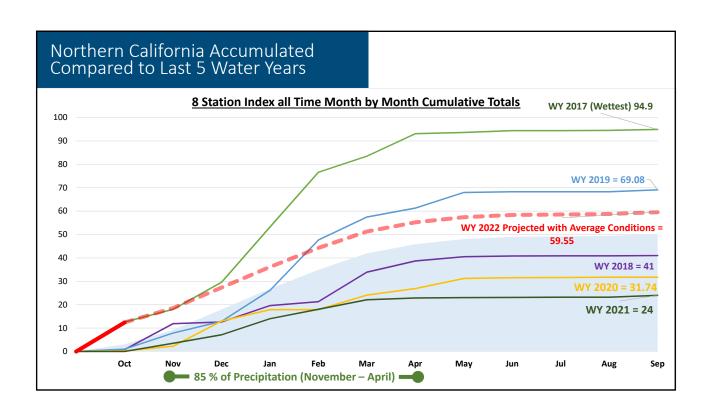


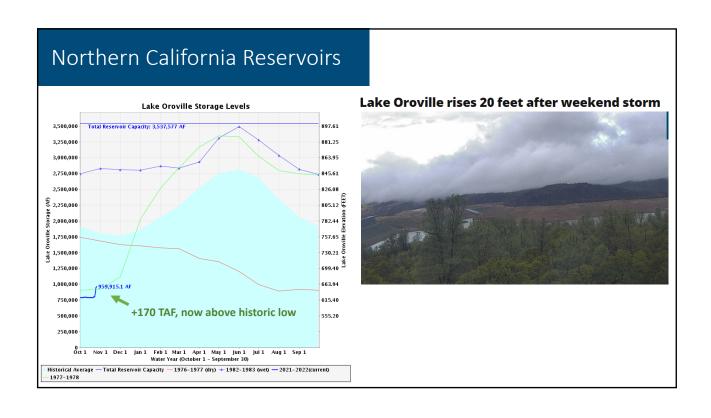


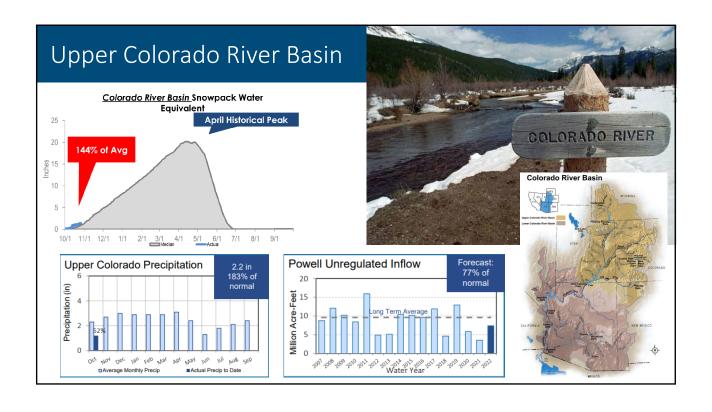












Water Supply Conclusions



- Accumulated Precipitation is <u>well above</u> the historical average in Northern California (Phenomenal October).
- Accumulated Precipitation in Northern California the <u>last two years</u> was <u>extremely low.</u>
- Key State/Federal Reservoirs Levels are <u>still at critical low levels</u>. The late October Level 5 Atmospheric River has brought slight relief but much more precipitation is needed.
- <u>85% of Northern California Precipitation</u> comes in the months of <u>November to</u> <u>April</u>
- The Colorado River System is still in <u>decline</u> but has seen a positive start to the 2022 Water Year.
- We will know more as we enter the heart of winter.





DISCUSSION ITEM

November 3, 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's Finance and Rate Issues
- b. MET'S Review of Equal Employment Opportunity Policies and Practices
- c. MET's Integrated Resources Plan Update
- d. MET's Water Supply Conditions
- e. Colorado River Issues
- f. Delta Conveyance Activities and State Water Project Issues

ISSUE BRIEF #A

SUBJECT: MET Finance and Rate Issues

RECENT ACTIVITY

Current Update

Water transactions for August 2021 totaled 164.7 thousand acre-feet (TAF), which was 12.1 TAF higher than the budget of 152.6 TAF. This translates to \$152.1 million in revenues for August 2021, which were \$9.5 million higher than the budget of \$142.6 million. Year-to-date water transactions through August 2021 were 335.2 TAF, which was 29.7 TAF higher than the budget of 305.5 TAF. Year-to-date water revenues through August 2021 were \$307.8 million, which were \$22.0 million higher than the budget of \$285.8 million.

MET staff prepared the required property tax rate analysis for board adoption and implementation by Metropolitan's six counties, represented within its boundaries. This process enables Metropolitan to collect approximately \$158.1 million to cover outstanding GO debt and SWC obligations over FY 21-22. Additionally, as of August 31, 2021, Metropolitan's investment portfolio balance was \$1,229.8 million

Year-End Budget Update

MET's actual revenues for FY20-21 were \$1,770 million, below the budget of \$1,796 million by \$26 million. Actual expenses for FY20-21 were \$1,581 million, below the budget of \$1,778 by \$197 million. With lower than budgeted revenues and lower than budgeted costs, Metropolitan's FY20-21 net revenues were \$189 million. The \$189 million will go into Metropolitan's unrestricted reserve balance, increasing the total unrestrested reserves to \$590 million.

MET's total asset value increased from \$12.6 billion in 2020 to \$13 billion in 2021, with capital assets comprising the majority of the valuation. MET's revenue bond debt-to-equity ratio decreased from 57.2% in 2020 to 55.5% in 2021. Additionally, in 2021 MET's pension fund ratio was at 71.7% a slight decrease from 72.7% in 2020. Furthermore, MET's actuarially determined contribution for pensions increased in FY21-22 to \$85.7 million.

ISSUE BRIEF #B

SUBJECT: MET Review of Equal Employment Opportunity Policies and Practices

RECENT ACTIVITY

In December 2020, the Shaw Law Group (Firm) began a board-directed independent review of allegations of systemic Equal Employment Opportunity-related discrimination, harassment, and retaliation, and related concerns. In July 2021, the Firm presented its observations and recommendations during a special meeting of the Organization, Personnel and Technology (OP&T) Committee. In August 2021, the Board discussed the Firm's recommendations, directed the General Manager & Equal Employment Opportunity (EEO) officer to develop an implementation plan.

On October 11, the MET Board was updated on the implementation program development since the September Board meeting. Of the 47 recommendations that were referred to the general manager 16 recommendations have been addressed/completed, 13 recommendations are in progress, and 18 are pending. Nine of the recommendations are with the Joint-Labor Management Advisory Committee that was established by the General Manager last month. The MET Board will continue to receive regular updates on the implementation of the Firm's recommendations.

Attachment: October 11 Metropolitan Board PowerPoint (Link)

ISSUE BRIEF #C

SUBJECT: MET Integrated Resources Plan Update

RECENT ACTIVITY

For information on current IRP issues, please refer to the *Discussion Item: Metropolitan's Integrated Resources Plan (IRP) Implementation.*

ISSUE BRIEF #D

SUBJECT: MET's Water Supply Conditions

RECENT ACTIVITY

For information on current Water Supply Conditions, please refer to the *Information Item:* Water Supply Conditions Update.

ISSUE BRIEF #E

SUBJECT: Colorado River Issues

RECENT ACTIVITY

Metropolitan Diversion Request

MET staff submitted the 2022 Colorado River Diversion Request, formally known as the 2022 Colorado River Diversion Estimate and Part 417 Consultation Questionnaire, to the U.S. Bureau of Reclamation (Reclamation). Participating in Reclamation's Part 417 consultation process helps ensure full access to the available Colorado River supplies in the calendar year 2022. This request includes all transfer water and water that becomes available through the Colorado River priority system. For 2022, staff submitted an estimated total diversion amount of about 601 thousand acre-feet.

USBR Annual Operating Plan

MET Staff reviewed three drafts of Reclamation's Annual Operating Plan for Colorado River Reservoirs 2022 (AOP) that reports on past operations of the Colorado River reservoirs for the last calendar year, as well as projected operations for these reservoirs for the upcoming year. MET also participated, along with other stakeholders of the Colorado River basins, in three webinar consultations for each of the draft AOP to provide comments and feedback to Reclamation. The AOP is important to MET's operations since it confirms the parameters that will govern the operations of Lake Powell and Lake Mead in the subsequent year. Reclamation declared the first-ever shortage on the Colorado River for the calendar year 2022, and the latest draft AOP outlined that a Shortage Condition will govern the operation of Lake Mead, which influences management of MET's available supply and Intentionally Created Surplus (ICS) on the Colorado River.

Salinity Control Forum Work Group

MET staff attended a meeting of the Colorado River Basin Salinity Control Forum (Forum) Work Group, which supports the Forum with technical analysis. The Work Group heard program updates from federal partners, including the Bureau of Land Management, the Natural Resources Conservation Service, and the U.S. Geological Survey. The Work Group discussed the schedule and required work for the upcoming 2023 Review of Water Quality Standards for Salinity in the Colorado River. The Work Group also heard a report from Reclamation on the status of salinity control in the Paradox Valley, including a progress update on Reclamation's seismic risk and hazard analysis, and the prospects of returning to service the existing Paradox Valley Unit injection well, which has not operated consistently since the March 2019 earthquake in the valley.

Colorado River Basin States Meeting

MET staff attended several Colorado River Basin States meetings, including meetings of the Lower Basin States, California-only meetings, and several technical working group meetings. The main purpose of the meetings was to begin planning a range of additional measures that

can be implemented during the interim period (2022–2026) to slow or halt the decline of Lake Mead elevations during ongoing dry conditions in the basin. These discussions were prompted, in part, by the first-ever Level 1 shortage declaration on the river in August and the projection that, under minimum probable conditions, Lake Mead elevations could fall below elevation 1030' within the next 24 months. Working group meetings focused on developing the range of options and strategies for supporting Lake Mead and the environmental compliance measures required to implement a plan.

ISSUE BRIEF #F

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 (CEQA).

Field activities in the Delta for Soil Investigations are proceeding to support the Initial Study/Mitigated Negative Declaration (including cone penetration tests, soil borings, and geophysical surveys). Field investigations will continue in mid-September following a short break from July-August 2021.

DWR completed the last of the four technical webinars designed to inform the public and interested stakeholders about the approaches and methodologies used in conducting impact analyses in the Draft EIR. The final webinar on Environmental Justice was presented on September 16. All webinars were recorded and made available on DWR's website https://water.ca.gov/Programs/State-Water-Project/Delta-Conveyance/DCP-InformationalWebinars). Information about impact findings and specific mitigation measures were not available for the webinars and will be included in future outreach efforts following publication of the public Draft EIR.

Sites Reservoir

In their joint September 22 meeting, the Sites Project Authority Board (Authority Board) and the Sites Reservoir Committee (Reservoir Committee) gave the Executive Director authorization to execute a three-party agreement between the Authority Board, DWR, and Sites Reservoir participants that are also State Water Project (SWP) Contractors to include the planning costs for the Sites Reservoir Project in the SWP Annual Statement of Charges.

The Authority Board and Reservoir Committee also approved Amendment 3 of the Project Agreement and Work Plan with a period of performance from January 1, 2022 to December 31, 2024 for the purpose of initiating participant home board review, deliberation and execution of the agreement. The Executive Director was also given authorization to execute a Federal Financial Assistance Agreement with the U.S. Bureau of Reclamation (Reclamation) for \$6.9 million in WIIN Act Funds, and the authorization to submit the Final Water Storage Investment Program Feasibility Report to the California Water Commission to comply with Proposition 1.

Regulatory Activities

In response to ongoing drought conditions and associated water supply shortages in the Sacramento-San Joaquin Delta watershed, on August 3, 2021, the State Water Resources Control Board (State Board) adopted a Delta watershed emergency regulation authorizing the curtailment of diversions when water is determined to be unavailable. On August 20, 2021, the State Board issued curtailments to approximately 4,500 water right holders in the Delta watershed to help protect drinking water supplies, prevent salinity intrusion, and

minimize impacts to fisheries and the environment. The SWP has rights for the diversion of water to Lake Oroville, as well as rights in the south Delta for the diversion and re-diversion of stored water. These rights are post 1914 appropriative and consequently are impacted by the State Board curtailment orders. DWR is working closely with State Board staff and Reclamation to ensure that the water projects are working together to achieve compliance.

At this time, the State Board has determined that riparian water right permits will not be curtailed in the Sacramento and San Joaquin Basins, including the Bay-Delta. Metropolitan holds riparian water right permits on its Delta island properties and, although not mandated to curtail diversions, Metropolitan staff is meeting with its Delta island agricultural lessees to assist in voluntary cutbacks.

MET staff continued to participate in the collaborative groups called for in the 2019 Biological Opinions (BiOp) for the SWP and Central Valley Project, and in the 2020 Incidental Take Permit (ITP) for Long-Term Operation of the SWP, to address science needs and inform management and operation of the water projects.

MET staff also continued collaboration with the state and federal agencies to develop a monitoring program for steelhead as a condition of the 2019 BiOp. The monitoring plan would encompass steelhead populations within the San Joaquin Basin and/or the San Joaquin River downstream of the confluence of the Stanislaus River, and would include steelhead and rainbow trout. The group is drafting conceptual models for each life stage of steelhead to help identify monitoring needed for each life stage.

Science Activities

MET Staff continued efforts to develop studies to assist in preserving Delta smelt and evaluating existing ponds on Metropolitan's Delta Island properties to assess the suitability of the ponds for Delta smelt research. On September 15, MET staff hosted the Deputy Directors of DWR, their staff, and UC Davis researchers for a Bouldin Island tour to provide information and develop opportunities for collaboration on projects on the Delta Island properties. The main projects discussed included floating wetlands, Delta smelt mesocosms, and levee security.

On September 2, MET staff participated in the U.S. Fish and Wildlife Service (USFWS) Longfin smelt Workshop for the Species Status Assessment (SSA) and presented work on predictive mapping for larval/juvenile longfin smelt habitat. USFWS is considering scientific information to inform a federal decision regarding whether the longfin smelt should be listed under the federal Endangered Species Act. The workshop included presentations on the biology, ecology, distribution, and abundance of longfin smelt to inform USFWS SSA on longfin smelt.

MET staff also continued participating in the Collaborative Science and Adaptive Management Program (CSAMP), including participation on the Collaborative Adaptive Management Team (CAMT). At the September 21 meeting, CAMT discussions focused on planning for a workshop to evaluate information from past reviews of Delta monitoring programs, and on potential science activities for the CAMT technical teams. Staff continued collaboration with the non-governmental organization participants on the CSAMP Salmon

Recovery Initiative. The group is currently planning the second workshop to define salmon recovery in a broad sense through scientific technical discussions with salmonid experts.

Summary Report for The Metropolitan Water District of Southern California Board Meeting October 12, 2021

CONSENT CALENDAR ITEMS – ACTION

The Board:

Approved the nomination and naming of the overlook at Lake Mathews in honor of Donald "Don" Galleano. (Agenda Item 7-1)

Awarded \$3,815,000 contract to Creative Home dba Chi Construction for Lake Mathews Site Wastewater System Replacement. (**Agenda Item 7-2**)

Authorized an agreement with Helix Environmental Planning, Inc., in an amount not to exceed \$2.8 million for preparation of environmental documentation for the Regional Recycled Water Program; and authorized an agreement with Stantec Consulting Services Inc., in an amount not to exceed \$6.5 million for engineering and technical studies to support environmental planning phase activities of the Regional Recycled Water Program. (Agenda Item 7-3)

Awarded a \$282,390 contract to AME Builders, Inc. for replacement of the roof on the Vehicle Maintenance and Warehouse Building at the Jensen plant. (**Agenda Item 7-4**)

Authorized an agreement with the Arizona Parties to support the development of the Regional Recycled Water Program. (**Agenda Item 7-5**)

Authorized the General Manager to seek legislation for Metropolitan to utilize alternative project delivery methods for construction of the Regional Recycled Water Program and drought-related projects in addition to traditional Design-Bid-Build. (**Agenda Item 7-6**)

Approved the Metropolitan Water District of Southern California's salary schedules pursuant to CalPERS regulations. (**Agenda Item 7-7**)

Reviewed and considered the City of Beverly Hills' approved Final Mitigated Negative Declarations and Addendum and take related CEQA actions; authorized the General Manager to reinstate and amend the existing Groundwater Recovery Program Joint Participation Agreement for Recovery and Utilization of Degraded Groundwater for the Beverly Hills Desalter Project with the City of Beverly Hills for up to 2,600 AFY of advanced treated brackish groundwater under the terms included in the board letter and approve the proposed framework and one-time pause and extension of agreement terms. (Agenda Item 7-8)

Adopted the resolution declaring certain Metropolitan-owned real property in the Palo Verde Valley in the counties of Imperial and Riverside as exempt surplus land pursuant to California Government Code Section 54221. (**Agenda Item 7-9**)

Reviewed and considered the city of Perris' certified Final Environmental Impact Report, and take related CEQA actions; and authorized the granting of a permanent easement for public road purposes to the city of Perris. (**Agenda Item 7-10**)

Authorized five new agricultural leases with Coxco, LLC, Joey DeConinck Farms, and HayDay Farms Venture, LLC, thereby allowing these existing lessees to continue their farming operations on Metropolitan's fee-owned properties in the Palo Verde Valley.

(Agenda Item 7-11) (heard in closed session at committee)

Authorized settlement of *OHL USA*, *Inc. v. The Metropolitan Water District of Southern California*, Los Angeles Superior Court Case No. 19STCV27689 consistent with the terms in the board letter. (**Agenda Item 7-12**) (heard in closed session at committee)

OTHER BOARD ITEMS – ACTION

Adopted the Board's Statement of Commitment to Diversity, Equity, and Inclusion. (Agenda Item 8-1)

Chair and Vice Chair of committee appointments for the term commencing October 12, 2021 through January 1, 2023. (Agenda Item 8-2) (Item was deferred)

CONSENT CALENDAR OTHER ITEMS – ACTION

Adopted resolution to continue remote teleconference meetings pursuant to the Brown Act Section 54953(e) for meetings of Metropolitan's legislative bodies for a period of 30 days. (**Agenda Item 6B**)

OTHER MATTERS AND REPORTS

Presented Commendatory Resolution honoring Jeff Kightlinger for his service and leadership during his term as General Manager of The Metropolitan Water District of Southern California. (Agenda Item 5G)

Discussed Department Head Evaluation Process Guidelines and Department Head Evaluation Presentations [Public employee's performance evaluations; General Counsel, General Auditor, and Ethics Officer]. (Agenda Item 10-1) (heard in closed session)

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

All current month materials, and materials after July 1, 2021 are available on the public website here: https://mwdh2o.legistar.com/Calendar.aspx

This database contains archives from the year 1928 to June 30, 2021: https://bda.mwdh2o.com/Pages/Default.aspx





Regular Board of Directors Meeting

November 9, 2021

12:00 PM

Tuesday, November 9, 2021 Meeting Schedule
09:00 a.m L&C
10:00 a.m OP&T
11:30 a.m Break
12:00 p.m BOD

Teleconference meetings will continue through the end of the year. Live streaming is available for all board and committee meetings on mwdh2o.com (Click Here)

A listen only phone line is also available at 1-800-603-9516; enter code: 2176868#. 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 enter Code: 9601962.

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

1. Call to Order

- 1.1 Invocation: Kenneth R. Morphis Jr., O&M Tech IV, Water System Operations
- 1.2 Pledge of Allegiance: Director Williams, West Basin MWD

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 Gov. Code § 54954.3(a))

5. OTHER MATTERS AND REPORTS

A.	Report on Director's events attended at Metropolitan expense	<u>21-612</u>
В.	Chairwoman's Monthly Activity Report	<u>21-613</u>
C.	General Manager's summary of activities	<u>21-614</u>
D.	General Counsel's summary of activities	<u>21-615</u>
E.	General Auditor's summary of activities	<u>21-616</u>
F.	Ethics Officer's summary of activities	<u>21-617</u>

** CONSENT CALENDAR OTHER ITEMS -- ACTION **

6. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the Minutes of the Meeting for October 12, 2021 (Copies have been submitted to each Director) Any additions, corrections, or omissions
- B. Adopt resolution to continue remote teleconference meetings pursuant to the Brown Act Section 54953(e) for meetings of Metropolitan's legislative bodies for a period of 30 days; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA
- C. Approve Committee Assignments

** END OF CONSENT CALENDAR ITEMS **

7. CONSENT CALENDAR ITEMS - ACTION

7-1 Recommend that the Board approve proposed ethics-related amendments to the Administrative Code; the General Manager has determined that the proposed action is not subject to CEQA. [Posting Separately] (AE)

Attachments: 11092021 AE 7-1 B-L.pdf

10262021 AE 7-1 Presentation.pdf

7-2 Award a \$1,477,000 contract to Minako America Corporation (dba Minco Construction) for replacement of ozone power supply units at the Joseph Jensen Water Treatment Plant and authorize an agreement with CDM Smith Inc. in an amount not to exceed \$800,000 for engineering services to support the Jensen ozone generation system rehabilitation; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EO)

Attachments: 11092021 EO 7-2 B-L

7-3 Award a \$9.2 million contract to CSI Electrical Contractors, Inc. for 21-597 Stage 2 electrical upgrades at the Henry J. Mills Water Treatment Plant; authorize: (1) granting of a permanent easement to Riverside Public Utilities; and (2) an increase of \$830,000 to an agreement with Lee & Ro, Inc., for a new not-to-exceed amount of \$1,927,000 for engineering support; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EO)

Attachments: 11092021 EO 7-3 B-L

7-4 Adopt the CEQA determination that the proposed action has been previously addressed in the certified 2015 Final EIR and related CEQA documents; and award a \$6,044,896.76 procurement contract to Northwest Pipe Company for steel pipe to rehabilitate a portion of the Etiwanda Pipeline (EO)

Attachments: <u>11092021 EO 7-4 B-L</u>

7-5 Award a \$3,280,920 contract to J.F. Shea, Construction, Inc. for lining of the Cholla Wash cut-and-cover conduit at Mile Marker 126 on the Colorado River Aqueduct; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EO)

Attachments: <u>11092021 EO 7-5 B-L</u>

7-6 Adopt Legislative Priorities and Principles for 2022; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (CL)

Attachments: 11092021 CL 7-6 B-L

7-7 Approve Metropolitan's annual membership in the North American Transmission Forum and authorize a one-time payment of \$5,000 and annual dues payment of \$28,500; the General Manager determined that the proposed action is exempt or otherwise not subject to CEQA (CL)

Attachments: <u>11092021 CL 7-7 B-L</u>

7-8 Adopt a Resolution declaring a Regional Drought Emergency; the 21-640 General Manager has determined these proposed actions are otherwise subject to CEQA. IPOSTING exempt or not SEPARATELY] (WPS)

21-598

21-599

21-600

21-608

Board of Directors November 9, 2021

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7-9 Authorize implementation of modifications to the Turf Replacement Program, the Member Agency Administered Funds Program, the Pre-1994 Multi-Family Property Toilet Replacement Program, and the Southern California Gas Company Direct Install Program; the General Manager has determined that the proposed actions are exempt or otherwise not subject to CEQA (WPS)

Attachments: 11092021 WPS 7-9 B-L

7-10 Authorize implementation of a new Municipal Leak Detection and Repair Grant Pilot Program; the General Manager has determined that the proposed actions are exempt or otherwise not subject to CEQA (WPS)

21-604

Attachments: <u>11092021 WPS 7-10 B-L</u>

7-11 Adopt resolution to support Metropolitan's application for the United States Bureau of Reclamation's Water and Energy Efficiency FY 2022 Grant Program of \$2 million to supplement funding for public agency landscapes within the Turf Replacement Program; authorize the General Manager to accept grant funds, if awarded; and authorize the General Manager to enter into a contract with United States Bureau of Reclamation for the grant funds, if awarded; the General Manager has determined that the proposed actions are exempt or otherwise not subject to CEQA. [POSTING SEPARATELY] (WPS)

<u>21-606</u>

7-12 Authorize the General Manager to enter into agreements with the Quechan Tribe of the Fort Yuma Indian Reservation and farmers within Quechan tribal land to provide incentives for land fallowing related to the Metropolitan/Quechan Tribe Seasonal Fallowing Pilot Program, for up to \$1.6 million in 2022 and 2023; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (WPS)

21-605

<u>Attachments</u>: <u>11092021 WPS 7-12 B-L</u>

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7-13 (1) Rescind the Board's June 8, 2021 action authorizing the General Manager to enter into a Local Resources Program (LRP) agreement with the Municipal Water District of Orange County (MWDOC) and Santa Margarita Water District (SMWD) for the Las Flores Recycled Water Expansion Project (Las Flores Project); review and consider SMWD's approved Final Mitigated Negative Declaration and Addendum for the Las Flores Project and take related CEQA actions; and, after the disclosure of a remote financial interest under Government Code section 1090 (section 1090) and director recusal, consider and authorize an LRP agreement with MWDOC and SMWD for the Las Flores Project;

21-641

(2) Rescind the Board's December 13, 2016 actions authorizing the General Manager to enter into LRP agreements with MWDOC and SMWD for the Lake Mission Viejo Advance Purification Water Treatment Facilities (Lake Mission Viejo Facilities) and with MWDOC and the El Toro Water District (ETWD) for the El Toro Recycled Water System Expansion Phase II Project (El Toro Project); after the disclosure of a remote financial interest under section 1090 and director recusal, consider and authorize LRP agreements with MWDOC and SMWD for the Lake Mission Viejo Facilities and with MWDOC and ETWD for the El Toro Project; and authorize retroactive LRP payments in the amounts of \$522,000 and \$110,00 for the Lake Mission Viejo Facilities and El Toro Recycled Project, respectively, as credit against returned payments in the same amount.

The General Manager has determined these proposed actions are exempt or otherwise not subject to CEQA. [POSTING SEPARATELY] (WPS)

7-14 Authorize an increase of \$985,000 to an agreement with PlanNet, LLC for a new not-to-exceed amount of \$2.885 million for professional services in support of the Datacenter Modernization Relocation project; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (OPT) 21-602

Attachments: 11092021 OPT 7-14 B-L

8. OTHER BOARD ITEMS - ACTION

None

9. BOARD INFORMATION ITEMS

Board of Directors November 9, 2021

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9-1 Report on Conservation 21-611

Attachments: 11092021 BOD 9-1 Report

10. OTHER MATTERS

10-1 Department Head Performance Evaluations [Public Employees' performance evaluations; General Counsel, General Auditor and Ethics Officer; to be heard in closed session pursuant to Gov. Code 54957.]
 10-2 Report on Department Head 2020 Salary Survey

11. FOLLOW-UP ITEMS

None

12. FUTURE AGENDA ITEMS

13. ADJOURNMENT

NOTE:

At the discretion of the Board, all items appearing on this agenda and all committee agendas, whether or not expressly listed for action, may be deliberated and may be subject to action by the Board.

10-3 Discuss and Approve Compensation Recommendations for

General Counsel, General Auditor, and Ethics Officer

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 parenthesis at the end of the description of the agenda item e.g. (E&O, BF&I). Committee agendas may be obtained from the Executive Secretary.

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 Executive Secretary in advance of the meeting to ensure availability of the requested service or accommodation.

21-423