WORKSHOP MEETING OF THE BOARD OF DIRECTORS WITH MET DIRECTORS MUNICIPAL WATER DISTRICT OF ORANGE COUNTY 18700 Ward Street, Board Room, Fountain Valley, California December 7, 2022, 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: <u>https://zoom.us/i/8828665300</u>

Telephone Audio:

Webinar ID:

(669) 900 9128 fees may apply (877) 853 5247 Toll-free 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. 2130

- ACKNOWLEDGE AND HONOR STEVE ARAKAWA FOR HIS YEARS OF SERVICE TO METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA
- ACKNOWLEDGE AND HONOR DIRECTOR SAT TAMARIBUCHI FOR HIS YEARS OF SERVICE TO MWDOC AND METROPOLITAN WATER DISTRICT

PRESENTATION/DISCUSSION ITEMS

1. PRESENTATION BY MET STAFF REGARDING THE 2023 WATER SUPPLY AND DEMAND OUTLOOK

Recommendation: Review and discuss the information presented.

2. PRESENTATION REGARDING THE STATE WATER PROJECT DEPENDENT AREA GAP ANALYSIS

Recommendation: Review and discuss the information presented.

3. LEGISLATIVE ACTIVITIES

- a. Federal Legislative Report (NRR)
- b. State Legislative Report (BBK)
- c. Legal and Regulatory Report (Ackerman)

Recommendation: Review and discuss the information presented.

4. MWDOC MET DIRECTOR SEAT

Recommendation: Review and discuss the process for appointing a MWDOC/MET Director, and take action as appropriate.

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

Recommendation: Receive input and discuss the information presented.

ACTION ITEMS

6. 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.

INFORMATION ITEMS

- 7. **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 Integrated Resources Plan Update
- c. MET's Water Supply Condition Update
- d. Water Quality Update
- e. Colorado River Issues
- f. Delta Conveyance Activities and State Water Project Issues

Recommendation: Review and discuss the information presented.

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

- a. Summary regarding November MET Board Meeting
- b. MET 4-Month Outlook on Upcoming Issues
- c. Review items of significance for MET Board and Committee Agendas

Recommendation: Review and discuss the information presented.

ADJOURNMENT

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

Item No. 1



DISCUSSION ITEM December 7, 2022

TO: Board of Directors

FROM: Robert Hunter, General Manager

Staff Contact: Melissa Baum-Haley

SUBJECT: PRESENTATION BY MET STAFF REGARDING THE 2023 WATER SUPPLY AND DEMAND OUTLOOK

STAFF RECOMMENDATION

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

REPORT

On November 7, Metropolitan staff updated the Board of Directors on the water supply, demand, and storage conditions as part of planning for calendar year (CY) 2023 as well as hydrologic conditions for the new water year, (WY) 2022-2023, which began on October 1.

Supply Outlook: State Water Project

DWR will release the initial "Table A" in December, with the allocation being finalized in April. Due to continued dry conditions across the state, Metropolitan is conservatively planning for a low initial State Water Project (SWP) "Table A" allocation.

With the prior three years of a record low "Table A" allocation, Metropolitan has very limited SWP storage in their system. DWR has historically used flex storage and carryover storage to help meet State Water Contractor demands in very-dry years, however, due to prolonged dry conditions both supplies have been depleted. Given these conditions, the emergency water conservation program will continue for the State Water Project Dependent areas in 2023.

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

Supply Outlook: Colorado River

The Colorado River is also experiencing continued dry conditions and is currently in a Tier 2a shortage. Due to the current levels in Lake Mead, Metropolitan is required to make Drought Contingency Plan (DCP) contributions. Metropolitan is planning to utilize Internally Created Surplus (ICS) stored in Lake Mead to meet their required DCP contributions. Due these continued drought conditions, Metropolitan is planning for a reduced supply from the Colorado River for 2023 and beyond.

In June 2022, Commissioner Touton testified before the U.S. Senate Committee on Energy and Natural Resources and called on water users across the Basin States and Tribes to develop a plan to conserve an additional 2-4 million acre-feet of water in 2023 by mid-August. In August, California submitted a proposal to reduce Colorado River use by 400 TAF each year, beginning 2023 through 2026. Without agreement from all of the Basin States, USBR is evaluating options for delivery reductions for California, Arizona, and Nevada next year.

Upcoming MWDOC Board Discussions

Given these conditions, the Metropolitan Board will be discussing the following actions at their December meeting:

- 1. Update on potential adjustments to the SWP Dependent Area Emergency Water Conservation Program for 2023
- 2. Onset of discussion on implementation of a region wide Water Supply Allocation Plan for 2023
- 3. Recommended action to call for immediate voluntary outdoor water use reductions and extraordinary conservation in Blended and Colorado River Exclusive Areas

MWDOC staff has invited Metropolitan staff to provide an update on the 2023 water supply and demand outlook.

Attachments: Metropolitan's Update on WSDM and Water Shortage Emergency Condition Presentation (Nov. 7, 2022)



Imported Water Committee

Update on WSDM and Water Shortage Emergency Condition

ltem 6d November 7, 2022

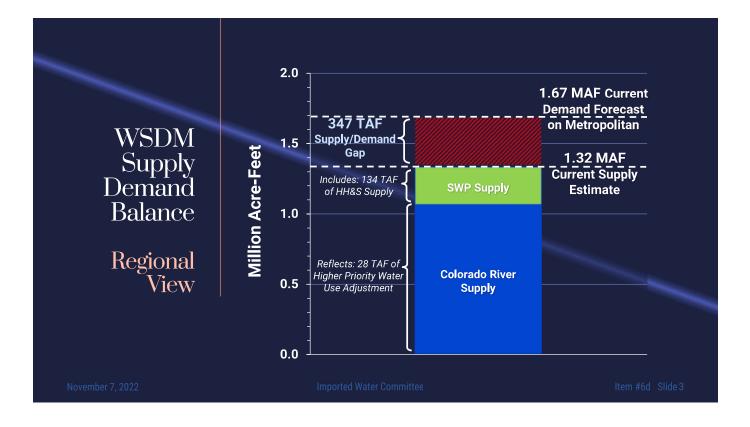
WSDM Update

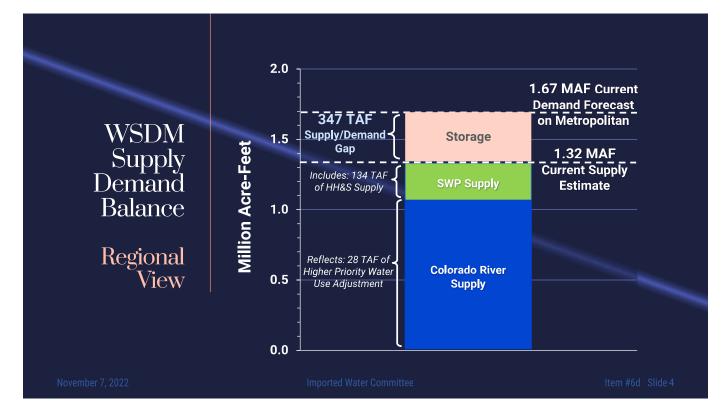
November 7, 2022

Imported Water Committee

Item #6d Slide 2

Page 6 of 78





Emergency Water Conservation Program Update

November 7, 2022

Imported Water Committe

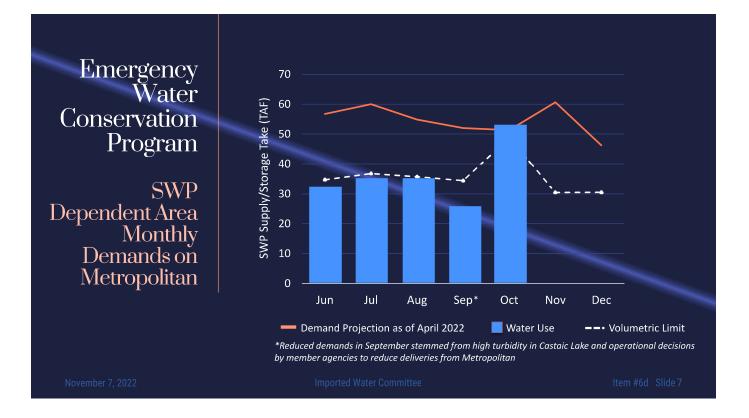
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	•	October Path C	ompliance	
		PATH 1	PATH 2	
Emergency		Las Virgenes MWD Three Valleys MWD Calleguas MWD*	City of Los Angeles Inland Empire Utilities Agency Upper San Gabriel Valley MWD	
Emergency Water Conservation Program		*5 of 19 Calleguas water purvey No penalties iss	ors are Path 2 ued for any Path 2 men	nber agencies
October	•		a-week watering contin	ues through
Update		the end of the ye	ear	

November 7, 2022

Imported Water Committee

Item #6d Slide 6



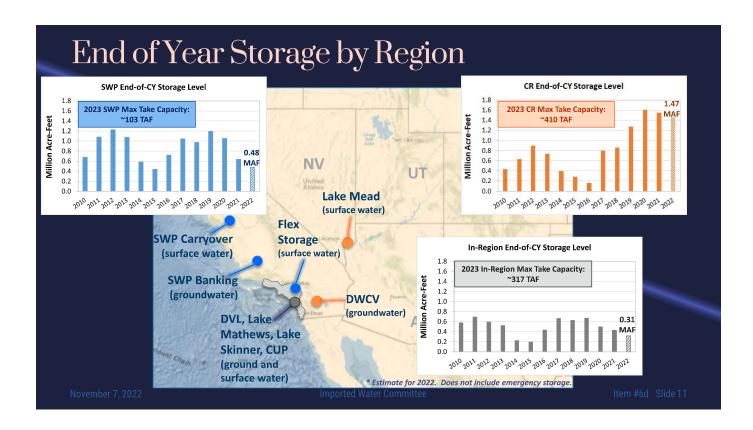


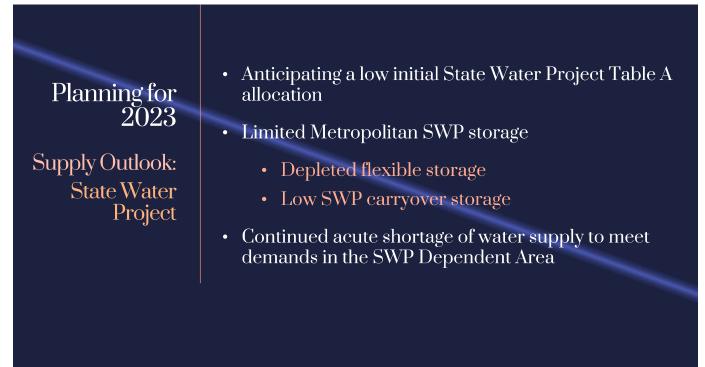
Page 9 of 78

Planning for Calendar Year 2023

2022 Storage Projected to be 2.3 MAF End of Year Balances



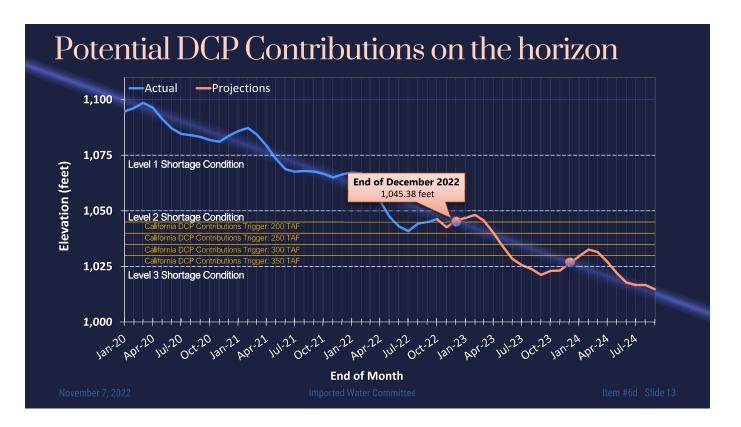




November 7, 2022

Imported Water Committee

Item #6d Slide 12



Planning for 2023	• Metropolitan will access ICS to meet future DCP contributions; additional use of ICS to meet service area demand remains uncertain
Supply Outlook:	 Metropolitan is not planning for a full Colorado River Aqueduct for 2023 and beyond
Colorado River	 California has submitted a proposal to reduce Colorado River use by 400 TAF each year, beginning 2023 through 2026
	• USBR evaluating options for delivery reductions for California, Arizona, and Nevada next year

Planning for 2023	<u>Update</u> : Potential adjustments to the SWP Depe Emergency Water Conservation Progra for 2023	
December Board Topics	<u>Discussion</u> : Implementation of a regionwide Water Allocation Plan (WSAP) for 2023	Supply
	<u>Action</u> : Call for immediate voluntary outdoor w reductions and extraordinary conserva Blended and Colorado River Exclusive	ation in

Planning for 2023	<u>Update</u> : Potential adjustments to the SWP Dependent Area Emergency Water Conservation Program (EWCP) for 2023	
	• Background	
December Board Topics	 Water Shortage Emergency Condition declare for SWP Dependent Area (April 2022 Board Resolution) 	d
	 Adopted framework for an EWCP (April 2022 Board Resolution) 	
	December 2022 Board Update	
	 Potential adjustments to existing framework 	
	 New volumetric limits for 2023 	
November 7, 2022	Imported Water Committee Item #6d Slide	16

Planning for 2023 December Board Topics	 Discussion: Implementation of a regionwide Wa Allocation Plan (WSAP) for 2023 Background WSAP is current Board policiallocations WSAP first adopted in 2008, 2009, 2010, and 2015 December 2022 Board Discussi Begin discussion on regionwidetermination and implementer 	ey for regionwide , then implemented in on ide WSAP

Planning for 2023	<u>Action</u> : Call for immediate voluntary outdoor was reductions and extraordinary conservation Blended and Colorado River Exclusive A	on in
	Background	
December Board Topics	 Regional Drought Emergency decla service area (November 2021 Board) 	
	 Call for conservation under Execut N-7-22 (April Board Resolution) 	ive Order
	December 2022 Board Action	
	 Reaffirm drought emergency condi- service area and call for enhancem voluntary conservation efforts 	

Planning for 2023 Key Takeaways: EWCP Continuing discussions with Member Agencies on EWCP supply allocation methodology New volumetric limits and potential compliance mechanisms to be presented in December 2022



November 7, 2022

Imported Water Committee

Item #6d Slide 20

	Receive initial 2023 SWP Allocation	
	• Continue coordination with Member Agen	cies
Next Steps	 Potential adjustments to the EWCP framework 	
	Regionwide Water Supply Allocation	
	December Board Action and Resolution	
	Report on two-year water supply outlook	



Item No. 2



DISCUSSION ITEM December 7, 2022

TO: Board of Directors

FROM: Robert Hunter, General Manager

Staff Contact: Melissa Baum-Haley

SUBJECT: PRESENTATION REGARDING THE STATE WATER PROJECT DEPENDENT AREA GAP ANALYSIS

STAFF RECOMMENDATION

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

REPORT

Over the past year, Metropolitan has collaborated with member agencies on the development and implementation of the Emergency Water Conservation Program (EWCP) to address severely limited SWP system water supplies. Since the June 1, 2022, start date, there has been a positive demand response across the SWP-Dependent Area.

The affected member agencies continued to show reductions in purchases from Metropolitan compared with historical and projected levels, indicating consumer responsiveness with demand-cutting measures. Path One watering day limit compliance requirements remained at one day-per-week watering restrictions during October. Staff is continuously monitoring and reporting water use performance to the affected member agencies to ensure that SWP water usage stays on track to remain within the available supplies.

The SWP dependent area continues to meet targeted use through the Emergency Water Conservation Program. To prepare for a dry start in 2023, staff requested 291 TAF of human health and safety supplies from DWR after coordinating with member agencies to assess their needs.

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

Metropolitan submitted their 2023 initial State Water Project (SWP) water order to the California Department of Water Resources (DWR) to meet the October 1 SWP Contract deadline. The water order included a suite of schedules at various allocation scenarios, as well as a human health and safety (HH&S) schedule at 0% allocation.

Based on DWR's guidelines on determining HH&S needs, Metropolitan's analysis shows approximately 291 TAF of HH&S need in 2023 under a 0% allocation scenario. These schedules provide DWR input for their modeling studies that, in part, determine the SWP allocation. DWR will announce the initial allocation for 2023 by December 1, 2022.

Under the EWCP, SWP dependent agencies have dropped their water use by roughly 34 percent below their expected water use and are collectively 4 percent below the volumetric limits set in the EWCP. The current supply/demand gap is estimated to be 347 TAF. Metropolitan expects to satisfy this gap through withdrawals from storage.

MWDOC staff has invited Ed Means, to provide a brief overview of the State Water Project gap analysis and dependent area solutions based on drought action and project portfolios.

Attachments: SWP Dependent Area Solutions Drought Action/Project Portfolios Update Presentation (Sept. 12, 2022)



Engineering & Operations Committee

State Water Project (SWP) Dependent Area Solutions: Drought Action/Project Portfolios Update

Item # 6b September 12, 2022

SWP Dependent Area Solutions Drought Action /Project Portfolios Update

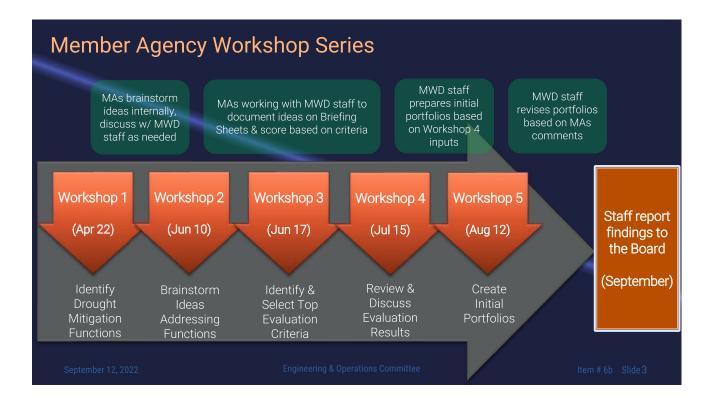
Call to Action

- Identify elements of solutions to Southern California's water reliability crisis
 - Collaboration with member agencies
 - Individual meetings
 - Workshop series
 - Development of action/project portfolios
 - Reconfiguration of infrastructure to enhance
 access to existing supply portfolio
 - Development of new supplies
 - Development of surface & groundwater storage

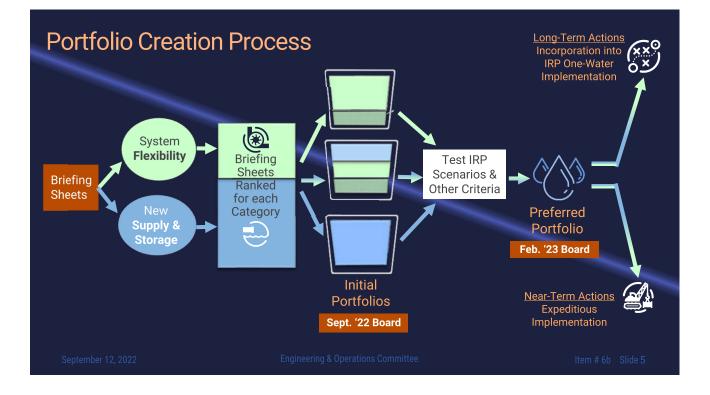
September 12, 2022

Engineering & Operations Committee

Item # 6b Slide 2



SWP Dependent Area Solutions Drought Action /Project	 Definitions Near-term portfolios are to address a p drought within 7 to 10 years 	otential future
Portfolios Update	 Long-term portfolios are to address a p drought beyond 10 years and consider supply reliability 	
	 System flexibility category includes pro reconfigure the existing conveyance & system to improve access to the existin storage portfolio 	distribution
	 Supply/Storage category includes projection core supply, flexible supply, or storage 	ects that add
September 12, 2022	Engineering & Operations Committee	Item # 6b Slide 4



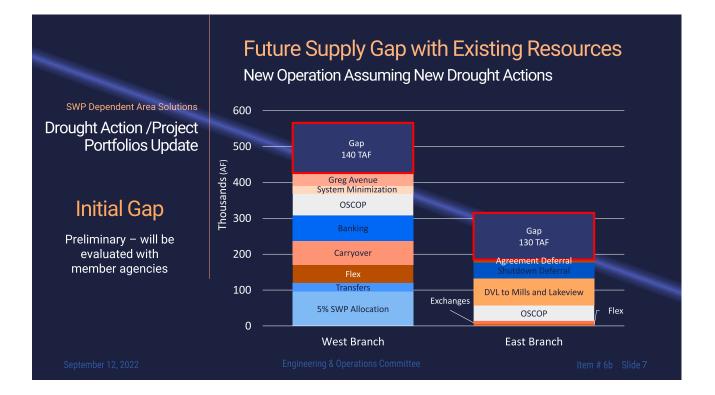
SWP Dependent Area Solutions Drought Action /Project Portfolios Update

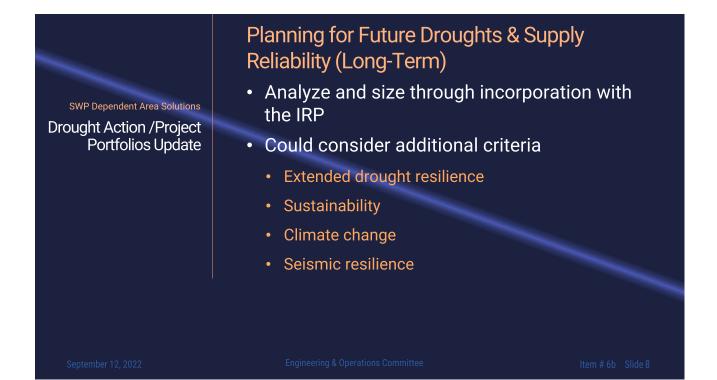
Initial Criteria

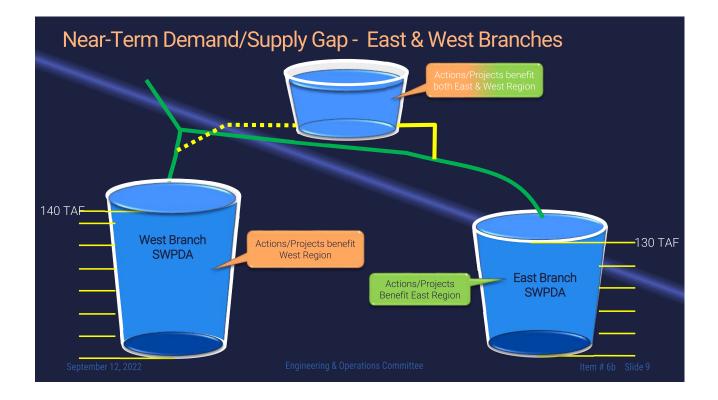
Preliminary – will be evaluated with member agencies

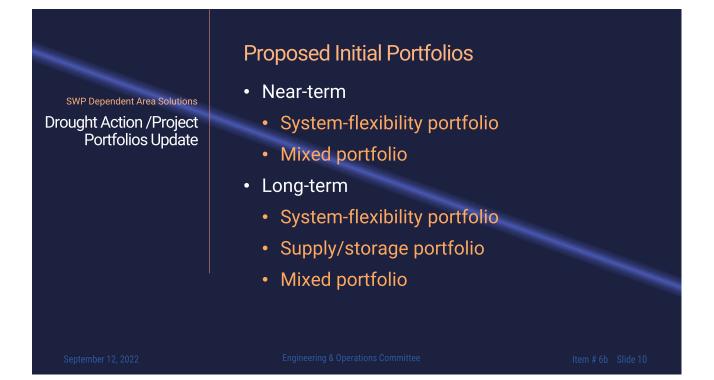
Planning for the Next Drought (Near-Term)

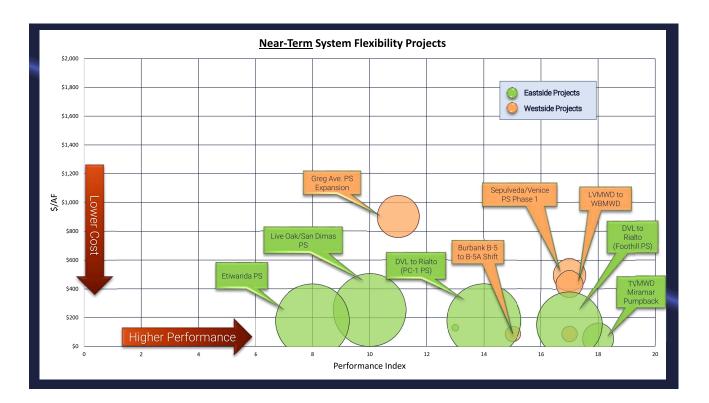
- Action/project portfolio creation criteria
 - Number of low-SWP-supply years 3
 - Supply level 5% allocation each year
 - Demand level 2021 level + 30 TAF
 - Initial storage level 2021 plus 100 TAF in DVL
 - Existing resource and drought action performance 2021 level for entire year
 - Resource take strategy take surface storage evenly
 - Buffer 10%

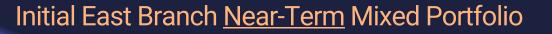






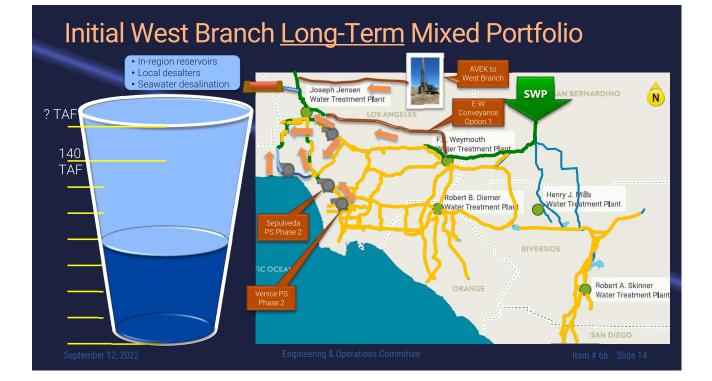












Su	mmary	of Initial Portf	olios – West Bra	anch	
		Status	Project Description		
	Long-Term Projects	Likely Options - Initial Reconnaissance Study	 Pure Water SoCal E-W Conveyance Line Desalination Local Supply Regional Storage Pumping Expansion 	Long-Term Gap	
	Near-Term Projects	High Potential Options – Expedited Study	 AVEK to West Branch w/ New Connection Crescenta - LA Connection LVMWD – WBMWD Interconnection Burbank B5 to B5A Shift 		
	Nea	High Potential Options – Implementation	•Sepulveda/Venice PS Phase 1		
Septe					em # 6b Slide 15

Summary of Initial Portfolios – East Branch

	Status	Project Description		
Long-Term Projects	Likely Options - Initial Reconnaissance Study	 Pure Water SoCal Expanding GW Basin usage Local Supply 	Long-Term Gap	
rojects	High Potential Options – Expedited Study	 USG Cyclic & other similar Programs TVMWD Miramar Pumpback 	130 TAF	
Near-Term Projects	High Potential Options – Implementation	• DVL to Rialto Delivery • Wadsworth Intertie • Badlands Surge Tank • Foothill PS Intertie • IF/RF Intertie • AVEK		
			nmittee	

	Significant Funding Dedicated to Advance Drought Projects			
SWP Dependent Area Solutions Drought Action /Project Portfolios Update	 Projects for the current biennium: \$46M 			
	 East side: DVL to Rialto Delivery (four projects) 			
	 West side: Sepulveda/Venice Pump Stations 			
	 Additional high-potential/low-risk projects Ten-year CIP expenditure projection: \$283M 			
				Pumping capacity expansion
	Interconnectivity improvements			
	Groundwater treatments			
		 \$50M for Metropolitan's drought mitigation projects included in the State budget 		
	 Continue to explore grant opportunities 			
September 12, 2022				





RESULTS

To: Board of Directors, *Municipal Water District of Orange County* **From:** Natural Resource Results **RE:** Monthly Board Report – December 2022

2022 Midterm Elections

NRR's midterm election memo for clients is attached to this report.

FY23 Appropriations

As we write this report, there is still no agreement between Republicans and Democrats on topline spending levels for FY23, which means that appropriators cannot begin to hash out the specific details of what is included in each of the twelve appropriations bills (program specific funding levels, policy riders, report language, etc.). Because of this, there is growing talk of another short-term CR that would fund the government further into December and beyond the current December 16th expiration date.

We still believe that Congress will avoid a government shutdown, but it has become less clear as to whether that happens because of an omnibus appropriations bill or a full year CR, which conservatives are pushing for.

Colorado River

On November 17th, Reclamation published a "*Notice of Intent to Prepare a Supplemental Environmental Impact Statement for December 2007 Record of Decision Entitled Colorado River Interim Guidelines for Lower Basin Shortages and Coordinated Operations For Lake Powell and Lake Mead"* in the Federal Register. The Federal Register link can be found <u>here.</u> Reclamation is accepting public comments on the NOI through December 20th. We expect California to submit robust comments.

We helped pull together a letter (attached) signed by multiple California water agencies and national NGOs to House and Senate leadership advocating for the inclusion of the *Salton Sea Projects Improvements Act* and the *Colorado River Basin Conservation Act*. These two bills were paired together as one during a markup in the Senate Energy and Natural Resources Committee earlier this year.

Senator Padilla's *Salton Sea Improvements Act* would expand the Bureau of Reclamation's (Reclamation) authority to participate in large-scale restoration projects, even if they don't have a research focus. Projects could improve air and water quality, restore fish and wildlife habitat, and improve public health in and around the Salton Sea.

Senator Hickenlooper's *Colorado River Basin Conservation Act* would authorize the Upper Basin System Conservation Pilot Program (SCPP), which is a successful program whereby water users are paid to reduce water use. As a result, the conserved water is available to benefit the system by staying in the river longer and helping improve tributary flows, watershed health, and depleted storage supplies at Lake Powell or other facilities.

Salton Sea

On November 28th, Reclamation announced that it had entered into an agreement with the California Natural Resources Agency, Imperial Irrigation District and the Coachella Valley Water District to fund dust suppression and ecosystem restoration projects at the Salton Sea. Reclamation will provide \$22 million in funding from the Inflation Reduction Act in fiscal year 2023 along with another \$228 million over the next four years. According to Reclamation, these funds will augment roughly \$583 in state funding commitments to date.













November 15, 2022

A century of service.

The Honorable Chuck Schumer Majority Leader United States Senate

THE METROPOLITAN WATER DISTRICT

OF SOUTHERN CALIFORNIA

The Honorable Nancy Pelosi Speaker United States House of Representatives The Honorable Mitch McConnell Minority Leader **United States Senate**

The Honorable Kevin McCarthy Minority Leader United States House of Representatives

Dear Speaker Pelosi, Majority Leader Schumer, Minority Leader McConnell, and Minority Leader McCarthy:

The undersigned organizations are writing to express support for the Salton Sea Projects Improvements Act (S. 2693/H.R. 3877) and the Colorado River Basin Conservation Act (S. 4579). These bills would advance basin-wide efforts to protect critical elevations at Lake Mead and Lake Powell. They are strongly supported by the Upper and Lower Colorado River basin states as well as conservation organizations and agricultural groups. These bills could significantly improve water quality, fish and wildlife habitats, and recreational opportunities in the Colorado River basin and we urge passage during the remaining days of the 117th Congress.

The Salton Sea is California's largest inland body of water. Water levels in the Sea are currently maintained by irrigation runoff, but this water source has been shrinking for many years. This has led to major water quality issues with devastating impacts to the surrounding ecosystem, which serves as critical habitat for migratory waterfowl and other species. The declining water levels have also exposed wide areas of lakebed, polluting the air with toxic dust and heavy metals. The nearby communities suffer from toxic air and experience higher levels of related

health conditions like asthma. Multiple stakeholders and other water users in the Lower Colorado River Basin have stated that a commitment by the federal government to address these Salton Sea challenges is necessary to bring all parties together to address broader Colorado River basinwide issues.

The *Salton Sea Projects Improvements Act* would expand the Bureau of Reclamation's (Reclamation) authority to participate in large-scale restoration projects, even if they don't have a research focus. Projects could improve air and water quality, restore fish and wildlife habitat, and improve public health in and around the Salton Sea.

Recent hydrological data released by Reclamation projects a 20 percent loss of water in the Colorado River system that is allocated among seven basin states and tribal governments, thousands of farms that grow food year-round, and major cities including Phoenix, Tucson, Denver, Las Vegas, Los Angeles, and San Diego that combined account for more than 40 million people. The Colorado River Basin is in its 22nd consecutive year of drought and is increasingly trending towards a hotter and drier climate in the coming years.

The *Colorado River Basin Conservation Act* would extend pilot projects that address drought in the region and build on past successes to increase water conservation in the river basin. In particular, the Upper Basin System Conservation Pilot Program (SCPP) is a successful program whereby water users are paid to reduce water use. As a result, the conserved water is available to benefit the system by staying in the river longer and helping improve tributary flows, watershed health, and depleted storage supplies at Lake Powell or other facilities. The SCPP is a key component of the Upper Basin's 5-Point Plan outlining additional actions that Upper Division States of Colorado, New Mexico, Utah, and Wyoming will take in response to the continuing drought and depleted system storage in the Colorado River Basin.

For these reasons, we strongly support the *Salton Sea Projects Improvements Act (S. 2693/ H.R. 3877)* and the *Colorado River Basin Conservation Act (S. 4579)* and encourage you to pass this much needed legislation before the end of the session.

Sincerely,

American Rivers Business for Water Stewardship Environmental Defense Fund Imperial Irrigation District National Audubon Society Metropolitan Water District of Southern California Palo Verde Irrigation District The Nature Conservancy Theodore Roosevelt Conservation Partnership Trout Unlimited Western Resources Advocates



2022 ELECTIONS ANALYSIS

The results of the 2022 midterm elections are in! Well, mostly anyway. Republicans likely will control the House by a small margin during the 118th Congress while Democrats will retain control of the Senate either 50-50 again, with Vice President Harris representing the deciding vote, or 51-49 depending on the outcome of a December runoff in Georgia. We expect Rep. Kevin McCarthy (R-CA) to be chosen as the next Speaker of the House (despite rumblings from the right) while Speaker Pelosi (D-CA) has not yet declared her candidacy for Minority Leader. We also believe that Leaders Schumer (D-NY) and McConnell (R-KY) will retain their respective positions.

Below is a summary of anticipated notable changes. We also recommend in-depth post-election analyses by <u>Politico</u>, the <u>Washington Post</u> and the <u>New York Times</u>.

Top Line Observations

- No red wave—the reasons are varied—and in fact it depends on the race. Exit polls do show Trump as a drag (28% of voters said their vote was a message of opposition) and that a number of the candidates that he self-selected and/or endorsed vastly underperformed.
- The polling, once again, was inaccurate which was particularly evident in the waning days when many pollsters predicted that Republicans were peaking.
- Crime, abortion, election integrity, and economy/inflation were top issues.
- \$17 billion in spending made this a record-breaking midterm election from a campaign finance perspective.
- Incumbents did really well. The Senate still has numerous centrist lawmakers capable of bipartisan compromise. The House has more swing districts now.
- In spite of impending gridlock on many issues, the likely configuration of the 118th Congress bodes well for natural resource priorities.

What to Expect in the 118th Congress?

Last Congress, we accurately predicted deal-making which was evident in the Bipartisan Infrastructure Law, CHIPS, WRDA (very likely)—and others—getting done. That said, we foresee <u>gridlock</u> creeping back in on many of the most high-profile issues during the 118th Congress for a number of reasons:

First, we think President Biden will threaten to veto House GOP bills early and often... he surely learned from Obama's 2nd term the benefits of that approach. A Democratic Senate will provide a buffer between the President and House passed GOP bills while also allowing the administration to confirm cabinet officials and judicial nominees as positions become available provided that Senator Manchin (D-WV) and other centrist Democrats approve.

Second, the two parties will view fixing the economy quite differently. It is not at all clear how deal-making would aid either party preparing for the upcoming Presidential election. Case in point: they must address the Debt Limit next Congress, which so far has provoked lots of brinkmanship remarks from both parties.

Third, we also expect significant House committee activity to focus on <u>oversight</u> of the Administration's: (1) spending (or not spending) the huge piles of funds provided in the BIL and IRA, and unspent COVID funds even, (2) actions under executive orders, and (3) energy policy (specifically oil and gas). This aggressive oversight will be certain to further partisan divisions and degraded relationships which will cause rifts that bleed over into legislative negotiations. Meanwhile, the narrowly divided Senate will serve as a bipartisan backstop.

Note: While the House hasn't yet said anything definitive about earmarks, a leaked GOP Rules draft document, coupled with anecdotal discussions with members and staff, suggest that a new Republican majority would continue to allow them.

The Exception: Natural Resources Issues

Recent precedent suggests that the type of impending gridlock we predict actually bodes well for administrative and legislative outcomes on natural resources, conservation, recreational shooting and sportsmen's and women's access issues. For example, in the November of 2018 midterm elections, the Democrats won a new House majority while the Republicans increased their Senate majority. The subsequent two years of the 116th Congress (the first divided Congress since the 113th) proved to be among the most productive ever for enactment of NRR's client priorities including the Dingell Conservation Act, the Great American Outdoors Act, the ACE Act and others.

To that end, while the split majority in the 118th Congress will be reversed, we still believe that strong bipartisan and bicameral support should remain solid on legislative outcomes on natural resource issues, including the Farm Bill, western drought, sportsmen/sportswomen issues, outdoor recreation, and forest health.

What Still Might Be Enacted During the Lame Duck Session?

Will Congress finish and enact FY2023 appropriations bills by December 16th or year end? Probably. While some of the hardliners in the GOP conference have voiced their desire to wait until the new Congress is seated, Leader McCarthy earlier indicated his desire to 'clear the deck' before assuming the majority in the House in the 118th Congress. Additionally, Senate Appropriations Committee chairman Leahy (D-VT) and ranking member Shelby (R-AL) are both retiring at the end of the 117th which will be a driver to wrap up the FY2023 bills by the end of the year. A significant number of legislative riders could therefore end up in the Omnibus, including, we hope, the Recovering America's Wildlife Act.

Congress MUST enact the National Defense Authorization Act (NDAA) in some form during the lame duck session and we expect WRDA to hitch a ride on that bill. There are also ongoing discussions around a public lands package. The Outdoor Recreation Act, which was has been reported out of the Senate Energy and Natural Resources Committee with broad bipartisan support, as well as the Good Samaritan Remediation of Abandoned Hard Rock Mines Act which enjoys strong bipartisan support in the Environment and Public Works Committee should be good candidates for inclusion in the NDAA or a separate public lands package.

Change in the Congress

<u>Predicted Senate Makeup</u>: Either 50-50 again, or 51-49 D. The GA race run off is December 6th. Senator Manchin loses some leverage if Warnock wins.

<u>Predicted House Makeup</u>: Republicans appear likely to win the House, and the final makeup will be (about) 220-215 after all the ballots are counted. Caveat: several races are too close to call, some will trigger recounts, and mail-in ballot counting tilts races hourly, seemingly just to foil memos like this one.

Committee Leadership

Some—not many—changes in committee leadership. The charts below highlight expected leadership positions based on retirements, term limits and election results, among relevant congressional committees and subcommittees.

118 th Congress Full Committee Leadership				
Committee	Democratic Leader	Republican Leader	Comments	
House Appropriations	Rosa DeLauro (CT)	Kay Granger (TX)	House subcommittees likely will see leadership changes due to numerous GOP cardinals reaching their self-imposed 6-year limits.	
Senate Appropriations	<i>Patrick Leahy (Retiring)</i> Patty Murray (WA)	Richard Shelby (Retiring) Susan Collins (ME)	First time in history that all 4 Chairs/Ranking Members are women	
House Natural Resources	Raul Grijalva (AZ)	Bruce Westerman (AR)	No change	
Senate Energy & Natural Resources	Joe Manchin (WV)	John Barrasso (WY)	No change	
House Agriculture	David Scott (GA)	GT Thompson (PA)	No change	

Senate Agriculture	Debbie Stabenow (MI)	John Boozman (AR)	No change
House T&I	<i>Peter DeFazio (Retiring)</i> Eleanor Holmes-Norton (DC)	Sam Graves (MO)	
Senate EPW	Tom Carper (DE)	Shelley Moore Capito (WV)	No change
House Energy and Commerce	Frank Pallone (NJ)	Cathy McMorris Rodgers (WA)	No change
Senate Commerce, Science, & Transportation	Maria Cantwell (WA)	Roger Wicker (MS) Ted Cruz (TX)	Wicker shifts to Armed Services
Senate Armed Services	Jack Reed (RI)	James Inhofe (Retiring) Roger Wicker (MS)	

House Appropriations Committee

Subcommittee	Democratic Leader	Republican Leader	Comments
Interior and Environment	Chellie Pingree (ME)	David Joyce (OH)	Joyce will need a waiver from Leadership to remain on Interior
Energy and Water	Marcy Kaptur (OH)	Mike Simpson (ID)	Simpson could shift to Interior if Leadership is stingy with waivers
Agriculture	Sanford Bishop (GA)	Andy Harris (MD)	
Commerce, Justice, Science	Matt Cartwright (PA)	Robert Aderholt (AL)	

House Natural Resources Committee				
Subcommittee	Democratic Leader	Republican Leader	Comments	
National Parks, Forests and Public Lands	Joe Neguse (CO)	Russ Fulcher (ID)		
Water, Oceans and Wildlife	Jared Huffman (CA)	Cliff Bentz (OR)		
Oversight and Investigations	Katie Porter (CA)	Blake Moore (UT)		

House T&I				
Subcommittee	Democratic Leader	Republican Leader	Comments	
Water Resources and Environment	Grace Napolitano (CA)	David Rouzer (NC)		

Senate Appropriations Committee			
Subcommittee	Democratic Leader	Republican Leader	Comments
Interior and Environment	Jeff Merkley (OR)	Lisa Murkowski (AK) (no winner yet; ranked choice ballots tabulated 11/23)	
Energy and Water	Dianne Feinstein (CA)	John Kennedy (LA)	
Agriculture	Tammy Baldwin (WI)	John Hoeven (ND)	
Commerce, Justice, Science	Jeanne Shaheen (NH)	Jerry Moran (KS)	

House and Senate Leadership Elections

House GOP leadership elections are expected to take place on November 16th. Rep. McCarthy is expected to be chosen Speaker, though he has headwinds, Rep. Scalise (R-LA) will move up to Majority Leader, and there is a 3-way race for Majority Whip between NRCC Chair Tom Emmer (R-MN), Republican Study Committee Chair Rep. Jim Banks (R-IN) and Drew Ferguson (R-GA), the current chief deputy whip. GOP Committee leadership will be public in mid-December.

House Democrats will hold their leadership elections on November 30th. As of right now, Speaker Pelosi is mum on whether she will step down from leadership. Majority Leader Hoyer (D-MD) and Majority Whip Clyburn (D-SC) have also held their post-election plans close to the vest. The lack of a "red wave" of new GOP members could cut into the case that the House Democrat Caucus needs a leadership overhaul. If change occurs, Congressman Hakeem Jeffries (D-NY) seems well positioned to lead the caucus.

In the Senate, we see Senator McConnell continuing as GOP Leader, but an uprising from the right is making that uncertain.

What Happened to the "Red Wave"?

While there is not a simple answer to this question now, we offer the following observations that we believe led to a weak midterm election night for Republicans:

- Abortion was likely a much bigger issue, in a number of suburban races in particular, than Republicans anticipated. The first sign of this occurred on August 2nd when Kansas, a red state, passed a ballot initiative to protect access to abortion by a staggering 18%.
- Late in the cycle, Democrats made the case that the election was about the integrity of the republic and that democracy was at stake in the mid-terms. Republicans failed to develop a counter to this narrative and former President Trump's last minute "announcement" certainly helped fuel this fire.
- Candidate quality matters, demonstrated by ticket splitting (compare margins of candidates for governor versus Senate or House within a state) e.g., OH/GA/PA/NH.

By the Numbers

As expected, early voting exceeded historic levels (46 million early ballots), and overall turnout was higher than normal for a midterm election (2nd highest since 1970). There were 34 House retirements this election (22 D, 12 GOP). Many House races are within 3% points, so swing districts are alive and well.

According to exit polls, voters under 30 preferred House Democrats by a 28-point margin (63% for Democrats, 35% for Republicans)—this with 3 octogenarian leaders even. Democrats, however, continue to slip with Latino voters (down 5% more since 2020).

In terms of issue polling the week before, on average, the economy and inflation (51+%) mattered most to likely voters going in; future of democracy (44%); crime (25%) and abortion (25+%) also ranked highly. Exit polls mirrored these earlier numbers.

Governors Races

Democrats flipped two governorships with victories for Wes Moore (D-MD) and Maura Healey (D-MA). There are two Governor races yet to be called, but it is likely that Alaska Governor Mike Dunleavy (R-AK) will win reelection and Arizona will flip to Katie Hobbs (D-AZ), giving Republicans a slim national majority of 26 GOP-24 D.

9

2024 Presidential Race

No one can deny this: Gov. Ron DeSantis' (R-FL) and Sen. Tim Scott's (R-SC) stocks are rising, while Trump's stock is falling. Meanwhile, President Biden's stock is flat: He avoided the feared drubbing, but largely was on the sidelines this midterm and his numbers remain low.



To:	MWDOC
From:	Syrus Devers, Best & Krieger
Date:	December 1st, 2022
Re:	State Legislative Report

Legislative Report

Not much happened inside the Capitol during election season, so this month's report is more of a political report on the elections as opposed to a legislative report.

As this report is being prepared on November 28th, there are still two undecided races in the Central Valley counties of Fresno, Tulare, and Merced, where there are over 5,000 ballots yet to be processed. In the first, state Senator Melissa Hurtado (D) trails challenger David Shepard (R) by 363 votes in the new Senate District 14 (which includes much of the old SD 14). The other is for Congressional District 13 where former Assembly Member Adam Gray (D) trails John Duarte (R) by 593 votes.

The current political divide in the State Senate is 31 Democrats to 9 Republicans. If Hurtado does lose her seat, nothing significant will change because Republicans effectively lost a safe seat in the new district maps. Democrats would still hold 31 seats and it hardly matters if they pick up one more. (Except to Republican staffers, of course.) BB&K will give a (hopefully) final report during the Workshop meeting.

The new maps were better for the Democrats in the Assembly. The current political divide is 60 Democrats, 19 Republicans, and one independent. (Chad Mayes) On December 5th, 63 Democrats and 17 Republicans will be sworn in to the 2023/2024 session.

The intrigue in the Assembly will be over the speakership. You may recall that Assembly Member Robert Rivas (Salinas) challenged Speaker Anthony Rendon over the summer for control of the Assembly. Rendon survived and many Capitol observers thought Rivas had misstepped, but on November 11th both men announced an agreement had been reached whereby Rivas would take over as Speaker next summer. Glad that's worked out and we can all go home, right? Not so fast; we've been here before and it does not always go according to plan.

What could go wrong?



There is always an heir apparent (or a few) for the speakership in the current class of legislators, in this case Rivas, but the incoming class may or may not go along. Although the timing was different, that was largely how Rendon became Speaker in 2016. The Assembly class elected in 2012 was the first group under the new term limit law and many of them felt that the next Speaker should come from their class. The outcome was that then Assembly Member Toni Atkins became a short-term Speaker in her final term while it was sorted out, which gave Rendon time to secure the votes. Could that happen again? Given that 34% of the Assembly will be new members, it is something to consider.

Why the plan might work anyway.

Rivas did not sit on his hands. He transferred over \$400,000 from his campaign account to Democrat candidates, and the Democrats picked up three seats. Rivas may well have a sizable group of supporters in the incoming class. If that is the case, he will still have the votes he needs in the new class. He may not, however, be too eager to take over until the next budget cycle is complete given the bleak economic outlook, which may explain why the transition is scheduled for the summer.

How will all of this affect water districts?

Not much will change in the Senate, but in the Assembly Water Parks & Wildlife Committee 5 of the 15 current committee members will not return in 2023. How those seats are filled could significantly affect the politics of the committee. As mentioned above, 34% of the Assembly will be new members, and 25% of the senators will be freshmen as well. That is a lot of new members and staff for governmental affairs advocates to get to know in the first quarter of 2023.

Item No. 3c

ACKERMAN CONSULTING

Legal and Regulatory

December 7, 2022

- Agricultural Loss \$3Billion: Bloomberg reports that California crop revenues lost \$1.3 billion in 2021 and \$1.7 billion in 2022 to date. The Central Valley which produces about one fourth of all US food suffered the most. Since 2019, more than 1.3 million acres went unplanted. Vines and veggies were the largest area of monetary loss. Rice and tomato cuts severely hurt food processors. Senior water rights helped save farmers from more severe cuts and financial losses. Predictions are that things could get worse.
- 2. Fishes v Reservoirs: The battle continues over reservoirs and their impact on fishes in California. California has over 1400 reservoirs and almost very river has at least one dam or reservoir connected to it. A recent PPIC report concludes that the two can coexist. History has shown that man has caused more problems in this area than reservoirs. California has all kinds of fish. Some are only fresh water, some only salt water and some that can survive in both. Many of the larger reservoirs in the 1950s and 1960s became overpopulated with native fishes and some of them were considered trash fish (hardhead). The state in its wisdom adopted a method of poisoning them in large numbers. As you might have guessed, they killed a lot of the good fish also. Next, the State brought in non-native fish to combat the bad ones. This in turn created its own issues. The current condition below dams bears little semblance to the historic ones. The main difference is quantity and temperature of water. Some areas of the State have managed to maintain a proper balance while others have not. The report concludes that both fish and reservoirs can coexist if there is a sufficient priority given to water management.
- 3. Enviro Laws Questioned: The continuation and frequency of our droughts are causing another look at our environmental law structure. Some groups including farmers think the state and federal endangered species acts may make the drought worse. As water is reduced to farmers, we have noted in Article 1 above, food production suffers in California, the US and the world takes a very big hit. Farmers are using less acres than before. They also make the argument that water has been mismanaged in California and part of the drought is man-made. The enviros argue that the red-legged frog has come back from near extinction and is now doing very well. Primarily because of the various protections, the frog and some other varieties are surviving.
- 4. **PFAS Suit:** California has now joined a few other states in filing an action against 3M, Dupont and some others for harm caused by the forever chemicals. Their theory is the companies knew for decades that those chemicals were harmful to humans and the environment. Their investigation claims that the companies knew that PFAS causes cancer, developmental defects, and other health problems. AG Bonta estimates that penalties and cleanup costs would exceed hundreds of millions of dollars. The infrastructure bill passed by Congress this year set aside \$1 billion for clean up caused by PFAS. States are eligible to apply for money but not sure if California will.

- 5. **SF Makes Water Deal:** The State Water Resources Control Board has been threatening water districts and users throughout the State to reduce water use or face mandatory reductions. San Francisco is dependent on the Hetch Hetch Reservoir for its water, supplied by the Tuolumne River. A deal has been reached between SF, Turlock, and Modesto Irrigation districts. This voluntary agreement is much less harsh than what the State Board threatened in 2018. It has many variables depending on whether the year is wet or dry. The deal is not binding and is being criticized by the environmental groups as too lenient.
- 6. Water and Climate Change: A recent report of climate change from Stockholm University is centered on water. It concluded that water management is crucial for success in any climate change effort. Forest restoration, wastewater treatment, water quality, freshwater sources, nature-based solution are all important in climate change strategy. Also, the report recognized the importance of water to climate, food, and energy issues.
- 7. Farmers Fined: Farmers in Siskiyou County near the Shasta River recently violated a State Board Water order. The Boards emergency drought order basically cut some 80 farmers and ranchers off their water supply last August. Re igniting the senior water rights battles of past, these folks turned on their pumps for 8 days and diverted water from the Shata River to their farms. The Board has fined them \$4000 or about \$50 per farmer. This fine is very small but is the limit they can assess. Local tribes and other groups are critical of the Boards weak action. The farmers are deciding on whether to contest the fine. Second offenses are fined at a much higher rate than the first offense.
- 8. Saudi Arabia Buying Water: A groundwater water war is being fought in rural Arizona. A Saudi Arabian company, Fondomonte, is buying up groundwater in the desert west of Phoenix in unlimited amounts. Their price is low, \$25 per acre foot, about 1/6 the price nearby farmers are paying. They use the water to grow alfalfa in Arizona and ship it back to Saudi Arabia to feed their cattle. It became a campaign issue during the recent election with both the Democratic and Republican candidates for Governor opposing the practice. Fondomonte is expanding their operations in Arizona and eastern California. The deal was done with the Arizona State Land Department who refuses to disclose the details of the deal. Saudi has exhausted their own water at home and is therefore looking to us to bail them out. Two Arizona congressmen have proposed HR 9194 to curtail the activity. Their bill would impose an excise tax of 300% of the price for which the crop is sold. Clearly, this is gaining more and more attention and more legislation. Some of this legislation would impact the chip industry which also occurs in Arizona and uses a lot of water.
- 9. Dry Grass: Kernza may be the answer. Colorado State University is researching a less thirsty and useful wheatgrass being developed in Kansas. This intermediate wheatgrass produces a grain like alfalfa that can be used for feed and grain crops. It uses about 30% less water than alfalfa and is very drought tolerant. It has been grown in out central states for decades with good success. Its root system depth is 12 to 15 feet which gives it longer and stronger staying power is different climate models. Further good news, its grain can be used to make bread, beer and whiskey. The beer if you are interested is by Dogfish Head and is a German style pilsner called Kernza Pils. It is not predicted that Kernza would replace alfalfa entirely, but it could certainly impact a part of the existing market and would be more important in some drought areas.

- 10. Water Batteries: We have previously reported on this topic, but activity is starting to increase. San Diego County Water Authority is converting San Vicente Reservoir into a water battery. Underground pipes will connect the Reservoir to a newer and smaller reservoir nearby which is about 1100 feet higher. During the day (with sunshine help) solar power will pump water to the higher pond. During the day, the upper pond will open the gates and run water through turbines producing 500 megawatts of electricity for about 8 hours. Next day, repeat process. This technology called pumped hydro energy storage is already in use in over 40 sites in the US. Our largest produces over 1000 megawatts for about 8 hours. Most of our plants are old but a new wave is starting such as San Diego. Currently there at over 90 projects in the planning stage in the US. Topography is clearly an important factor in making this concept work.
- 11. Yale Attacks PFAS: One of the most dangerous PFAS is 1.4 dioxane. It has been identified by the EPA as a probable human carcinogen which can cause cancer. Yale research center has been launched to concentrate on 1.4. The reason being is chemical makeup is unique. It has two methods of action which are very complex. The simple explanation is that its mere presence can act as a carcinogen and it can stimulate other cells or chemicals to do the same, a sort of double whammy. Also, 1.4 is very small and can pass through may filters including the hi-tech variety. Their emphasis on this piece of the puzzle can be game changing.

Item No. 4



DISCUSSION ITEM December 7, 2022

TO: Board of Directors

FROM: Megan Yoo Schneider Board President

SUBJECT: MWDOC MET DIRECTOR SEAT

RECOMMENDATION

It is recommended that the Board of Directors review and discuss the process for appointing a MWDOC/MET Director, and take action as appropriate.

REPORT

MWDOC appoints four (4) Directors to the Board of Directors of Metropolitan Water District of Southern California (MET). MWDOC MET Directors serve at the pleasure of the Board.

Per the MWDOC Administrative Code §1500-§1505 two (2) of the four (4) MWDOC MET Director seats are retained by the MWDOC Board.

Director Tamaribuchi currently serves as a MWDOC Board retained MWDOC MET Director. Director Tamaribuchi will remain a MWDOC Director until election results are certified by the Orange County Registrar of Voters.

Upon expiration of his term, the President of the MWDOC Board, with the consent and approval of the Board, will appoint a MWODC MET Director.

Attachment: MWDOC Administrative Code §1500-§1505 - MWDOC MET Directors

MUNICIPAL WATER DISTRICT OF ORANGE COUNTY ADMINISTRATIVE CODE

MWDOC MET DIRECTORS §1500-§1505

MWDOC appoints Directors to the Board of Directors of Metropolitan Water District of Southern California (MET). These Directors are appointed to serve at the pleasure of the Board. MWDOC/MET Directors' workshop meetings are held monthly to encourage exchange of ideas and information between the MWDOC Board and the MET Directors. Generally, the MWDOC Board avoids giving explicit direction on voting to the MET Directors, but may do so at any time.

§1500 APPOINTMENT OF MET DIRECTORS

A. APPOINTMENT PROCESS

The President of the MWDOC Board, with the consent and approval of the Board, shall appoint MET Directors to serve at the pleasure of the Board.

1. REVIEW OF CANDIDATES

The President of the Board will receive names and qualifications of proposed candidates submitted by MWDOC Directors for two (2) of the four (4) seats retained by the MWDOC Board. In addition, for the other two (2) seats, the President of the Board shall request the Member Agencies to nominate in writing a candidate or candidates of their choosing. The request for nominations shall alternate between the North County agencies and the South County agencies, in the absence of agreement to some other process. The nomination by the Member Agencies shall be determined by "one agency, one vote" process. Once filled, the seats will be designated as the "South County Seat" and the "North County Seat" and the nomination for the designated seat shall be from that region.

2. SELECTION

To assist in the selection of a candidate, the President of the Board may appoint a Special Committee of the Board to interview and/or discuss the list of potential candidates. The Committee shall submit its recommendation to the President and the Board. The MWDOC Board shall retain a minimum of two (2) of the four (4) available MWDOC seats on the MET Board.

3. TERM OF OFFICE

The MWDOC Board shall appoint its MET Directors to serve at the pleasure of the Board.

B. QUALIFICATION OF CANDIDATES

The following guidelines shall be used to evaluate the qualifications of MET Director candidates:

1. AREA OF REPRESENTATION

MET emphasizes that MET Directors are required to consider problems and issues from the standpoint of their Metropolitan responsibility (i.e., a Southern California regional perspective). In addition, MWDOC requires that the candidate(s) shall represent the interests of the <u>entire</u> MWDOC service area in carrying out the responsibilities of a MET Director. While the candidate(s) will be nominated from a specific geographical area of Orange County, the Director must represent the interest of the entire MWDOC and MET service areas.

2. MEETING ATTENDANCE

The candidate shall be able to regularly attend the meetings related to the duties of being a MET Director and is expected to allot adequate time to prepare for and participate in the activities associated with the position. If a candidate is employed, the candidate must submit evidence of approval from his employer that the time commitments are allowed.

3. LEADERSHIP AND ACTIVITIES

The candidate should plan to participate actively in the affairs of MET, representing the interest of MWDOC. The candidate shall have a broad base of acquaintanceship and support within Orange County, as the candidate needs to be able to call upon supporting groups who have knowledge of subject matter on a broader regional and/or national basis. The candidate's field of expertise should be an avenue for seeking support of experts in those special areas when the endeavor is within the MWDOC and MET framework. The candidate is expected to be an active, credible representative of MWDOC.

4. RESIDENCE

The candidate shall be a resident of Orange County and must reside within the MWDOC service area.

5. INCOMPATIBILITY OF OFFICE

It is the position of the MWDOC Board of Directors that the candidate they approve and appoint as a MET Director must correct potential incompatible office conditions prior to assuming the MET Director role. Such conditions would include the public offices of Director, City Council Member, or Mayor of one of the MWDOC Member Agencies. Incompatibility also would apply to City Managers and General Managers as principal executive officers of member agencies. Candidates would not need to resign the incompatible office to be nominated or tentatively selected as a MET Director. However, the candidate would need to resign the incompatible office, as defined by the MWDOC Board, with an effective date prior to being sworn in as a MET Director.

M-6/17/15

§1501 <u>REQUEST BY MWDOC MET DIRECTORS TO SEEK ELECTED OFFICE AT</u> <u>MET</u>

A MWDOC/MET Director desiring to seek any elected office of the MET board shall first obtain concurrence of the MWDOC Board.

Motion – 4/21/93; Motion – 5/27/98; Motion – 1/20/99; Ord. No. 46-12/6/00

§1502 MET DIRECTORS' COMPENSATION

The amount of compensation to be received by MET Directors shall be identical to that set forth for MWDOC Board Members in Section 1400 of this Code. MET Directors shall submit a Compensation Voucher complying with the submittal timelines described under Section 2206. The Compensation Vouchers shall be approved by the MWDOC Board President. In the absence of the MWDOC Board President, any member of the MWDOC Executive Committee or Administration & Finance Committee may approve the Compensation Vouchers. The maximum number of days for which a MET Director may receive compensation shall not exceed 10 in any calendar month in addition to any days for which the MET Director may be compensated as a MWDOC Director.

Ord. 38 - 3/7/90; Ord 40 - 12/9/92; R1472 - 12/9/92; 11/15/95; R1552 - 1/17/96; R1572 - 12/18/96; R1596 - 12/17/97; Ord. 47- 4/18/01; Ord. 54 - 4/17/19

§1503 MET DIRECTOR LEAVING STATE

MET Directors shall notify the Secretary of the Board of their request to be absent from the State for 60 days or more, at least 7 days prior to the meeting of the Board, when possible. The Secretary shall place the request on the Consent Calendar of the agenda of the Board for its consideration. In the event there is insufficient time for the MET Director to provide said request or there is insufficient time to agendize said request prior to the departure of the MET Director, the Secretary shall notify the President and Vice President and agendize the matter for consideration by the Board as soon as possible.

MET Directors should notify the Secretary of expected absences from the State of less than 60 days at least 3 days prior to departure when possible.

R1253 - 1/23/85;

§1504 <u>CHANGE IN RESIDENCE OF MET DIRECTORS OUTSIDE BOUNDARIES OF</u> <u>MWDOC SERVICE AREA</u>

If a MWDOC MET Director moves his or her residence, as defined in Section 244 of the Government Code, outside the boundaries of the MWDOC service area, and if within

180 days of the move or the effective date of this section, the MET Director fails to reestablish a place of residence within MWDOC's service area, the MWDOC Board shall presume that a permanent change of residence has occurred and the MET Director at issue is no longer eligible for appointment to that position.

M-9/21/09

§1505 LEAVE OF ABSENCE FOR MET DIRECTORS

For good cause, the MWDOC Board may authorize a leave of absence for a MWDOC MET Director of up to 90 days. Such an approval must be obtained prior to requesting a leave of absence from the MET Board.

M-9/21/09

§ 1506 MWDOC MET DIRECTOR DELEGATION PROTOCOL

The Leader of the MWDOC MET delegation, who is designated to speak on behalf of the MWDOC MET delegation and coordinate votes at MET, will be the elected MWDOC Director on the MET Board with the most seniority at MET. Should another member of the MWDOC MET delegation be elected as Chairman of the MET Board, they shall assume the position as Leader of the MWDOC MET delegation.

The Leader of the MWDOC MET delegation is responsible for preserving the decorum of the delegation at MET, and shall chair the MWDOC MET delegation Caucus meetings, and all other meetings prior to MET's monthly board and committee meetings. In consultation with other members of the MWDOC MET delegation, the Leader will have the ability to select the time and location of all Caucus meetings of the MWDOC MET delegation.

M-6/17/15

Item No. 6



ACTION ITEM December 7, 2022

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. At the past several meetings, including the November 16, 2022 Board meeting, the Board voted to continue such remote meetings for additional 30 day periods. As previously indicated, 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 within 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.

The Building Management Committee continues to review and discuss this item.

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

Item No. 7



DISCUSSION ITEM December 7, 2022

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 Integrated Resources Plan Update
- c. Water Supply Condition Update
- d. Water Quality Update
- e. Colorado River Issues
- f. Delta Conveyance Activities and State Water Project Issues

ISSUE BRIEF #A

SUBJECT: MET Finance and Rate Issues

RECENT ACTIVITY

Water Transactions for September 2022 totaled 158.1 thousand acre-feet (TAF), which was 6.7 TAF higher than the budget of 151.4 TAF and translates to \$146.7 million in revenues for September 2022, which was \$1.4 million higher than the budget of \$145.3 million.

Year-to-date water transactions through September 2022 were 440.0 TAF, which was 21.7 TAF higher than the budget of 418.3 TAF. Year-to-date water revenues through September 2022 were \$411.7 million, which was \$0.3 million higher than the budget of \$411.4 million.

ISSUE BRIEF #B

SUBJECT: MET Integrated Resources Plan Update

RECENT ACTIVITY

To provide member agency access to an equivalent level of water supply reliability through necessary adaptive implementation of the IRP findings:

- As part of work to identify and analyze drought action portfolios, Metropolitan met with IEUA and Burbank Water and Power to review results of feasibility and hydraulic analysis of potential projects.
- An RFP for Wadsworth Pumping Plant Bypass was advertised with contract award slated for December 2022. Progress was made to advance two Inland Feeder projects, the Inland Feeder/Rialto Pipeline Intertie and the Inland Feeder Badlands Tunnel Surge Protection.

To advance the long-term reliability and resilience of the region's water sources through a One Water approach that recognizes the interconnected nature of imported and local supplies, meets both community and ecosystem needs, and adapts to a changing climate:

- The Pure Water Southern California project received an \$80M lump sum earmark grant from the state. The team has prepared a December 2022 board letter to request authorization to spend the grant. The letter will include updates on the status of program activities, cost analysis, and early delivery projects. The RFP for the Program Manager is in procurement, with proposals due November 9. The schedule for the conveyance pipeline in Carson and surrounding cities will be advertised in December 2022. The NOP for the program was published on September 30 with a 45-day comment period. Four scoping meetings are being held at various times and dates. Metropolitan is meeting with other area agencies (LADWP, LASAN, WBMWD, WRD, et al.) to explore opportunities to coordinate water reuse systems and schedules.
- The Climate Registry awarded Metropolitan its highest honor, the All-Star Award, recognizing Metropolitan's commitment to curbing the impacts of climate change. Metropolitan was recognized for reporting all relevant greenhouse gas (GHG) emission sources and activities, and for establishing a public GHG reduction goal with the Climate Action Plan.

Water reserves continued to be managed according to Water Surplus and Drought Management (WSDM) principles, operational objectives, and the current 5 percent State Water Project (SWP) allocation. Deliveries of SWP supplies were minimized to preserve SWP Carryover and Flexible Storage. Releases from DVL through PC-1 to connections on the Lakeview Pipeline, as well as the DVL to Mills plant operation, continued in October to conserve SWP supply use in that area. Returns from the Semitropic and Kern Delta SWP Banking Programs also continued in October. Metropolitan staff continued Greg Avenue pump operations to minimize SWP usage. In addition, Metropolitan staff continued coordination with member agencies, shifting their deliveries from SWP connections to Colorado River water connections, when possible. Metropolitan staff continue to develop additional drought mitigation actions to help with the low SWP allocation in 2022 and prepare for 2023

ISSUE BRIEF #C

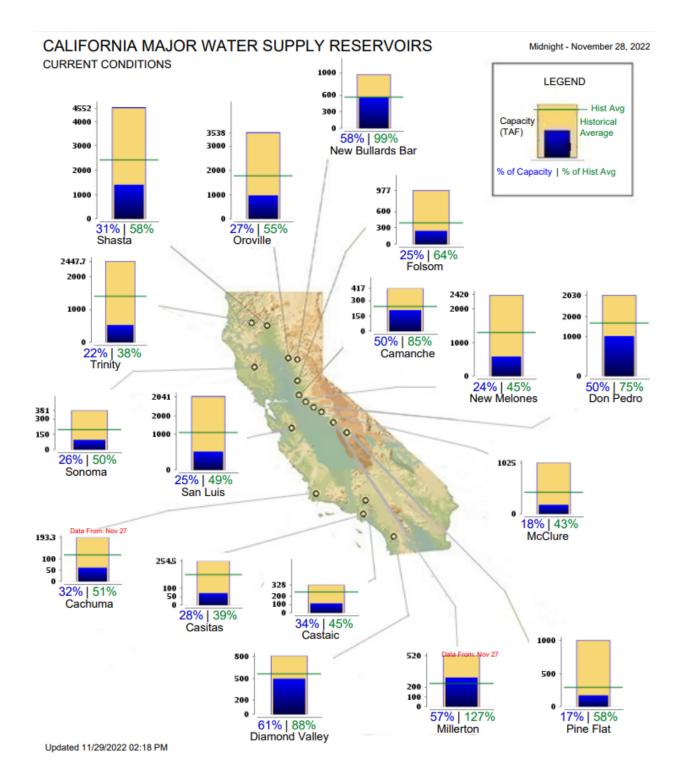
SUBJECT: MET's Supply Condition Update

RECENT ACTIVITY

The 2022-23 Water Year (2022-23 WY) officially started on October 1, 2022. Thus far, Northern California accumulated precipitation (8-Station Index) reported **4.3 inches or 47% of normal** as of November 29th. The Northern Sierra Snow Water Equivalent was at **2.4 inches on November 29th**, which is **55% of normal** for that day. Due to historical low precipitation/snowfall from January to March 2022, it is anticipated the Department of Water Resources (DWR) has will set the State Water Project (SWP) <u>initial</u> "Table A" allocation **to 0%.** This allocation provides Metropolitan with approximately **0 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 2023 contractor demands. In additional, Metropolitan will receive **134,000 AF for Human Health and Safety Supply in 2022.**

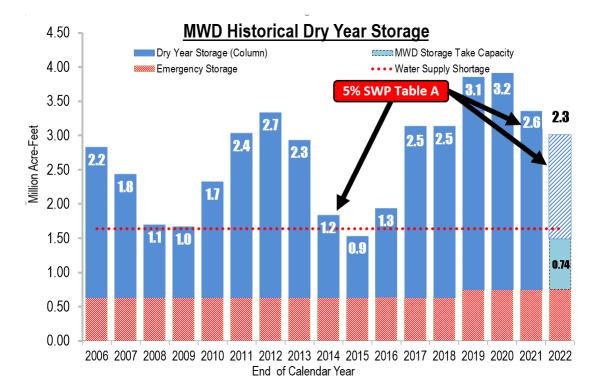
The Upper Colorado River Basin accumulated precipitation is reporting **3.7** *inches or* **82%** *of normal as of November 28th*. On the Colorado River system, snowpack is measured across four states in the Upper Colorado River Basin. The Upper Colorado River Basin Snow Water Equivalent was reporting **3.7** *inches as of November 29th*, which is **79% of** *normal* for that day. Due to the below average precipitation/snowfall in 2020-21 WY, the United States Bureau of Reclamation <u>declared a shortage at Lake Mead starting</u> <u>January 1st, 2022</u>. There is and a 100% chance of shortage continuing in 2023.

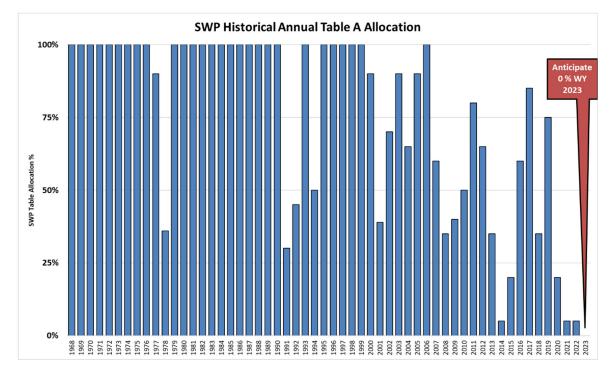
As of November 29th Lake Oroville storage is at **27% of total capacity and 55% of** *normal.* As of November 29th San Luis Reservoir has a current volume of **25% of the** *reservoir's total capacity and is 46% of normal.*



With CY 2022 estimated total demands and losses of 1.673 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) 2022. Based on this, estimated total dry-year storage for Metropolitan at the end of **CY 2022 will go down to approximately 2.26 MAF.**

A projected dry-year storage supply of 2.26 MAF would still be about 1.26 MAF above where MWD has historically declared a water supply allocation. 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. With a majority of MWD's water supplies stored in Lake Mead and the uncertainty of another dry year in California there is potential for Water Supply Allocation in CY 2023.





WSDM Storage	1/1/2022 Storage Levels	Net Projected Storage Action Put (+) / Take (-)	Projected End of Year 2022 Balance ¹	2022 Total Storage Capacity
Colorado River Aqueduct Delivery System	1,252,000	-68,000	1,184,000	1,657,000
Lake Mead ICS	1,252,000 ²	-68,000	1,184,000	1,657,000
State Water Project System	636,000	-159,000	477,000	1,879,000
MWD SWP Carryover ³	28,000	-15.000 4	22,000	250,000
DWCV SWP Carryover ³	38,000	-15,000	23,000	350,000
MWD Articles 14(b) and 12(e)	0	0	0	N/A
Castaic and Perris DWR Flex Storage	49,000	-46,000 3	3,000	219,000
Arvin Edison Storage Program	136,000	-17,000 ⁶	119,000	350,000
Semitropic Storage Program	218,000	-50,000 ⁷	168,000	350,000
Kern Delta Storage Program	149,000	-31,000	118,000	250,000
Mojave Storage Program	19,000	0	19,000	330,000
AVEK Storage Program	27,000	0	27,000	30,000
In-Region Supplies and WSDM Actions	795,000	-109,000	686,000	1,246,000
Diamond Valley Lake	600,000	-110,000	490,000	810,000
Lake Mathews and Lake Skinner	179,000	10,000	189,000	226,000
Conjunctive Use Programs (CUP) ⁸	16,000	-9,000	7,000	210,000
Other Programs	674,000	-11,000	663,000	1,181,000
Other Emergency Storage	381,000	0	381,000	381,000
DWCV Advanced Delivery Account	293,000	-11,000	282,000	800,000
Total	3,357,000	-347,000	3,010,000	5,963,000
Emergency	750,000	0	750,000	750,000
Total WSDM Storage (AF) ⁹	2,607,000	-347,000	2,260,000	5,213,000

2022 WSDM Storage Detail

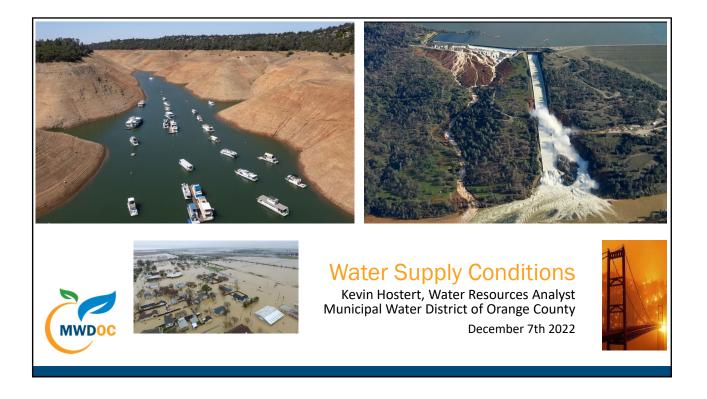
¹ Preliminary end of year balances, subject to DWR adjustments and USBR final accounting in May 2023.

² Reflects USBR's final accounting for 2021, released in May 2022. This amount is net of the water Metropolitan stored for IID in Lake Mead in an ICS sub-account.

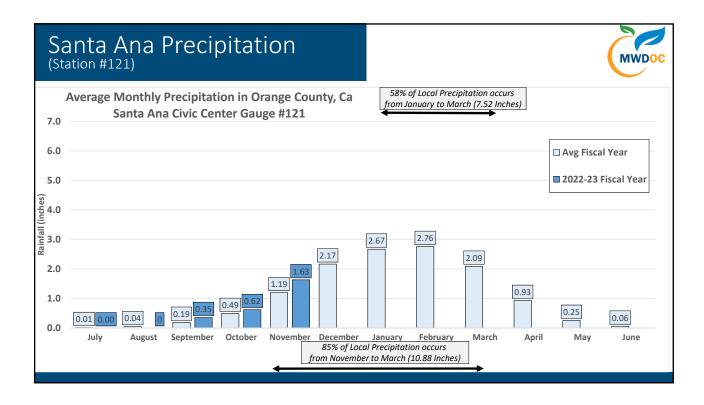
³ Total storage capacity varies year to year based on prior year remaining balance added to current year contractual limits.

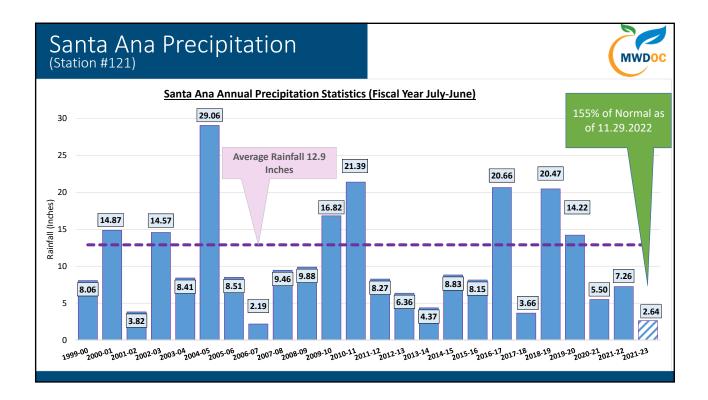
- ⁴ Net storage action of withdrawing 38,000 AF from carryover and adding/repositioning 23,000 AF of previously banked groundwater into carryover storage.
- 5 Available for withdrawal from Castaic Lake in 2022 pursuant to an MWD-DWR agreement.
- ⁶ Take amounts dependent on exchange capabilities.
- ⁷ Includes leasing 5,000 AF of return capacity from SDCWA. This provides Metropolitan the ability to withdraw more of its groundwater stored in the program.
- ⁸ Total of all CUP programs including IEUA/TVMWD (Chino Basin); Long Beach (Central Basin); Long Beach (Lakewood); Foothill (Raymond and Monk Hill); MWDOC (Orange County Basin); Three Valleys (Live Oak); Three Valleys (Upper Claremont); and Western.
- 9 Total WSDM Storage level subject to change based on accounting adjustments.

ATTACHMENT: WATER SUPPLY CONDITIONS POWERPOINT – DECEMBER 7TH



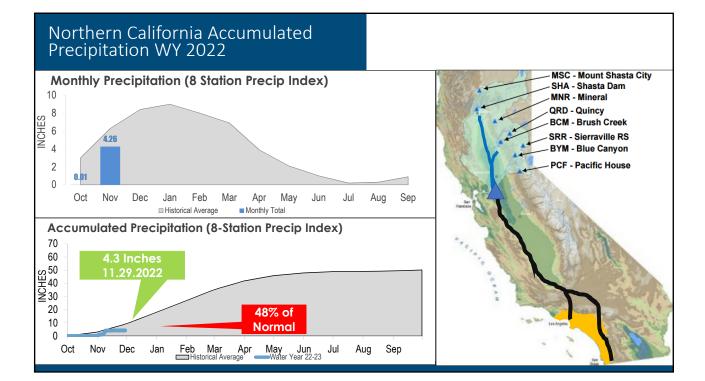




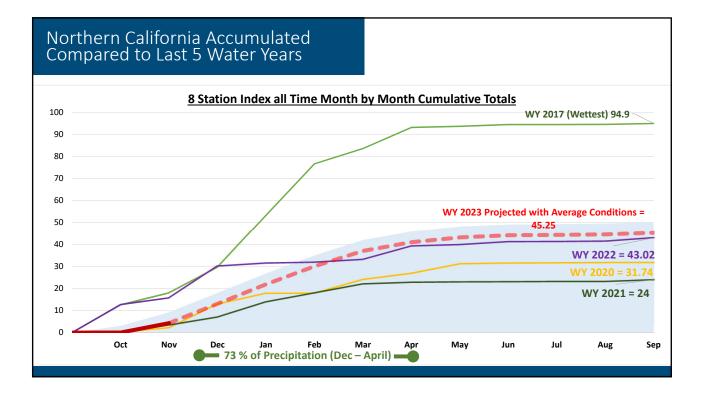




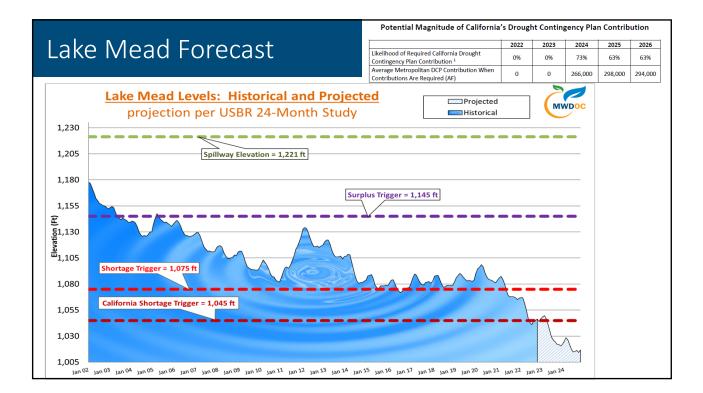
Insight to regional drought conditions that affect California's water supply



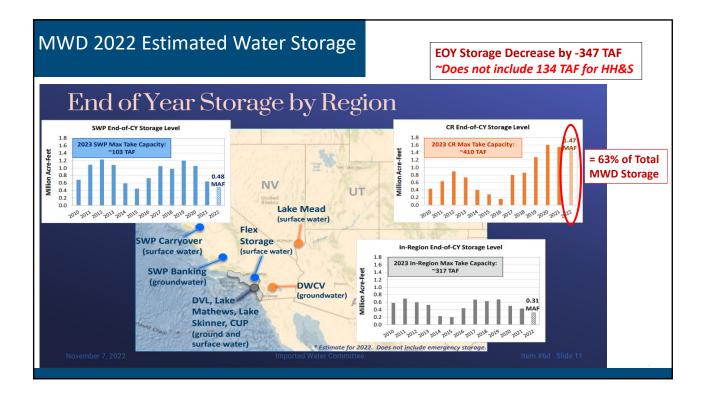
Page 64 of 78















ISSUE BRIEF #D

SUBJECT: MET's Water Quality Update

RECENT ACTIVITY

Water System Operations

Metropolitan member agency water deliveries were 156,802 acre-feet (AF) for October with an average of 5,058 AF per day, which was 391 AF per day higher than in September. Treated water deliveries decreased by 2,382 AF from September for a total of 65,487 AF, or 42 percent of total deliveries for the month. The Colorado River Aqueduct (CRA) continued operating at an eight-pump flow with a total of about 106,000 AF pumped for the month. State Water Project (SWP) imports averaged 1,706 AF per day, totaling about 52,878 AF for the month which accounted for approximately 34 percent of Metropolitan's deliveries. The target SWP blend remained at zero percent for the Weymouth, Diemer, and Skinner plants.

Water Treatment and Distribution

The State Water Project target blend entering the Weymouth and Diemer plants and Lake Skinner was zero percent in October 2022.

Flow-weighted running annual averages for total dissolved solids from August 2021 through July 2022 for Metropolitan's treatment plants capable of receiving a blend of supplies from the State Water Project and the Colorado River Aqueduct were 597, 593, and 590 mg/L for the Weymouth, Diemer, and Skinner plants, respectively.

This month, Metropolitan staff continued modifications to the CenB-36 service connection along the Middle Feeder in the city of Rosemead. The work included refurbishing the discharge piping and chemical feed system to support Metropolitan's drought efforts through maximizing deliveries of Colorado River water to an area that would otherwise receive only SWP supplies

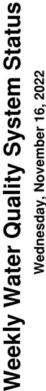
Source Water Quality

While performing a monthly test on the station generator at the Chemical Unloading Facility (CUF) in Perris, an internal component failure led to damage of the generator windings and electronic controls. The repair required a complete tear down and rebuild of the generator. A temporary generator was required to ensure that CUF remained in operation and able to run at full capacity during the repair. Station generator testing occurs monthly at the plants to ensure operational reliability in the event utility power is lost.

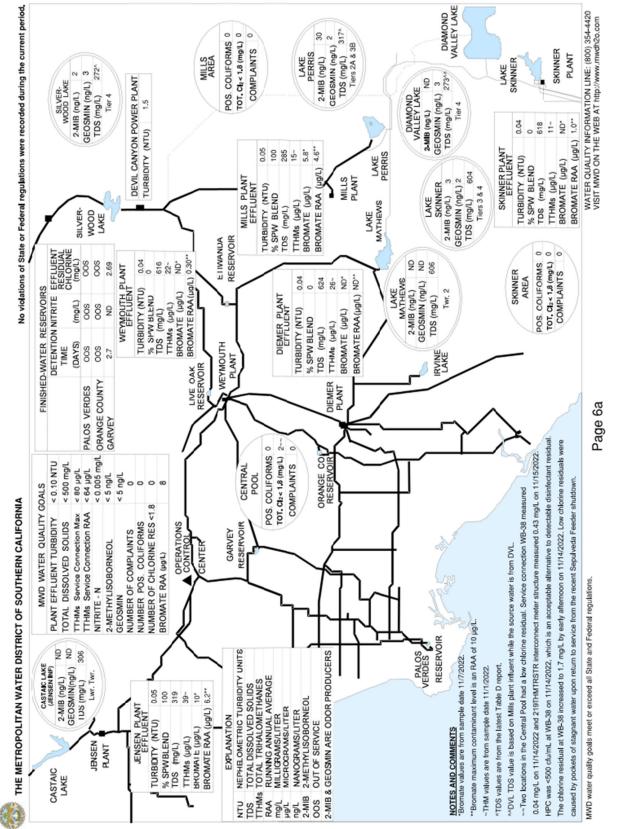
Metropolitan staff completed annual cleaning of a sedimentation basin at the Weymouth plant. As part of this work, the basin was dewatered using a submersible pump in preparation for the remaining sludge to be removed. During the inspection, several flocculator paddle boards were also replaced. Annual cleaning of the sedimentation basins is performed to inspect equipment and maintain operational reliability.

Water Quality Compliance, Worker Safety, and Environmental Protection.

Metropolitan complied with all water quality regulations and primary drinking water standards during September 2022. Metropolitan's Water Quality Laboratory in La Verne and the five satellite laboratories at the water treatment plants were audited by a state-approved assessor for recertification under the newly adopted state laboratory accreditation regulations. The audit spanned 11 days, beginning on October 24. The audit report and corresponding corrective action plan (if needed) will be included as part of Metropolitan's certification application. Certification is required for Metropolitan's water quality laboratories to continue monitoring and reporting results on public drinking water.



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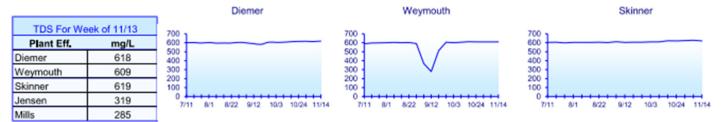


Water Quality Section Weekly TDS Report

For the week of 11/13/2022

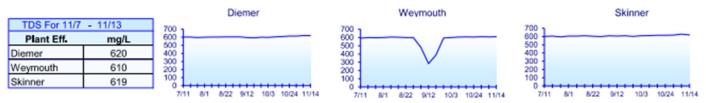
Percent SPW Needed to Achieve TDS Goal of 500 mg/L			Estimated TDS for Reservoirs			
Source Wat	or TDS		SPW Required	Reservoir (Effluent)	Date	mg/L
Plant	CRW	SPW	Percent	Lake Havasu (Table D)	8/3/22	591
Weymouth	606	273	32%	Lake Mathews (DFPI-LWRFDR)	11/14/22	606
Diemer	606	273	32%	Lake Skinner (Outlet Structure)	11/14/22	604
Skinner-Silverwood	606	273	32%	Castaic Lake (JFPI)	11/13/22	306
Skinner-Perris	606	317	37%	DVL (Mils Inf)	11/13/22	273
CRW for Diemer and Weymouth	is Lake Mathews	and San Jacinto	- West Portal for Skinner.	Lake Perris (Table D)	8/1/22	317
				DVL Outlet (Table D)	8/8/22	277

SUNDAY COMPOSITE ESTIMATED TDS FOR 07/10/22 - 11/13/22



Sunday composite estimated TDS measured from plant effluent composite samples collected on Sunday and analyzed for hardness and electrical conductivity.

WEEKLY COMPOSITE ESTIMATED TDS FOR 07/10/22 - 11/13/22



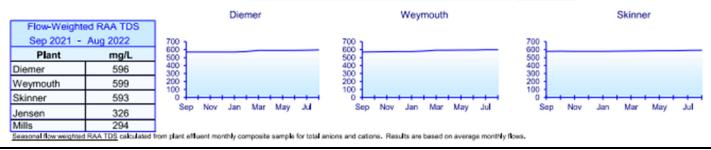
Weekly composite estimated TDS measured from plant effluent composite samples collected Monday through Sunday and analyzed for hardness and electrical conductivity.

MONTHLY COMPOSITE CALCULATED TDS FOR September 2021 - August 2022



Monthly calculated TDS calculated from plant effluent monthly composite sample for total anions and cations. These results are also used for Table D.

FLOW WEIGHTED RAA TDS FOR September 2021 - August 2022



ISSUE BRIEF #E

SUBJECT: Colorado River Issues

RECENT ACTIVITY

Status of Colorado River Protection Volume Discussions

On October 5, Metropolitan, along with its agricultural partners and the state of California, sent a letter to the leadership in the Department of Interior affirming their commitment to developing a proposal to conserve up to 400,000 acre-feet of Colorado River annually from 2023 through 2026. The letter highlighted that this conservation is voluntary and will seek compensation from the Bureau of Reclamation to help implement these actions. This conservation would be in addition to California's commitment to add up to 350,000 acre-feet annual contributions under the 2019 Drought Contingency Plan. Before the new conservation can be implemented, impacts to the Salton Sea from the additional conservation need to be addressed, and regulatory compliance obtained, as well as compliance for additional agricultural conservation. Each of the California irrigation districts (Palo Verde Irrigation District, Coachella Valley Water District, Bard Water District, Imperial Irrigation District) plans to submit conservation proposals to Reclamation for funding under the Inflation Reduction Act. These proposals are due to Reclamation in mid-November and will likely include additional fallowing and on-farm efficiency programs. Metropolitan also plans to submit a proposal for turf removal and replacement, but those longer-term proposals are not to be submitted until sometime in 2023. For our agricultural partners to conserve additional water for Lake Mead, some of our existing conservation agreements may have to be amended. Metropolitan will ultimately need to approve those conservation proposals to ensure the water ends up in Lake Mead without harming Colorado River Aqueduct supplies. It is anticipated that Metropolitan's Board will need to consider and approve the conservation plans as a package sometime in early 2023. As the process is quickly evolving, Metropolitan staff will provide additional updates at the November Imported Water Committee meeting.

ISSUE BRIEF #F

SUBJECT: Delta Conveyance Activities and State Water Project Issues

RECENT ACTIVITY

Delta Conveyance

The Department of Water Resources (DWR) released the public Draft Environmental Impact Report (EIR) for the Delta Conveyance Project (DCP) on July 27, 2022. The Draft EIR describes project alternatives and potential environmental impacts and identifies mitigation measures to help avoid or minimize potentially significant impacts. The public comment period for the Draft EIR was extended from October 27 to December 16, 2022.

The U.S. Army Corps of Engineers, as part of its permitting review under the Clean Water Act and Rivers and Harbors Act, is preparing an Environmental Impact Statement (EIS) to comply with the National Environmental Policy Act and is planning to release the draft EIS for public review later this year.

Joint Powers Authorities

During the regularly scheduled board of directors meeting on October 20, the Delta Conveyance Design and Construction Authority (DCA) Board of Directors approved a resolution to adopt a policy to prevent discrimination, harassment, and retaliation for all employees, applicants, volunteers, and independent contractors working for and with the DCA. The DCA Board also approved a resolution extension authorizing virtual board and committee meetings pursuant to AB 361.

The Delta Conveyance Finance Authority (DCFA) received the audited financial statements for fiscal year 2021/22 at the regularly scheduled DCFA meeting on October 20, 2022.

<u>Sites Reservoir</u>

At their October meetings, the Sites Project Authority Board and the Sites Reservoir Committee approved a resolution commending Senator Nielsen for his dedicated service as a State Legislator and his ongoing support for the Sites Reservoir Project

Science Activities

Senior Resource Specialist Dr. Shawn Acuña co-authored a scientific paper reporting on a study evaluating potential contaminant effects in juvenile Chinook salmon habitat in the Sacramento River watershed. The study was funded by a Proposition 1 grant with cost-share from Metropolitan. The paper is published in the journal Environmental Pollution and is titled "Dietary exposure to environmentally relevant pesticide mixtures impairs swimming performance and lipid homeostatic gene expression in Juvenile Chinook salmon at elevated water temperatures." The study found that Chinook salmon exposed to contaminants found in floodplain habitats exhibited dysregulated metabolic processes and reduced swimming behavior with elevated temperature. Results suggest that floodplain habitats developed to

support salmon may need to account for contaminant effects, especially at higher temperatures. Dr. Acuña also co-authored a paper published in the San Francisco Estuary & Watershed Science journal titled "Estuarine Recruitment of Longfin Smelt (Spirinchus thaleichthys) North of the San Francisco Estuary" (escholarship.org). The study was funded by the State Water Contractors and Metropolitan, and it included conducting surveys during 2019 and 2020 in ocean tributaries north of the San Francisco Estuary in Northern California to look for longfin smelt larvae. Longfin smelt larvae were detected in four of 16 estuaries surveyed that were all large estuaries north of Cape Mendocino, and larvae were not detected in smaller estuaries closer to San Francisco Bay. The survey results confirm historic surveys detecting the presence of longfin smelt and confirming that the smaller estuaries are used actively but intermittently by longfin smelt.

Summary Report for The Metropolitan Water District of Southern California Board Meeting November 8, 2022

CONSENT CALENDAR OTHER ITEMS – ACTION

Director Lois Fong-Sakai was elected Board Secretary for a two-year term effective January 1, 2023. (Agenda Item 6B)

CONSENT CALENDAR ITEMS - ACTION

Approved recommended amendments to Administrative Code Sections 2131 and 2416, as set forth in Attachment 1 and Attachment 2 of the Board letter, and approved Equal Employment Opportunity Investigative Procedures for the Board and its direct reports. (Agenda Item 7-1)

Ratified an emergency contract with PCL Construction, Inc. in the amount of \$855,623.78 for replacement of the expansion joint on the Upper Feeder pipeline at the Santa Ana River bridge crossing. [Requires four-fifths vote of the Board.] (Agenda Item 7-2)

Awarded a \$1,228,607.10 contract to Howard Ridley Company, Inc. to rehabilitate the concrete liner of the Rainbow Tunnel at ten locations. (Agenda Item 7-3)

Authorize on-call agreements with GEI Consultants, Inc., HDR, Inc., and Stantec Consulting Services Inc., in an amount not to exceed \$2.5 million each, for a maximum period of five years to support dam safety projects. (Agenda Item 7-4) (Item was withdrawn from the agenda)

Adopted CEQA determination that the environmental effects of the East County Advanced Water Purification Local Resources project that is the subject of the proposed action was previously addressed in Padre Dam Municipal Water District's Mitigated Negative Declaration and related CEQA actions and that no further CEQA review is required, and authorized the General Manager to amend the existing Local Resources Program agreement with SDCWA and East County Advanced Water Purification Joint Powers Authority for the East County Advanced Water Purification Project. (Agenda Item 7-5)

Awarded an \$820,852.53 procurement contract to Whipps, Inc. to furnish three slide gates and appurtenances to rehabilitate the San Jacinto Diversion Structure. (Agenda Item 7-6)

Authorized an increase in maximum amount payable under contract for legal services with Horvitz & Levy, LLP in the SDCWA v. Metropolitan, et al. rate litigation in the amount of \$350,000 for a total amount not to exceed \$1,250,000; and authorized increase in maximum amount payable under contract for consulting services with Cogent Legal, LLC in the amount of \$100,000 for a total amount not to exceed \$150,000. (Agenda Item 7-7)

OTHER MATTERS AND REPORTS

Reported from Executive Committee on nominations for Board Secretary. (Agenda Item 5G)

Department Head Performance Evaluations [Public Employees' performance evaluations; General Manager, General Counsel, and Ethics Officer. (Agenda Item 10-1) (Item was deferred)

Reported on Department Head 2022 Salary Survey. (Agenda Item 10-2) (Item was deferred)

Discussed and approved Compensation Recommendations for General Manager, General Counsel, and Ethics Officer. (Agenda Item 10-3) (Item was deferred)

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: <u>https://mwdh2o.legistar.com/Calendar.aspx</u>

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

ANTICIPATED KEY ITEMS OF FOCUS – NOT AN EXHAUSTIVE LIST SCHEDULE SUBJECT TO CHANGE

	La constatuta de la climate Action Dian la constation
December	Inaugural Update on Climate Action Plan Implementation
	Report on Colorado River Evaporation Loss Projections
	Authorize using State Funding for Pure Water Southern California
	Adopt Legislative Priorities and Principles for 2023
	Public Hearing on SB60
	Desert Housing Update
	Board Committee Restructuring (by Chair Elect)
January	Committee Slate Introductions and Approval
	Discussion on Water Allocation and Emergency Drought Actions
February	Board Report on Portfolio of Recommended Actions for State Water Project Dependent Areas
	Authorize Colorado River Protection Volume Agreements
March	• Report on Alternatives being Considered by Reclamation in Supplemental EIS for Colorado River Basin Operations

The schedule of the following upcoming board items has not yet been determined:

- Metropolitan Storage Portfolio Workshop
- Water Supply Resiliency Plan Workshop
- Delta Conveyance Project Follow-up Workshop

9