

MEETING OF THE BOARD OF DIRECTORS OF THE
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
Jointly with the

PLANNING & OPERATIONS COMMITTEE

November 14, 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:

<https://zoom.us/j/8828665300>

Telephone Audio: (669) 900 9128 fees may apply
(877) 853 5247 Toll-free

Webinar ID: 882 866 5300#

P&O Committee:

Director Tamaribuchi, Chair
Director McVicker
Director Nederhood

Staff: R. Hunter, J. Berg, V. Osborn,
H. De La Torre, T. Dubuque,
D. Micalizzi, H. Baez, T. Baca

Ex Officio Member: Director Yoo Schneider

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

ROLL CALL

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

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

ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING -- Pursuant to Government Code section 54957.5, non-exempt public records that relate to open session agenda items and are distributed to a majority of the Board less than seventy-two (72) hours prior to the meeting will be available for public inspection in the lobby of the District's business office located at 18700 Ward Street, Fountain Valley, California 92708, during regular business hours. When practical, these public records will also be made available on the District's Internet Web site, accessible at <http://www.mwdoc.com>.

ACTION ITEMS

1. MWDOC LEGISLATIVE POLICY PRINCIPLES ANNUAL UPDATE
2. WATER USE EFFICIENCY PROGRAMS INSTALLATION VERIFICATION INSPECTION CONTRACTOR

3. AUTHORIZATION TO VOTE ON BEHALF OF MWDOC ON ACWA'S PROPOSED AMENDED AND RESTATED BYLAWS

DISCUSSION ITEMS

4. UPDATE ON COVID-19 (ORAL REPORT)

INFORMATION ITEMS (The following items are for informational purposes only – background information is included in the packet. Discussion is not necessary unless requested by a Director.)

5. 2022 OC WATER SUMMIT RECAP
6. WATER POLICY DINNER FEATURING METROPOLITAN CHAIRMAN ELECT, ADÁN ORTEGA - FEBRUARY 9, 2022
7. STATUS REPORTS
 - a. Ongoing MWDOC Reliability and Engineering/Planning Projects
 - b. WEROC
 - c. Water Use Efficiency Projects
 - d. Public and Government Affairs
8. REVIEW OF ISSUES RELATED TO PLANNING OR ENGINEERING PROJECTS, WEROC, WATER USE EFFICIENCY, FACILITY AND EQUIPMENT MAINTENANCE, WATER STORAGE, WATER QUALITY, CONJUNCTIVE USE PROGRAMS, EDUCATION, PUBLIC AFFAIRS PROGRAMS AND EVENTS, PUBLIC INFORMATION PROJECTS, PUBLIC INFORMATION CONSULTANTS, DISTRICT FACILITIES, and MEMBER-AGENCY RELATIONS

ADJOURNMENT

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

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



ACTION ITEM
November 16, 2022

TO: **Planning and Operations Committee**
(Directors Tamaribuchi, McVicker, Nederhood)

FROM: **Robert Hunter, General Manager**

Staff Contact: Heather Baez

SUBJECT: MWDOC LEGISLATIVE POLICY PRINCIPLES ANNUAL UPDATE

STAFF RECOMMENDATION

Staff recommends the Board of Directors review and adopt the updated Legislative and Regulatory Policy Principles for 2023.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

REPORT

MWDOC maintains a set of legislative policy principles that serve as guidelines for staff and our legislative advocates on issues that are of importance to the District. The policy principles here are a culmination of current policies and initial changes recommended by staff from all departments within the agency.

Staff solicited feedback from the Board, member agencies, as well as any additional input from MWDOC Department Managers, and updated the document accordingly.

At the September P&O Committee, it was recommended that staff further streamline the full document as it has become overly long and redundant in many sections over the years. At the October P&O Committee, staff was given direction to make the following edits:

- Strike “and other infrastructure” from Imported Water Supply, #1(d)

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

- Strike proposed new policies related to non-functional turf from Water Use Efficiency and Distribution System Water Loss, #8 and #8 alternative
- Add “such as an Emergency Operations Center” to Emergency Response #3
- Add language to the Overall Policy that emphasizes water reliability and delivery, local control, and the protection of private property rights.

All updates and feedback received have been incorporated to the attached document. The focus of this month’s action is for staff to receive input from the committee on the updated, draft policy principles to advance the Board’s objective of establishing legislative and regulatory policy principles to help guide for both our federal and state legislative programs.

BOARD OPTIONS

Option #1

- Adopt the Legislative and Regulatory Policy Principles as updated for 2023

Fiscal Impact: None

Business Analysis: The updated Legislative and Regulatory Policy Principles enable the Board, staff, and MWDOC’s legislative advocates to work in Washington D.C. and Sacramento to further the District’s goals and interests that benefit Orange County. Updating them yearly allows for the inclusion of new and/or additional issues that arise throughout the previous year.

Option #2

- Do not approve the Legislative and Regulatory Policy Principles as updated for 2023

Fiscal Impact: None

Business Analysis: MWDOC’s Board, staff, and legislative advocates would continue to operate under the approved Legislative and Regulatory Policy Principles adopted in 2022, potentially hampering their ability to advocate on certain issues.

STAFF RECOMMENDATION

Option #1

Attached: **Draft Legislative Policy Principles for 2023**

Municipal Water District of Orange County **Legislative and Regulatory Policy Principles**

OVERALL POLICY

~~Legislation and regulations addressing water resource management issues should be guided by local and regional water resource officials with knowledge and experience in addressing opportunities, threats and needs for success within the water industry.~~

Legislation and regulations concerning water resource management should focus on high-level goals and defer to local water managers on matters of implementation, and in determining which options to conserve water and secure a reliable water supply best fit their district or region. Legislation and regulations should also respect private property rights and not attempt to dictate specific actions to conserve water to property owners.

IMPORTED WATER SUPPLY

It is MWDOC's policy to support legislation, regulations and administrative actions that:

1) ~~Facilitates the implementation of~~ a Sacramento-San Joaquin Delta Improvement program, such as the Delta Conveyance Project that addresses the co-equal goals of reliable water supply, improve water quality, and ecosystem restoration, and related policies ~~that to~~ provide long-term, comprehensive solutions ~~for the San Francisco Bay/Sacramento-San Joaquin River Delta that:~~

- a) Improves the reliability and quality of water delivered through the Delta;
- b) Employs validated sound scientific research and evaluation ~~to advance the co-equal goals of improved water supply and ecosystem health and sustainability;~~
- c) Expedites the completion of the State Water Project and EcoRestore through the use of state, federal and user funding sources ~~initiative~~;
- d) Encourages regular infrastructure maintenance and upkeep of the levees and other infrastructure;
- e) Deals with the issue of loss of storage of water in the mountain areas in the form of snow.

2) Resolve supply conflicts on the Colorado River, protects Metropolitan's and California's rights to supply and storage and allows flexibility, promote longterm balance between supplies and demands, promote funding, promote coordination between states for the

~~salinity control program, and support funding to resolve issues with the Salton Sea, in the negotiations of the 2026 management guidelines including actions that:~~

- ~~a) Promote continued federal funding and coordination between states for the Colorado River Basin Salinity Control Program under the Federal Departments of Agriculture and Interior.~~
- ~~b) Protect and preserve Metropolitan Water District of Southern California's interest in binational water conservation programs.~~
- ~~c) Promote continued coordination between states for the Colorado River Basin Salinity Control Program, including work to secure funding for the continued operation of USBR's Paradox Valley salinity control project to reduce salt loads to the Colorado River~~
- ~~d) Resolve issues with the Salton Sea with key funding to be provided by the State and Federal sources.~~

Staff Note: Subsections combined into one

~~3) Authorizes, appropriates, and expeditiously distributes the state and federal share of funding to improve the State Water Project and EcoRestore initiative.~~ **Staff Note: Redundant**

4) Supports the completion of the Central Valley Project (CVP) which may include the construction of conveyance facilities in the Sacramento-San Joaquin Bay Delta ~~and the raising of Shasta Dam.~~ **Staff Note: If this issue comes up, it will be taken to the Board for consideration**

LOCAL WATER RESOURCES

It is MWDOC's policy to support legislation and regulation that:

- 1) Supports the development of, provides funding for, and authorizes and/or facilitates the development and expanded use of local water resources, such as cost-effective, water recycling, potable reuse, conservation, water use efficiency, groundwater recovery and recharge, storage, brackish and ocean water desalination and surface water development projects where water supply quality and/or reliability is improved and the beneficiaries of the project pay for the portions of the project not funded by state or federal funds.
- 2) Reduces and/or streamlines regulatory burdens. Including those on augmented or alternative water supply projects, and provides protections for the use of these supplies during water supply shortages, through incentives, exemptions or provisions of credit during state-mandated reductions.
- 3) Supports ecosystem restoration to improve the water resources, increased stormwater capture where the capture avoids impact to others, and sediment management activities that are cost-effective and enhance the quality and/or reliability of water supplies.

4) Support the inclusion of environmental infrastructure projects the Army Corps of Engineers must consider in its Report to Congress.

~~5) Allows Investor Owned Utilities to invest in redundancy and reliability projects.~~ **Staff Note:**
If this issue comes up, would be taken to the Board for consideration

~~6) Encourages the State and Federal government to foster investments in water quality, storage, and/or reliability projects.~~ **Staff Note: Redundant**

7) Recognizes that desalinated water, recycled water, and potable reuse are important components of water use efficiency and drought resiliency.

8) Promote science-based and peer-reviewed standards; take economic feasibility and impact into consideration, respect existing water rights, include reasonable time for implementation and compliance, and, be subject to Legislative oversight and review biennially.

9) Authorizes, promotes, and/or provides incentives for the development of extraordinary emergency water supplies for voluntary use by local water agencies during times of drought or water shortages.

~~10) Is inclusive of transparent collaboration techniques for legislation and regulation regarding water use efficiency.~~ **Staff Note: Captured in the Water Use Efficiency section below**

WATER STORAGE

It is MWDOC's policy to support legislation and regulation that:

1) Supports "beneficiaries pay" for water storage that ensure full cost recovery.

2) Supports the siting and construction of surface storage in Southern California, which is sited to receive either State Water Project (SWP) or Colorado River Aqueduct (CRA) supplies.

3) Supports funding at the state and federal level for surface and groundwater storage to deal with the loss of storage in the mountains in the form of snow, including reauthorization and expansion of the WIIN Water Storage Program and bifurcation of Surface and Groundwater Storage Funding at the state and federal levels.

4) Supports the development of both a state and federal funding program to provide funding for local and regional dam safety/improvement projects and programs to repair conveyance facilities that have been damaged due to subsidence.

WATER USE EFFICIENCY AND DISTRIBUTION SYSTEM WATER LOSS

It is MWDOC's policy to support legislation and regulation that:

1) Furthers increasing reasonable water use efficiency, throughout the state, and— water conservation for local, regional, or statewide emergencies.

2) Would allow flexibility and fosters local and regional collaboration to develop and implement options for compliance in achieving statewide water reduction goals.

3) Seeks to cost-effectively improve water efficiency standards and policies for water-using devices such as, but not limited to, the EPA Water Sense Program and Cal Green Building Standards.

4) Reasonably improves Commercial, Institutional and Industrial (CII) water use efficiency programs while preserving community choice and the local economy.

5) Provides financially appropriate incentives, funding, and other assistance to facilitate market transformation and gain wider implementation of water-efficient indoor and outdoor technologies and practices.

6) Recognizes and protects local control, and recognizes past investments, and incentivizes future investments by agencies and customers in water use efficiency measures, especially from the demand—hardening perspective including that, which decreases non-beneficial outdoor water use. Staff Note: Edits recommended by MWDOC staff and Mesa Water District

7) Provides federal and state tax exemptions for water conservation or efficiency incentives for measures including, but not limited to, turf replacement~~removal~~, devices, and other measures to reduce consumption of water or enhance the absorption and infiltration capacity of the landscape.

~~8) Recognizes the authority of local municipality's right to determine functionality of landscape material, and maintain the utilization of recycled water for landscape irrigation as a beneficial use.~~ Staff Note: Recommended by MWDOC staff.

~~Alt 8) Protects landowners' choice to include functional turf in outdoor landscapes, including turf that is: low water using*; irrigated for health and safety needs; irrigated with recycled water; on/near perennial non-turf plantings or trees; and/or, used for events, pet relief, or recreation/sports. *Low water using turf has a plant factor of 0.3 or less, with irrigation that uses less than 40% of reference evapotranspiration.~~ Staff Note: Recommended by Mesa Water District

It is MWDOC's policy to oppose legislation or regulations that:

1) Places ~~s~~ unreasonable conservation measures on residential, commercial, industrial and institutional customers that would negatively impact water affordability or limit the potential for economic growth.

2) Requires ~~s~~ water efficiency standards or performance measures that are infeasible, not practical or fail to have a positive cost-benefit ratio when comparing the cost of meeting the standard or implementing the performance measure with the value of the volume of water saved.

WATER QUALITY AND ENVIRONMENTAL IMPACTS

It is MWDOC's policy to support:

- 1) Legislation that protects the quality of surface water and groundwater including salinity management and the reduction of salt-loading to groundwater basins.
- 2) The establishment and/or implementation of standards for water-borne contaminants based on sound science and with consideration for cost-effectiveness.
- 3) A science-based regulatory process that has been established under the Safe Drinking Water Act and that considers feasibility, benefits and cost, and is the best approach for any consideration and development of drinking water regulations to address any contaminant or family of contaminants, including per- and polyfluoroalkyl (PFAS).
- 4) The investment in the development of analytical methods to more reliably and accurately measure various contaminants, including PFAS, in drinking water.
- 5) Administrative/legislative actions to improve clarity and workability of CEQA, and eliminate other duplicative state processes.
- 6) Streamlining water, recycled and desalinated water, wastewater ~~projects~~, and/or environmental restoration projects, from the California Environmental Quality Act (CEQA).
- 7) Administrative, legislative and/or regulatory actions that p~~Provides~~ liability protections to public water districts, and related wholesale water providers, seeking to consolidate with or serve as the administrator for troubled water systems that cannot consistently demonstrate that they are able to provide safe, clean and reliable water supplies to their customers.
- 8) State-funded groundwater basin contamination studies and associated economic or environmental impacts.
- 9) ~~Supports the e~~Efforts by the water industry to promote policies that enhance the pace and scale of headwaters and forest management, including improved planning, coordination, and implementation; increase financing, research, and resources to protect water supply and quality; bring management practices in line with modern challenges; and provide multiple benefits to the State's water users.
- 10) ~~Support the~~The eradication and prevention of invasive species from becoming established in or around water supplies.
- 11) Legislation and/or regulations that enforce against cannabis growers' water theft and/or negative impacts to water quality.

It is MWDOC's policy to oppose:

- 1) Legislation or regulation that would mandate an unscientifically supported federal or state maximum contaminant level, or that would ~~mandate~~eing an artificial deadline for promulgating a maximum contaminant level for drinking water.

2) Legislation, regulation or other policy that would hold drinking water and wastewater facilities liable for PFAS contamination caused by third parties; or that does not clearly state that the party directly responsible for the PFAS pollution is solely liable for the costs associated with the contamination cleanup.

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

It is MWDOC's policy to oppose legislation or regulation that:

- 1) Compromises the existing governance structure and the representation of member agencies on the Metropolitan Water District Board of Directors.
- 2) Would restrict MET's rate-making ability.

WATER TRANSFERS

It is MWDOC's policy to support legislation and regulation that:

- 1) Encourages and facilitates voluntary water transfers, or streamlines the transfer approval process.
- 2) Provides appropriate protection or mitigation for impacts on the environment, aquifers, water-rights holders, and third-parties to the transfer, including those with interests in the facilities being used.

It is MWDOC's policy to oppose legislation or regulation that:

- 1) Undermines the operations and maintenance of the conveyance system conveying the water.
- 2) Interferes with the financial integrity of a water utility, or compromises water quality and/or reliability.

WATER INFRASTRUCTURE FINANCING AND PROJECT FUNDING

It is MWDOC's policy to support legislation and regulation that:

- 1) Employs a "beneficiary pays" principle that establishes a clear nexus between the costs paid to the direct benefit received.
- 2) Reduces the cost of financing water infrastructure planning and construction, and establishes grants or other funding and finance opportunities.
- 3) Considers local investments made in infrastructure, programs, mitigation and restoration in determining appropriate cost-shares for water infrastructure, and project investments.

It is MWDOC's policy to oppose legislation or regulation that:

- 1) Establishes a fee or tax that does not result in a clear and proportional benefit to the District, its member agencies, and their customers.
- 2) Would reduce the total available water infrastructure financing measures such as WIFIA, state-revolving funds, and others.

ENERGY

It is MWDOC's policy to support legislation or regulation that:

- 1) Facilitates the development and expansion of clean, and cost-effective renewable energy in California, and recognizes hydroelectric power as a clean, renewable energy source and that its generation and use meets the greenhouse gas emission reduction compliance requirements called for in the Global Warming Solutions Act of 2006 (AB 32 and SB 100).
- 2) Facilitates voluntary and cost-effective local investments in renewable energy, energy management and storage, and energy efficiency which improve the water-energy nexus and reduce local agency costs.
- 3) Provides water agencies greater flexibility to run backup generators to support critical facilities during energy crises, de-energization and PSPS events.

FISCAL POLICY

It is MWDOC's policy to support legislation or regulation that:

- 1) Allows retail water providers to voluntarily offer localized Water Rate Assistance Programs that comply with Proposition 218 of California's Constitution and/or are funded either voluntarily or via non-restricted/non-water-rates revenues.
- 2) Supports Proposition 13 as embodied in Article XIII A of the California Constitution, and oppose the "split roll" efforts that would increase property taxes on businesses.
- 3) Changes how inverse condemnation liability is determined for water service providers in order to limit water agency liability for impacts of wildfire.

It is MWDOC's policy to oppose legislation or regulation that:

- 1) Is inconsistent with the District's current investment policies and practices.
- 2) Pre-empts the District's or its member agencies' ability to impose or change cost-of-service-based water rates, fees, or assessments, or requires them to submit their rates or charges to any state agency for approval.
- 3) Impairs the District's or its member agencies' ability to maintain levels of reserve funds that they deem necessary and appropriate. Staff Note: Recommend by Mesa Water District

- 4) Makes any unilateral reallocation of District revenues, or those of its member agencies, by the state unless the state takes compensatory measures to restore those funds.
- 5) Mandates a specific rate structure for water agencies.
- 6) Imposes a “public goods charge” “water user fee”, or “water tax” on public water agencies or their ratepayers.

GOVERNANCE

It is MWDOC's policy to support legislation or regulation that:

- 1) Advances good government practices and public transparency measures in a manner that does not take a "one-size-fits-all" approach, respects local government control, and facilitates technological efficiencies to meet state reporting and disclosure requirements.
- 2) Supports or facilitates responsible programs, procedures, and methods that promote collaboration, transparency and open government.

It is MWDOC's policy to oppose legislation or regulation that:

- 1) Imposes unnecessarily broad burdens or new costs upon all local governments absent a clear and necessary benefit.
- 2) Reduces or diminishes the authority of the District to govern its affairs.
- 3) Resolves state budget shortfalls through shifts in the allocation of property tax revenue or through fees for which there is no direct nexus to benefits received.

PUBLIC EMPLOYEE PENSION REFORM

It is MWDOC's policy to support legislation that:

- 1) Seeks to contain public employee pension and other post-employment benefit (OPEB) cost obligations that are borne by public agencies via taxpayers and ratepayers.

EMERGENCY RESPONSE

It is MWDOC's policy to support legislation that:

- 1) Increases coordination on Homeland Security and emergency response efforts among the federal, state, and local governments with clearly defined roles and responsibilities for each.
- 2) Provides continued funding to enhance and maintain local Homeland Security infrastructure, including physical and cyber protection of critical infrastructure.

- 3) Ensures adequate funding for expenditures related to disaster response and all phases of emergency management; including [an Emergency Operations Center](#), the earthquake early notification system and efforts to enhance water infrastructure resiliency.
- 4) Strengthens intergovernmental planning and preparation coordination for emergency response and drills.
- 5) Enhances protection of information and cyber security for critical infrastructure through policy and funding for local efforts.
- 6) Supports water utility capability to notify customers of emergency protective measures through mass notification systems.
- 7) Properly recognizes water agencies' role in emergency response to wildfires and other natural disasters, where water service is needed or may be impacted, because water and wastewater services are essential public utilities that ensure public health and safety.



ACTION ITEM
November 16, 2022

TO: Board of Directors

FROM: **Planning & Operations Committee**
(Directors Tamaribuchi, McVicker, Nederhood)

Robert Hunter, General Manager
Staff Contact: J. Berg, Director of WUE

SUBJECT: Water Use Efficiency Programs Installation Verification Inspection Contractor

STAFF RECOMMENDATION

Staff recommends the Board of Directors authorize the General Manager to enter into a professional services agreement with Mission Resource Conservation District to perform Water Use Efficiency Programs Installation Verification Inspections over the next five years using a combination of grant awards, contributions from member agencies, and no more than \$50,000 per year from MWDOC's Choice Water Use Efficiency Program.

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

SUMMARY

Installation verification inspections are an important component of MWDOC's quality control of water use efficiency program implementation to ensure public funds are spent appropriately. The Mission Resource Conservation District (Mission) has been providing installation verification inspection services for MWDOC for many years. Mission is a not-for-profit organization and "non-regulatory unit of local government committed to helping property owners conserve natural resources on their land. Mission advises and assists private landowners and public agencies in the conservation and use of soil and interrelated resources including water, plant materials and wildlife."

These services include installation verification of smart timers, sprinkler nozzles, spray-to-drip irrigation, and turf removal at both residential and commercial properties and are funded primarily through grant awards to MWDOC from the Bureau of Reclamation and/or

Budgeted (Y/N): Yes	Budgeted amount: \$50,000	Core <u> </u>	Choice <u>X</u>
Action item amount: 5-year term	Line item:		
Fiscal Impact (explain if unbudgeted): Installation verification inspections will be funded through a combination of MWDOC choice funds not to exceed \$50,000 per year and by grants and contributions from member agencies.			

the Department of Water Resources, as well as contributions from MWDOC and member agencies. MWDOC's funding contribution is necessary to meet grant funding obligations.

Since existing Board authorizations with Mission are nearing completion and the Administrative Code requires competitive bidding every five years, staff conducted a Request for Proposals (RFP) process to hire a new inspection contractor.

DETAILED REPORT

Installation verification inspections are a standardized task included in every MWDOC grant application. Inspections are broken into two categories - device-based and area-based inspections. Device-based inspections target a random sampling of devices, such as irrigation timers and sprinkler nozzles, and are funded with a combination of MWDOC and grant funds.

Area-based inspections target every rebate applicant in the Turf Removal and Spray-to-Drip Rebate Programs and include pre- and post-retrofit inspections to verify eligibility and calculate rebate amounts. The area measured through an area-based inspection is used to calculate the rebate. For example, if 800 square feet of turf is removed, and the rebate is \$3/sqft, the rebate is \$2,400.

MWDOC administers the Turf Removal and Spray-to-Drip Rebate Programs on behalf of our member agencies. We require our member agencies to complete area based pre- and post-retrofit inspections on all applicants within their respective service areas. Member agencies have the option to utilize either their own staff to complete these inspections or MWDOC's installation verification inspection contractor. If an agency elects to utilize MWDOC's contractor, they are obligated to pay all associated costs. Currently, there are twelve agencies utilizing MWDOC's inspection contractor.

Staff prepared an RFP that defined the scope of work for installation verification inspections, including requirements for:

- Inspector training
- Inspection scheduling
- Device-based installation verification inspection procedures
- Area-based installation verification inspection procedures, and
- Reporting and invoicing

The Installation Verification Inspection RFP was distributed to eight prospective contractors on September 2, 2022, and was also posted to the MWDOC website. On September 15, 2022, a pre-proposal meeting was held in order to summarize the desired services and answer questions from prospective vendors. Three vendors attended this meeting. Staff received two proposals by the September 22, 2022 submittal deadline: one from Mission Resource Conservation District (Mission) and one from WaterWise Consulting, Inc. Staff convened an RFP review panel to review and score the proposals and make a recommendation to the Board. RFP review panel members included staff from MWDOC, the City of Brea, the City of San Clemente, and Moulton Niguel Water District.

The review panel evaluated the proposals in the following areas: Completeness and Organization of the Submittal; Understanding Approach/Scope of Work/Methodology; Team/Project Manager Experience/Capabilities; References/Record of Performance; Firm

Resources and Team Qualifications; and Cost. Each panel member scored each criteria from zero to 10. Scores from each panel member were then averaged and weighted by area into a final score for each proposal. Through this process, the panel found Mission to have the best combination of qualifications to provide these inspection services. MWDOC's experience with Mission over the past several years has been very positive. The quality of their work has been superior to other contractors, and their staff is professional and responsive to our needs.

As a result, it is the review panel's recommendation that the Board of Directors authorize the General Manager to enter into a professional services agreement with Mission to perform installation verification inspections over the next five years.

Funding for inspections will come from a variety of sources. Because of the 5-year term and varying program participation rates from year to year, staff is unable to provide a firm estimate of the total contract amount; however, an investment of nearly \$579,000 has been made over the past five years. We anticipate a similar investment for the next five years.

BOARD OPTIONS

Option #1: Staff recommends the Board of Directors authorize the General Manager to enter into a professional services agreement with Mission Resource Conservation District to perform Water Use Efficiency Programs Installation Verification Inspections for a term of up to five years.

Fiscal Impact: \$50,000 per year of MWDOC Choice funds, with the balance sourced from grant funding and contributions from Member Agencies.

Business Analysis: The Installation Verification Inspections will allow MWDOC to continue to provide high quality water use efficiency programs on behalf of its Member Agencies and the community, while ensuring that program funds are being used appropriately.

Option #2: The Board does not approve the staff recommendation.

Fiscal Impact: None

Business Analysis: MWDOC will no longer be able to ensure that program funds are being used appropriately.



ACTION ITEM
November 16, 2022

TO: Planning and Operations Committee
(Directors Tamaribuchi, McVicker, Nederhood)

FROM: Robert Hunter, General Manager

Staff Contact: Heather Baez

**SUBJECT: AUTHORIZATION TO VOTE ON BEHALF OF MWDOC ON ACWA'S
PROPOSED AMENDED AND RESTATED BYLAWS**

STAFF RECOMMENDATION

Staff recommends that the Board:

- Review the proposed bylaw amendments
- Authorize MWDOC Board President Megan Yoo Schneider or her designee, and an alternate, to cast the District's ballot at ACWA's Fall Conference on November 30, 2022
- Authorize staff to submit Voter Designation and Information Form to ACWA as required

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

REPORT

There will be a General Session Membership Meeting at the ACWA 2022 Fall Conference on Wednesday, November 30, 2022, at 12:30 p.m. The meeting will be held in the Crystal Ballroom, Renaissance Esmeralda Resort Hotel, Indian Wells. The purpose of the meeting is to conduct a vote by the membership on proposed Amended and Restated Bylaws of the Association of California Water Agencies as recommended by the Board of Directors at its meeting on September 23, 2022.

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

Proposed Amended and Restated Bylaws

As part of ongoing efforts to ensure ACWA's Bylaws are current and reflect consistency with other governance documents and daily operations and to implement changes related to the election of ACWA's Board Officers, the Board of Directors is recommending proposed Amended and Restated Bylaws for consideration by the membership. Staff worked with Dale Stern, Downey Brand LLP, to prepare the proposed Amended and Restated Bylaws, which include the following changes:

- Amendments to clarify language and to reflect consistency with other governance documents and daily operations
- Amendments to implement changes to the Board Officers' election process as recommended by the Election Task Force
- Amendments to incorporate California Corporations Code provisions allowing meetings to be held by electronic communication
- Restructuring and reformatting to incorporate a new numbering system

Redline and clean versions of these amendments are attached.

Voting Process

Consistent with ACWA's Bylaws, Article 9, Section 5:

- Each member of the Association shall be entitled to one vote that shall be cast by its authorized representative.
- Voters must be present at the membership meeting to vote.

ACWA will be using a voting system called Live-Tally, which will allow voters to vote using a handheld keypad.

- Member agencies must indicate their voting representative and alternate on the attached Voter Designation & Information Form as well as provide all of the information identified on the form in order for ACWA to facilitate all aspects of the membership meeting and voting processes.

Deadline and Changes

The deadline for submitting the Voter Designation & Information Form is **Wednesday, November 23, 2022**. This form identifies both a voting delegate and an alternate voting delegate for the ACWA member agency. If for any reason the member agency desires for the alternate voting delegate to vote at the membership meeting in place of its designated voting delegate, the member agency must notify ACWA in advance of its exchange of voting delegates no later than 5:00 p.m. on **Tuesday, November 29, 2022**.

BOARD OPTIONS

Option #1

- Review the proposed changes to the ACWA bylaws and authorize MWDOC Board President, Megan Yoo Schneider or her designee and an alternate, to cast the District's ballot for the Proposed Amended and Restated Bylaws at ACWA's Fall Conference on November 30, 2022. In addition, authorize MWDOC staff to file the Voter Designation and Information Form with ACWA.

Fiscal Impact: None

Business Analysis: ACWA is the leading statewide organization representing water agencies in Sacramento and Washington D.C. Having all members participate in their bylaws review is a key function to its success. As members, MWDOC should participate in the review and voting process.

Option #2

- Take no action

Fiscal Impact: None

Business Analysis: MWDOC would not have an opportunity to vote for ACWA's updated bylaws.

STAFF RECOMMENDATION

Option #1

Attachments: General Session Membership Meeting Notification Memo
Proposed ACWA Bylaws Amendments – Redline Version
ACWA Voter Designation and Information Form

Via U.S. Mail and Electronic Mail

TO: ACWA Member Agency Board Presidents and General Managers
CC: ACWA Board of Director
FROM: Dave Eggerton, ACWA Executive Director
DATE: October 5, 2022
SUBJECT: Notice of General Session Membership Meeting — November 30, 2022

There will be a General Session Membership Meeting at the ACWA 2022 Fall Conference on **Wednesday, November 30, 2022, at 12:30 p.m.** The meeting will be held in the Crystal Ballroom, Renaissance Esmeralda Resort Hotel, Indian Wells. The purpose of the meeting is to conduct a vote by the membership on proposed Amended and Restated Bylaws of the Association of California Water Agencies as recommended by the Board of Directors at its meeting on September 23, 2022.

Proposed Amended and Restated Bylaws

As part of ongoing efforts to ensure ACWA's Bylaws are current and reflect consistency with other governance documents and daily operations and to implement changes related to the election of ACWA's Board Officers, the Board of Directors is recommending proposed Amended and Restated Bylaws for consideration by the membership.

Staff worked with Dale Stern, Downey Brand LLP, to prepare the proposed Amended and Restated Bylaws, which include the following changes:

- Amendments to clarify language and to reflect consistency with other governance documents and daily operations
- Amendments to implement changes to the Board Officers' election process as recommended by the Election Task Force
- Amendments to incorporate California Corporations Code provisions allowing meetings to be held by electronic communication
- Restructuring and reformatting to incorporate a new numbering system

Legal Affairs Committee (LAC) Chair, Jennifer Buckman, appointed LAC member, Doug Coty, to serve as the committee's representative to review the proposed Amended and Restated Bylaws and provide an analysis pursuant to ACWA Bylaws (Article 9, Section 8). The proposed Amended and Restated Bylaws reflect the LAC's recommended edits as adopted by the ACWA Board on September 23.

Redline and clean versions of the proposed Amended and Restated Bylaws are available on ACWA's website at the link listed below. The materials have also been emailed to member agency general managers and board presidents.

<https://www.acwa.com/2022-membership-meeting/>

Voting Process

Consistent with ACWA's Bylaws, Article 9, Section 5:

- Each member of the Association shall be entitled to one vote that shall be cast by its authorized representative.
- Voters must be present at the membership meeting to vote.

ACWA will be using a voting system called Live-Tally, which will allow voters to vote using a handheld keypad.

- Member agencies must indicate their voting representative and alternate on the attached Voter Designation & Information Form as well as provide all of the information identified on the form in order for ACWA to facilitate all aspects of the membership meeting and voting processes.

Deadline & Changes

The deadline for submitting the Voter Designation & Information Form is **Wednesday, November 23, 2022**. While this form identifies both a voting delegate and an alternate voting delegate for the ACWA member agency, if for any reason the member agency desires for the alternate voting delegate to vote at the membership meeting in place of its designated voting delegate, the member agency must notify ACWA in advance of its exchange of voting delegates by contacting the Senior Clerk of the Board Donna Pangborn at donnap@acwa.com or 916-669-2425 **no later than 5:00 p.m. on Tuesday, November 29, 2022**.

ACWA General Session Desk

ACWA staff will be available at the **ACWA General Session Desk**, located in the Crystal Ballroom Foyer, Renaissance Esmeralda Resort Hotel, on **Wednesday, November 30**, between **9:00 a.m. and 11:45 a.m.** to answer questions about the membership meeting and voting process.

Voters need to check in at the ACWA General Session Desk on Wednesday, November 30, between 10:00 and 11:45 a.m. to pick up handheld keypads.

If you have any questions regarding the proposed Amended Bylaws and Restated or voting process, please contact Senior Clerk of the Board Donna Pangborn at 916-669-2425 or donnap@acwa.com.

dgp

Attachments:

1. Voter Designation & Information Form
2. Proposed Amended and Restated Bylaws (redline version) – see website link above
3. Proposed Amended and Restated Bylaws (clean version) – see website link above



As recommended by the Board of Directors at its meeting on 9/23/2022.

AMENDED AND RESTATED BYLAWS of the Association of California Water Agencies

TABLE OF CONTENTS

ARTICLE 1 – General.....	1
ARTICLE 2 – Membership and Dues.....	2
ARTICLE 3 – Officers.....	3
ARTICLE 4 – Board of Directors.....	4
ARTICLE 5 – Regions.....	7
ARTICLE 6 – Executive Committee	9
ARTICLE 7 – Standing Committees.....	10
ARTICLE 8 – Special Councils, Committees, and Task Forces.....	13
ARTICLE 9 – Meetings of Members.....	14
ARTICLE 10 –Indemnification of Directors, Officers, and Other Agents	18
ARTICLE 11 – Miscellaneous	18

(As amended and restated by the Members on November 29, 2017 , 2022)

ARTICLE 1 ~~Article 1~~ - General

Section 1.01. ¹Name. The name of this California nonprofit corporation shall be the Association of California Water Agencies (hereinafter referred to as the Association).

Section 1.02. Principal Office. The principal office for the transaction of business of the Association ~~is shall be~~ located ~~at 910 K Street, Suite 100, in~~ Sacramento, California; ~~provided, however, that the Board of Directors may change the location of the principal office by resolution and without amendment of these bylaws.~~

Section 1.03. Purposes. The purposes of the Association shall be to work together with its members and others for the best interests of California and its citizens and landowners who use, need and depend upon water; to encourage the orderly development of the waters of the state; to seek means of obtaining and making available to all of California a dependable water supply of the best possible quality at the lowest possible cost, giving due consideration to environmental factors involved therein; to provide inspiration and leadership in meeting and solving the water supply problems of this state; to propose and advocate such policies and measures—local, state and federal—that serve the best interests of the Association, opposing those of contrary nature; to assist in promoting the health, safety and welfare of the employees of its members; and to do all other things that are in the best interests of its members.

¹ Section numbers have been reformatted to incorporate a new numbering system throughout this document.

ARTICLE 2~~Article 2~~ – Membership and Dues

Section 2.01. Membership.

- (a) **Members.** Only a public district, public agency, or public organization created and operated for the purpose of controlling, treating, developing, acquiring, using or supplying water for any purpose for inhabitants or lands within the state of California, or for the protection, drainage or reclamation of lands within the state of California, may become a member of the Association. Such an entity will become a member upon written application, approval by the Board of Directors, and the payment of the required dues. Acceptance to membership shall authorize full participation in Association activities. Except as otherwise provided in ~~subsection~~ Section 2.01(b) below, in no case may an organization other than a state, a political subdivision (as defined in § 1.103-1(b) of the Income Tax Regulations) of a state or an entity the income of which is excluded from gross income under § 115 of the Internal Revenue Code be a member of the Association. A member of the Association shall be in good standing if in compliance with all bylaws and requirements of membership, including timely payment of annual dues and emergency assessments.
- (b) **Honorary Life Members.** Any person who has rendered conspicuous service in furthering the purposes of the Association may, by vote of the Board of Directors, be granted an honorary life membership in the Association without payment of dues or assessments. All past presidents of the Association shall automatically be honorary life members without vote of the Board of Directors. Honorary life members shall not be entitled to a vote or to hold office automatically because of their status as honorary life members.
- (c) **Termination of Members.** Membership shall cease upon the failure of any member to pay the dues provided for in Section 2.02 of this Article. The membership of any member may be terminated at any time by such member sending written notification of its intention to withdraw to the Association's principal office. The Board of Directors may terminate the membership of any member upon 30 days' written notice by first-class mail when it is determined at any regular Board meeting or at any special Board meeting called for that purpose that continuance of such membership would not be in the best interests of the Association. Withdrawal or termination of membership ends any participation in Association activities and shall terminate a member's interest in the Association's assets.

Section 2.02. Dues. The annual dues of each member of the Association shall be established by the Board of Directors; provided, however, that any member may apply for a change in its dues because of conditions that differentiate such applicant from other members.

Section 2.03. Liability of Members. No member shall be liable for any obligation incurred by the Association with the following exception: (1) the payment of the annual dues while it remains a member;

and (2) the payment of emergency assessments, which shall not exceed 10 percent of current annual dues for each member in any calendar year while it remains a member. No emergency assessment may be levied against any member during its first two years of membership in the Association.

ARTICLE 3~~Article 3~~ - Officers

Section 3.01. President and Vice President.

- (a) **General.** The president and vice president of the Association shall be the elected officers of the Association. At the time of their election the president and vice president shall each be an elected or appointed member of the governing body or commission (as appropriate) of a member agency of the Association. The president and vice president shall be elected by the members of the Association ~~at its fall conference~~ by written ballot in each odd-numbered year ~~before the Association's annual meeting, shall be announced at the Association's annual meeting,~~ shall take office on January 1 of the calendar year following election, and shall hold office until such time as their successors take office or are appointed. An elected president shall not be permitted to succeed himself/herself to that office. Except as provided in this Article, should vacancies occur in either office of the president or vice president, the Board of Directors shall appoint persons to fill such offices for the unexpired terms thereof.
- (b) **President.** The president shall preside at all meetings of the Board of Directors, the Executive Committee, and the general membership; shall appoint members of all committees, including the chair and vice chair of each, upon recommendation from members and regions (as communicated by the region chairs), with each such committee chair and vice chair ratified by the Board of Directors; and shall perform all other duties necessary to carry out the functions of the office. The president shall be a non-voting *ex officio* member of each committee, but shall not be an *ex officio* member of the Nominating Election Committee or the region boards.
- The president may be expelled from office with or without cause, upon the satisfaction of the following two events: (1) a two-thirds vote of the Board of Directors; and (2) a subsequent simple majority vote of the members of the Association during a meeting of the membership.
- (c) **Vice President.** The vice president shall, in the absence of the president, assume all of the duties of that office and, if a vacancy occurs, succeed thereto for the unexpired term. The vice president shall sit as a member of the Executive Committee of the ACWA Joint Powers Insurance Authority and shall perform such other duties as assigned by the president.

Section 3.02. Executive Director/Secretary and Controller/Treasurer.

- (a) **General.** The executive director/secretary and controller/treasurer of the Association shall also be officers of the Association. The executive director/secretary shall be appointed by and hold office at the pleasure of the Board of Directors of the Association.
- (b) **Executive Director/Secretary.** The executive director/secretary shall: (1) advise and assist the Board of Directors, all committees, the boards of each region, and the workgroups of each region; (2) be responsible for administering the total operations of the Association; (3) employ, direct, and release all employed staff in accordance with the policies adopted by the Board of Directors and consistent with the budget adopted by the Board of Directors; (4) provide relevant information to the Board of Directors needed by the Board to take actions; (5) give members notice and record minutes of all meetings of the membership, Board of Directors, and Executive Committee; and (6) have such other powers and perform such other duties as may be provided and assigned by the Board of Directors directly or through the president of the Board or the Executive Committee. The executive director/secretary, with the assistance of the controller/treasurer, shall render a report to the Board of Directors at the first meeting following the close of each calendar year showing the membership of the Association, the receipts and expenditures during the year, and the work accomplished during the previous year.
- (c) **Controller/Treasurer.** The controller/treasurer shall report to and act under the direction of the executive director/secretary. The controller/treasurer shall be a signatory on all accounts held by the Association and shall act as a fiduciary for all assets of the Association.

ARTICLE 4~~Article 4~~ – Board of Directors

Section 4.01. Membership. The Board of Directors shall consist of:

- (a) The Association president and vice president.
- (b) The chair and vice chair of each region.
- (c) The chair of each standing committee.
- (d) The most immediate active past president.
- (e) The vice president of the ACWA/Joint Powers Insurance Authority.

Section 4.02. Term of Office. The term of office of all members of the Board of Directors shall commence on January 1 of the calendar year following election of the president and vice president, except for those persons who serve on the Board of Directors by nature of their position as chairs of standing committees, whose terms shall instead commence upon their ratification by the Board of Directors.

Except as provided in Article 4, Section 11, the term of office for all members of the Board of Directors shall terminate on December 31 of the following odd-numbered year two years later, or until their successors take office.

Section 4.03. Attendance Requirement. Any member of the Board of Directors who misses two consecutive regular Board meetings without being excused by the Board will no longer be a member of the Board of Directors.

Section 4.04. Regular Meetings. Regular meetings of the Board of Directors shall be held bimonthly at such times and places as the Board may determine.

Section 4.05. Special Meetings. Special meetings may be called by the president upon the president's own volition or shall be called by the president when requested in writing by five directors. Prior to conducting such a special meeting, the president shall consult with the Executive Committee to ensure that adequate information is available to the Board of Directors for any necessary decisions; and where such meeting is called upon the president's own volition, the president shall also consult with the Executive Committee as to the necessity of the special meeting. Notice for special meetings shall be provided in the following manner: (1) upon 10 days' written notice sent by mail to each director and addressed to each at the address as shown upon the records of the Association; or (2) upon 48 hours' notice with notice provided by electronic means. When the meeting is called upon the president's own volition, the president shall choose the form of notice; when the meeting is called by a request of five directors, the five directors shall choose the form of notice and the president shall promptly call the meeting. No business except those items described in the notice shall be transacted at any special meeting, except by consent of three-fourths of the members of the Board of Directors present.

Section 4.06. ~~Meeting Requirements and Quorums.~~ Meetings by Electronic Communication. Any meeting, regular of the Board of Directors, region boards, or special, any committee may be held conducted, in person whole or in part, by telephone ~~conference, web video conference, or other,~~ electronic transmission, or by electronic video screen communication. A member of the Board of Directors, a region board, or electronic transmission, any committee shall be deemed present in person at the meeting if the following apply:

- (a) Each director, region board, or committee member participating in the meeting can communicate concurrently with all other directors, region board, or committee members.
- (b) Each director, region board or, committee member is provided the means of participating in all matters before the board, region board, or committee, including the capacity to propose, or to interpose an objection to, a specific action to be taken by the Association.

Section 4.07. Quorum. At any meeting of the Board of Directors, the attendance of 50 percent of the voting members of the Board of Directors, or their permitted alternates as specified in these bylaws, shall constitute a quorum for the transaction of any business. The Board may hold a closed session for discussion of personnel matters or enforcement of violations of the code of conduct.

Section 4.08. Alternates. Each region shall designate an alternate for each chair and vice chair, who shall meet the qualification requirements for chair and vice chair, to act at meetings of the Board of Directors when the chair or vice chair is unable to attend. The vice chair of each standing committee will be the alternate to act at meetings of the Board of Directors when the [standing committee](#) chair is unable to attend. An alternate may not act or vote on behalf of more than one member of the Board of Directors. A member of the Board of Directors may not act as an alternate for any other member.

Section 4.09. Vacancies for Standing Committee Chairs and Vice Chairs. Should a vacancy occur in the office of any standing committee chair or vice chair before the end of the term, the president shall appoint a new committee chair or vice chair to fulfill the unexpired term of such committee chair or vice chair subject to ratification by the Board of Directors. A vacancy in the office of any such standing committee chair or vice chair as described in the previous sentence shall be deemed to exist when the chair or vice chair: (1) resigns the office; (2) no longer is an officer, employee, or member of the governing body of a member agency of the Association, or other representative duly designated by a member agency of the Association to represent that member; or (3) is otherwise removed by a member agency of the Association.

Section 4.10. Duties, Authorities, and Delegation. Subject to the provisions and limitations of California Nonprofit Corporation Law, other applicable laws, and the provisions of these bylaws, the Association's activities and affairs are to be exercised by or under the direction of the Association's Board of Directors. The Board of Directors is responsible for the overall supervision, control, and direction of the Association. The Board of Directors shall: (1) employ and release the executive director/secretary; (2) set performance expectations for the executive director/secretary; (3) receive, review, and consider approval of executive director/secretary recommended compensation, other terms and conditions of employment, and annual evaluations as prepared by the Executive Committee; (4) annually adopt a budget; and (5) set the level of dues for the Association. Except as to the duties listed in the previous sentence, and subject to Article 3, Section 2, the Board of Directors may delegate the supervision, control, and direction of the Association's affairs to any person or group, including a committee, provided the Association Board retains ultimate responsibility for the actions of such person or group. Where such powers are delegated, the delegation shall be documented in writing.

Section 4.11. Immediate Past President. The immediate past president automatically assumes this position after serving as the Association's elected president and is a voting member of the Board of Directors and Executive Committee. The term of office for the immediate past president shall commence on January 1 of the calendar year following election of the president and vice president and shall terminate on December 31 of the following odd-numbered year two years later. In the event the most immediate active past president is unavailable to serve, the most recent and available active past president in succession shall serve in this capacity.

Section 4.12. Code of Conduct of Board Members.

- (a) **Code of Conduct: Purpose and Adoption.** The Board of Directors shall establish, and update as appropriate, a code of conduct for its Directors that recognizes the

Association's commitment of integrity, respect, and fair representation to its members and the public they serve and establishes minimum ethical standards for the performance of the duties of office. The code shall be consistent with the procedural processes contained in this section. The code shall be distributed to all new Directors and shall be distributed annually to all members of the Association.

- (b) Violations and Enforcement Process.** A violation of the code of conduct may result in removal, public censure, or private reprimand of a Director, or such other action as contained in the code of conduct. However, removal and public censure shall be reserved only for serious violations. A Director may not be removed or publically censured absent an affirmative vote of two-thirds of the voting members of the Board of Directors. A Director may be privately reprimanded for a violation of the code of conduct upon the majority vote of the quorum. Complaints of violation of the code of conduct may be filed with the president, or the vice-president if the allegations are made against the president. The president may refer a complaint of violation to the executive director/secretary for investigation. The executive director/secretary may retain a special investigator or special counsel to conduct or assist the investigation. A Director accused of a violation shall be provided a copy of the complaint. A Director that takes any hostile or retaliatory action, directly or indirectly, against a complainant is subject to removal from the Board in conformance with the process identified above. Prior to scheduling a Board action on a complaint, the president shall consult with the Executive Committee and the chair of the Legal Affairs Committee. A Director accused of a violation of the code of conduct shall be provided at least 15 days' written notice of any meeting of the Board at which a determination of enforcement will be considered. A determination of enforcement may be made only at a regular meeting of the Board and shall be made in closed session. The determinations of the Board under this section shall not be admissible in any criminal or civil proceeding brought against the Director for conduct that violates any other law.

ARTICLE 5~~Article 5~~ – Regions

Section 5.01. Boundaries of Each Region.

- (a)** There shall be a maximum of 10 regions within the state. The Board of Directors shall determine the regional boundaries. Insofar as is practicable, the regions shall have a numerical balance in members of the Association; make geographic sense; and promote regional problem solving.
- (b)** A member of the Association may file a written petition to the Board of Directors requesting a change in regions. Such petition shall set forth the reasons for such requested change. The Board shall, within a reasonable time, act upon such petition and set forth the reasons for its action. Such action by the Board shall be based on factors in

[Section 5.01](#)(a) above, as well as others deemed by the Board of Directors to be relevant to the decision.

Section 5.02. Officers.

- (a) The officers of each region shall be a chair and vice chair and three to five region board members who shall be elected by the region ~~by September 30, or the preceding Friday if September 30 falls on a weekend, of~~ in each odd-numbered ~~years~~year. A region may maintain a board of fewer than five but not less than three members as provided in the region's rules and regulations. The officers of the region board shall take office on January 1 of the calendar year following election and shall hold office for two years, or until their successors take office. Regions shall hold elections by electronic ballot. ACWA staff shall verify the legitimacy of the ballots.
- (b) The officers of each region shall: (1) exercise the powers and perform duties of the region during the interim between region meetings; and (2) make recommendations to the president regarding appointments to committees. The chair and vice chair shall be the region's representatives to the ACWA Board of Directors.
- (c) Each officer of a region shall be an officer, employee, or member of the governing body of a member agency of the Association, or other representative duly designated by a member agency of the Association to represent that member at the time of the appointment. Where an individual ceases to meet these criteria during the term of the office, the individual may not serve during the remaining term of that office unless that individual can again meet the criteria for the office and is appointed to complete the term. The region board may adopt more stringent criteria for board member qualifications as part of the region's rules and regulations.
- (d) Should a vacancy occur in any of the region board positions before the end of the term, the remaining members of the region board shall appoint a new member. A vacancy in the office of any region board position shall be deemed to exist when a region board member: (1) resigns the office; (2) no longer is an officer, employee, or member of the governing body of a member agency of the Association, or other representative duly designated by a member of the Association to represent that member; or (3) is otherwise removed by a member agency of the Association.

Section 5.03. Nominating Committees. There shall be a nominating committee for each region consisting of three or more designees, each representing a member of the Association located within the region, appointed by the chair of the region and approved by the region board. Nominating committees shall be formed by February 28 of each odd-numbered year. ~~The nominating committee shall announce its nominations for chair, vice chair, and region board members by August 1 of an election year. All regions must complete the election process by September 30 of the election year, or the preceding Friday if the September 30 falls on a weekend.~~

Section 5.04. Meetings. The meetings of each region shall be held at both the spring and fall conferences and at such other times and places as may be determined by the region chair. Representatives of five or more members of the Association from the region present at any region meeting shall constitute a quorum for purposes of conducting the business of the region. Any meeting, regular or special, may be held in person or by telephone conference, web video conference, or other electronic video screen communication or electronic transmission, [as set forth in Section 4.06](#).

Section 5.05. Workgroups. Workgroups may be appointed by the region chair as needed.

Section 5.06. Rules. Each region shall organize and adopt rules and regulations for the conduct of its meetings and affairs not inconsistent with the Articles of Incorporation or bylaws of the Association. Each region shall abide by the code of conduct adopted by the Board of Directors of the Association.

ARTICLE 6~~Article 6~~ – Executive Committee

Section 6.01. Membership. There shall be an Executive Committee consisting of the following: the president of the Association, who shall be the chair thereof; the vice president; the most immediate active past president; the chair of the Finance Committee; and three at-large representatives selected from and by the members of the Board of Directors. The election of the three at-large representatives to the Executive Committee shall occur at the first Board of Directors meeting held in each even-numbered year and the elected representatives shall serve immediately following their election and until such time as their successors take office. To the extent practical, the Executive Committee should be constituted so as to reflect the geographic extent of the Association and the functions of the members of the Association.

Section 6.02. Powers. The Executive Committee shall have the following authority:

- (a) **Personnel.** Subject to the budget adopted by the Board of Directors, the Executive Committee shall perform the following personnel actions: (1) recommend compensation for the executive director/secretary to the Board of Directors for approval; (2) perform annual reviews of the executive director/secretary and submit that review to the Board of Directors; (3) review and approve the classification and compensation plan and publicly posted salary schedule for Association employees submitted by the executive director/secretary, which shall be reviewable by the Board of Directors, in closed session, upon request of the Board of Directors; (4) establish personnel policies for the conduct and behavior of employees, which shall be reviewable by the Board of Directors; and (5) undertake such other personnel actions as may be requested by the executive director/secretary in support of his or her oversight of all other personnel matters, which shall be reviewable by the Board of Directors, in closed session, upon request of the Board of Directors.

- (b) **Delegation.** The Executive Committee may act pursuant to any authority specifically delegated to it by the Board of Directors. The delegation shall indicate whether the authority is still subject to the ultimate authority of the Board.
- (c) **Authority to Act Between Meetings.** The Executive Committee may act for the Board of Directors between Board meetings when calling a special meeting of the Board of Directors is impracticable, provided that no such action of the Executive Committee shall be binding on the Board of Directors until authorized or approved by the Board. The Executive Committee has the authority to authorize actions recommended by the Legal Affairs Committee (such as the filing of letter briefs and amicus curiae briefs) by electronic means without the need for an in-person or telephonic meeting, but such actions shall be ratified by the Board of Directors at its next meeting.

Section 6.03. Reporting. The president, or any person designated by the president, shall report to the Board of Directors, at each regular Board meeting, any action taken by the Executive Committee since the last preceding regular Board meeting. The minutes of Executive Committee meetings, which at that time may still be in draft form, shall be mailed (using the U.S. Postal Service, express delivery, electronic means, or otherwise) to each member of the Board of Directors at least five days prior to Board meetings, except in cases in which the Executive Committee meets during or immediately prior to a conference of the Association or immediately prior to a Board meeting, in which case the minutes, which may still be in draft form, shall be mailed to each director promptly thereafter.

Section 6.04. Meetings. The Executive Committee shall hold regularly scheduled meetings as set by the president. Special meetings of the Executive Committee may be called by the president upon notice to the members of that committee or upon written request of three Executive Committee members. Notice for special Executive Committee meetings shall be provided to the entire Board: (1) upon five days' written notice sent by mail, or (2) upon 24 hours' notice with notice provided by electronic means; and all such meetings shall be open to the Board of Directors. Any meeting, regular or special, may be held in person or by telephone conference, web video conference, or other electronic video screen communication or electronic transmission, as set forth in Section 4.06. All members of the Board of Directors may attend any meeting of the Executive Committee. Meetings of the Executive Committee may be closed to others at the discretion of the president or committee. Only members of the Executive Committee are allowed to vote on matters at a meeting of the committee.

Section 6.05. Minutes. The minutes of the Executive Committee meetings shall be kept by the executive director/secretary at the Association's principal office. Actions of the Executive Committee shall be reported to the Board of Directors as provided in Section 3 of this Article and shall be available to any member of the Board of Directors upon request to the executive director/secretary.

ARTICLE 7~~Article 7~~ – Standing Committees

Section 7.01. Qualification. In order to serve on any ACWA standing committee, an individual must be an officer, employee, or member of the governing body of a member agency of the Association, or other

representative duly designated by a member agency of the Association to represent that member at the time of the appointment. Where an individual ceases to meet these criteria during the term of the appointment, the individual may not serve during the remaining term of that appointment unless that individual can again meet the criteria for appointment and is appointed to complete the term.

Section 7.02. Term of Office. The term of office of standing committee members shall be two years commencing on January 1 of each even-numbered year. The term of office of standing committee chairs and vice chairs shall be approximately two years and shall commence as soon after January 1 of the even-numbered year as they may be appointed by the president and ratified by the then-seated Board of Directors, and shall terminate on December 31 of the odd-numbered year approximately two years later or until their successors are appointed and ratified.

Section 7.03. Meetings. Meetings of standing committees may be called at such times and places designated by the respective chair thereof except where provided otherwise by these bylaws. [Any meetings of standing committees may be conducted, in whole or in part, by electronic transmission or by electronic video screen communication, as set forth in Section 4.06.](#) Subject to the provisions of these bylaws and any actions that may be taken by the Board of Directors, the chairs of each standing committee may establish their own rules for the efficient operation of the committee they each chair. The chairs of each standing committee are authorized to create subcommittees and workgroups in order to complete the work of the committee.

Section 7.04. Committee Composition. Each limited standing committee shall have a membership composition that is comprised of members in the quantity and with qualifications as defined by the provisions of these bylaws. The committee chair position shall not be included in the maximum count for determining the committee composition total of any given limited committee. The committee chair shall, however, be a voting member of their respective committees subject to the rules and procedures of each committee. [If the chair is absent, the vice chair shall fill the role of the chair during such absence.](#)

Section 7.05. Agriculture Committee. There shall be an Agriculture Committee whose duty it shall be to recommend Association policy, positions and programs to the Board of Directors, State Legislative Committee, Federal Affairs Committee or other committees, as appropriate, regarding agricultural issues affecting the interests of ACWA and its members. The committee shall consist of at least one member from each region.

Section 7.06. Business Development Committee. There shall be a Business Development Committee whose duty it is to develop and recommend to the Board of Directors programs and activities to be provided or administered by the Association that generate non-dues revenue and provide a service or benefit to member agencies. The committee shall consist of at least one member from each region and may include members from any of the other standing committees.

Section 7.07. Communications Committee. There shall be a Communications Committee whose duty it shall be to develop and make recommendations to the Board of Directors regarding a comprehensive internal and external communications program for the Association and to promote development of sound

public information and education programs and practices among member agencies. The committee shall consist of no more than 40 members. The committee shall consist of at least one member from each region.

Section 7.08. Energy Committee. There shall be an Energy Committee whose duty it shall be to recommend policies and programs to the Board of Directors and to the State Legislative Committee and/or Federal Affairs Committee as appropriate. The committee shall consist of at least one member from each region.

Section 7.09. Federal Affairs Committee. There shall be a Federal Affairs Committee whose duty it shall be to review all federal legislative proposals and regulatory proposals affecting member agencies, after consulting with other appropriate committees, and to develop Association positions consistent with existing policy, where it has been established; recommend sponsorship of bills that will resolve problems or improve conditions for member agencies; and assist in the establishment of the Association's federal legislative program. The committee shall consist of at least one, but no more than five members from each region.

Section 7.10. Finance Committee. There shall be a Finance Committee whose duty it shall be to make recommendations to the Board of Directors regarding annual budgets, dues formula and schedules and other revenue-producing income, annual audit and selection of an auditor, and investment strategies. The committee shall consist of the president and vice president of the Association as *ex officio* members, either the chair or vice chair from each of the Association's 10 region boards, and one additional member from each region with experience in financial matters.

Section 7.11. Groundwater Committee. There shall be a Groundwater Committee whose duty it shall be to recommend policies and programs to the Board of Directors and to the State Legislative Committee and/or Federal Affairs Committee as appropriate. The committee shall consist of at least one member from each region.

Section 7.12. Legal Affairs Committee. There shall be a Legal Affairs Committee whose duty it shall be to support the mission of the Association, and more particularly to deal with requests for assistance involving legal matters of significance to member agencies, including but not limited to state and federal court litigation, water rights matters, selected regulatory and resources agency matters, proposed bylaw revisions, review of legislation as requested by the State Legislative Committee, etc. The committee shall consider matters and issues submitted to it in order to determine which ones are of major significance to the member agencies and, assuming a finding of major significance, recommend to the Board of Directors the position(s) which the committee believes the Association should take with respect thereto. The committee shall be composed of between 34 and 44 attorneys, each of whom shall be a member of the California Bar and shall be, or act as, counsel for a member agency, representing diverse interests within the Association, including but not limited to, different geographical areas throughout the state, large and small agencies, agricultural and urban agencies, agencies created under the various enabling statutes, etc. The committee shall consist of at least one member from each region.

Section 7.13. Local Government Committee. There shall be a Local Government Committee whose duty it shall be to recommend policies to the State Legislative Committee, as appropriate, and Board of Directors on matters affecting water agencies as a segment of local government in California. The committee shall consist of at least one, but no more than three members from each region.

Section 7.14. Membership Committee. There shall be a Membership Committee whose duty it shall be to assist staff in developing membership recruitment and retention programs, make recommendations to the Board of Directors regarding membership policies, eligibility, and applications for membership and review and make recommendations to the Finance Committee regarding an equitable dues structure. The committee shall consist of at least one member from each region.

Section 7.15. State Legislative Committee. There shall be a State Legislative Committee whose duty it shall be to review all state legislative proposals affecting member agencies and to establish Association positions, consistent with existing policy, where it has been established; sponsor bills that will resolve problems or improve conditions for member agencies; and assist in the establishment of the Association's legislative program. The committee shall consist of members representing a variety of types of member agencies and at least one, but no more than four members from each region.

Section 7.16. Water Management Committee. There shall be a Water Management Committee whose duty it shall be to recommend policy and programs to the Board of Directors on any area of concern in water management. The committee shall consist of at least one, but no more than four members from each region.

Section 7.17. Water Quality Committee. There shall be a Water Quality Committee whose duty it shall be to develop and recommend Association policy, positions, and programs to the Board of Directors, to promote cost-effective state and federal water quality regulations that protect the public health, to enable interested member agencies to join together to develop and coordinate with other organizations, and to present unified comments regarding agricultural and domestic water quality regulations. The committee shall consist of at least one member from each region.

ARTICLE 8 ~~Article 8~~ – Special Councils, Committees, and Task Forces

Section 8.01. Council of Past Presidents. There shall be a Council of Past Presidents composed of all past presidents of the Association who serve on the council until each is no longer able to or wishes to serve. The council shall provide a mechanism for past presidents to continue to make valuable contributions to the Association. With approval of the Board of Directors, the president and/or executive director/secretary may assign specific responsibilities to the council from time to time. Members of the Council of Past Presidents are invited to attend and participate in the Association's Board meetings.

Section 8.02. ~~Nominating Election~~ Committee. There shall be ~~a Nominating an Election~~ Committee consisting of ~~five or more persons appointed by the president prior to the Association's fall conference~~ eleven representatives established by February 28 of ~~in~~ each odd-numbered year, whose

purpose shall be to ~~nominate~~present qualified individuals for the offices of president and vice president of the Association. The ~~Nominating~~Election Committee shall ~~publish its nominations for the offices of~~vet all candidates to determine if the eligibility criteria have been met. The Election Committee will endorse ~~a preferred candidate for~~ president and vice president ~~of the Association not less than 10 or more than 90 days before the membership meeting is held at fall conference~~. Additional nominations may be made ~~by any member of the Association presenting an open ballot with all qualifying candidates to the members for candidates for the office of president~~ a vote in the manner set forth in Section 9.10 and vice president. ~~Additional nominations~~Section 9.11.

(a) Selection. The Election Committee shall be ~~made~~ selected in the following manner:

(1) Each of the 10 currently seated Region Boards in the odd-numbered year shall appoint a representative from ~~the floor~~ their respective regions to serve on the Election Committee.

(2) One representative appointed by the president in the odd-numbered year shall also serve on the Election Committee. Neither the president nor the vice president qualifies to be appointed to this position.

(b) Qualification. In order to serve on the Election Committee, an individual must be an officer, employee, or member of the governing body of a member agency of the Association, or other representative duly designated by a member agency of the Association to represent that member at the time of the appointment. Where an individual ceases to meet these criteria during the election of president and vice president at the membership meeting scheduled for said purposes cycle, the individual may not continue to serve. When the disqualified member represented a Region Board, the affected Region Board shall select a replacement representative. When the disqualified member represented the President, the President shall select an alternate representative.

Section 8.03. Other Committees and Task Forces. Other committees and task forces may be appointed by the president from time to time as needed, consistent with and supportive of the mission of the Association.

ARTICLE 9~~Article 9~~ – Meetings of Members

Section 9.01. Meetings. Meetings of the members of the Association shall be held at the Association's conferences ~~at such times as may be determined by to provide a report to the Board of Directors to~~

~~conduct necessary business and to elect members on~~ the Association's activities during the past year, provide an overview of the Association's finances, announce the newly elected president and vice president, ~~which occurs at~~ of the fall conference Association in each odd-numbered year, ~~and to transact such other proper business as may come before the meeting.~~

Section 9.02. Special Meetings. Special meetings of the members of the Association may be called by the Board of Directors, the president of the Board of Directors, or by 5 percent or more of the members of the Association. Except when called by the Board, a request for a special meeting must be in writing and must be delivered in person or mailed by first-class mail addressed to the president of the Board at the principal office of the Association, with a copy to the executive director/secretary. The request must state the general nature of the business proposed to be transacted at the meeting.

A special meeting that has been called by written request of 5 percent of the member agencies of the Association to the Board of Directors shall be set by the Board of Directors on a date that is not less than 35 or more than 90 days after receipt of the request.

Section 9.03. Meetings by Remote Communication. ~~Any meeting of the members may be conducted, in whole or in part, by electronic transmission by and to the Association or by electronic video screen communication. The member shall be deemed present in person at the meeting if the following apply:~~

- ~~(a) The Association implements reasonable measures to provide the member a reasonable opportunity to participate in the meeting and to vote on matters submitted to the members, including an opportunity to read or hear the proceedings of the meeting substantially concurrently with those proceedings.~~
- ~~(b) If any member votes or takes other action at the meeting by means of electronic transmission to the Association or electronic video screen communication, a record of that vote or action is maintained by the Association.~~
- ~~(c) The Association verifies that each person participating remotely is an authorized representative of a voting member.~~

~~Section 9.03.~~ **Section 9.04. Notice Requirements for Membership Meetings.** Written notice of any membership meeting shall be given to each voting member of the Association. The notice shall state the date, time, and place of the meeting; the means by which members may participate; and the general nature of the business to be transacted. ~~The notice of any meeting at which Board officers are to be formally nominated and elected shall include the names of the recommended slate of candidates for the offices of president and vice president in addition to the election procedures.~~ The member notification information shall also be posted on the Association's website.

Except as otherwise provided in these bylaws or California law, a written notice of regular membership meetings shall be given not less than 10 or more than 90 days before the date of the meeting to each member who, on the record date for notice of the meeting, is entitled to vote; provided, however, that if

notice is given by mail, and the notice is not mailed by first-class, registered, or certified mail, that notice shall be given not less than 20 days before the meeting.

~~Section 9.04.~~**Section 9.05.** **Notice Requirements for Special Meetings.** The executive director/secretary shall cause notice to be given to all members of the Association of the date, time, and place of the meeting and the general nature of the business to be transacted at the meeting. No business except that specified in the request and notice may be transacted at said special meeting. If notice of the requested special meeting is not given within 20 days after receipt of the request, the person or persons requesting the meeting may give the notice.

~~Section 9.05.~~**Section 9.06.** **Voting.** Each member of the Association in good standing at the time of the annual or special meeting shall be entitled to one vote that shall be cast by its authorized representative. Each member must designate its authorized representative prior to the annual or special meeting. It is the member's responsibility to designate or update its authorized representative as needed. The Association may confirm with any member the identify of that member's authorized representative for the purpose of casting ballots in any election of president and vice president. All questions, except amendments or revisions of these bylaws, shall be determined by a majority of the members present and voting. A roll call may be requested by any authorized representative.

~~Section 9.06.~~**Section 9.07.** **Amendment of Bylaws.** These bylaws may be amended or revised by two-thirds of the member agencies of the Association present and voting at any meeting.

~~Section 9.07.~~**Section 9.08.** **Quorums.** The presence of the authorized representative of 50 members of the Association at any meeting of the members shall constitute a quorum for transacting business. Written ballots timely received from the authorized representative of 50 members shall constitute a quorum for elections of president and vice president.

~~Section 9.08.~~**Section 9.09.** **Amendments, Revisions, and Resolutions.** Before any amendments or revisions to the bylaws, or resolutions, may be considered at any meeting of the Association, any such amendment, revision, or resolution shall be submitted to the executive director/secretary at least 90 days prior to the first day of such meeting. The executive director/secretary shall promptly distribute any proposed amendments or revisions to the Legal Affairs Committee for the Legal Affairs Committee to develop an unbiased analysis of the amendments or revisions. Following development of an analysis for the proposed amendments or revisions, the executive director/secretary shall distribute copies of any resolutions, amendments or revisions, including any applicable analyses, to all members of the Association not less than 10 days or more than 90 days prior to presentation at such meeting. The written notice of the membership meeting shall be given to each voting member of the Association consistent with the provisions defined in Section 39.04. The 90-day rule may be suspended at any meeting of the Association by consent of three-fourths of the members present. Voting on resolutions, amendments, or revisions shall proceed as provided by Sections 59.06 and 6 of this Article 9.07.

~~Section 9.09~~Section 9.10. **Nomination of President and Vice President.**

- (a) Qualification. At the time of their election, the president and vice president of the Association shall each be an elected or appointed member of the governing body or commission (as appropriate) of a member agency of the Association.
- (b) Nominating ~~Committee Process~~Resolutions. All nominations for the positions of president and vice president shall be accompanied by an official resolution from the Association member agency on whose board the nominee serves. Said resolution shall be signed by an authorized signatory of the member agency's Board of Directors.

~~Section 9.09 (a) Nominations from the Floor. Additional nominations may be made by any member of the Association for the office of president and vice president. Said nominations and seconds shall be made from the floor during the election of the offices of president and vice president at the membership meeting scheduled for said purposes (as provided for in the penultimate sentence of Article 8, Section 2). Such nominations and seconds shall be made by a member of the Association and must be supported by a resolution of the governing body of the member making and seconding such nomination. The member agency on whose board the nominee serves shall submit a resolution of support if they are not the agency making the floor nomination or second.~~

Section 9.11. Election of President and Vice President. Each member of the Association in good standing at the time a vote is cast is entitled to one vote for election of the president and vice president that shall be cast by its authorized representative by written ballot. The ballot and any related material may be sent by first class, registered, or certified mail or electronic transmission by the Corporation that meets the requirements of Corporations Code section 20, and responses may be returned to the Corporation by mail or electronic transmission. On any written ballot for the election of president or vice president, an authorized representative acting on behalf of the member may write in a qualified candidate for election.

Section 9.12. Write-In Candidates. If a write-in candidate prevails in any election for president or vice president, such individual shall not be officially elected into such position until the Election Committee confirms that the individual meets the eligibility criteria and qualifications requirements.

Section 9.13. Run-off Election for President and Vice President. In the event a nominee does not receive a majority of the votes for president or vice president, a run-off election shall be held for the office or offices for which a majority of the votes have not been received. The run-off election shall only involve the nominees who received the two highest amounts of votes. The run-off election shall be conducted in the same manner as the initial election.

~~Section 9.10~~Section 9.14. **Additional Procedures for Election of ~~Officers~~President and Vice President.** The Board shall have the authority to develop additional procedures~~adopt policies~~ for elections

("Election Policy") of president and vice president [setting forth the details for the election of such positions](#) when not otherwise [contrary to or](#) covered by these bylaws.

ARTICLE 10~~Article 10~~ – Indemnification of Directors, Officers, and Other Agents

Section 10.01. Right of Indemnity. To the fullest extent permitted by law, this Corporation shall indemnify its Directors, Officers, employees, and other persons described in Section 7237(a) of the California Corporations Code, including persons formerly occupying any such position, against all expenses, judgments, fines, settlements and other amounts actually and reasonably incurred by them in connection with any "proceeding," as that term is used in that Section, and including an action by or in the right of the Corporation, by reason of the fact that the person is or was a person described in that section. "Expenses," as used in this bylaw, shall have the same meaning as in Section 7237(a) of the California Corporations Code.

Section 10.02. Approval of Indemnity. On written request to the Board by any person seeking indemnification under Section 7237(b) or Section 7237(c) of the California Corporations Code, the Board shall promptly determine under Section 7237(e) of the California Corporations Code whether the applicable standard of conduct set forth in Section 7237(b) or Section 7237(c) has been met and, if so, the Board shall authorize indemnification.

Section 10.03. Advancement of Expenses. To the fullest extent permitted by law and except as otherwise determined by the Board in a specific instance, expenses incurred by a person seeking indemnification under these bylaws in defending any proceeding covered by those Sections shall be advanced by the Corporation before final disposition of the proceeding, on receipt by the Corporation of an undertaking by or on behalf of that person that the advance will be repaid unless it is ultimately determined that the person is entitled to be indemnified by the Corporation for those expenses.

Section 10.04. Insurance. The Corporation shall have the right to purchase and maintain insurance to the full extent permitted by law on behalf of its Officers, Directors, employees, and other agents, against any liability asserted against or incurred by any officer, director, employee, or agent in such capacity or arising out of the officer's, director's, employee's or agent's status as such.

ARTICLE 11~~Article 11~~ – Miscellaneous

Section 11.01. Conduct of Meetings. All meetings of the Association shall be conducted in accord with the code of conduct and in substantial accordance with the latest edition of Robert's Rules of Order Newly Revised unless the Board adopts alternate rules of conduct for itself and/or its committees, region boards, and region workgroups.

Section 11.02. Funds. The funds of the Association shall be used to further the aims and purposes of this Association. They shall be kept by the controller/treasurer and paid out by checks or other electronic means, which shall only be valid with two authorized signatures. The Board of Directors shall designate

by resolution which persons, other than the controller/treasurer, may sign for expenditures. The Finance Committee shall implement procedures to ensure necessary internal controls over the receipt and expenditures of Association funds and arrange for an external audit. Audit reports shall be presented to the Board of Directors.

Section 11.03. Disposition of Assets upon Dissolution. The Association's properties and assets are irrevocably dedicated to the fulfillment of the Association's purposes as described in Article 2 of the Articles of Incorporation. No part of the Association's net earnings, properties and assets, on dissolution or otherwise, may inure to the benefit of any private person. Upon the dissolution of the Association, all debts thereof shall be paid and its affairs settled, and all remaining assets shall be distributed to the Association's member political subdivisions for a public purpose, consistent with the provisions of the California Nonprofit Corporation Law relating to public-mutual benefit corporations then in effect and with the Articles of Incorporation.

Section 11.04. Definitions. As used in these bylaws, the term "notice provided by electronic means" shall refer to notice given by fax or e-mail.

Amended comprehensively December 1, 2010

Amended May 9, 2012

Amended May 7, 2014

Amended December 2, 2015

Amended November 29, 2017

Amended & Restated _____, 2022

To: Donna Pangborn, Senior Clerk of the Board

Email: donnap@acwa.com

Fax: 916-669-2425

The person designated below will be attending the ACWA General Session Membership Meeting(s) on Wednesday, November 30, 2022 (and December 1, 2022 if necessary) as our voting delegate. Please designate an alternate voting delegate to facilitate any change to your voting representation at the meeting. To change your alternate, however, you must notify Donna Pangborn of the change no later than 5:00 p.m. on Tuesday, November 29, 2022.

Member Agency's Name

Agency's Phone No.

Print Member Agency's Authorized Signatory Name

Authorized Signatory Signature

Voting delegate must be present at the membership meeting to vote.

Voting Delegate's Name	Voting Delegate's Email	Voting Delegate's Phone No.
Alternate Voting Delegate's Name	Alternate Voting Delegate's Email	Alternate Voting Delegate's Phone No.
Voting Delegate's Affiliation (if different from assigning agency)*		Date

*If your agency designates a delegate from another entity to serve as its authorized voting representative, please indicate the delegate's entity in the appropriate space above.



INFORMATION ITEM

November 14, 2022

TO: Planning & Operations Committee
(Directors Tamaribuchi, Nederhood, McVicker)

FROM: Robert Hunter, General Manager

Staff Contact: Damon Micalizzi

SUBJECT: 2022 OC Water Summit Recap

STAFF RECOMMENDATION

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

COMMITTEE RECOMMENDATION

The committee recommends (To be determined at Committee Meeting)

DETAILED REPORT

MWD OC was the lead agency for the 2022 OC Water Summit 'California Dreamin' – Making Western Water Projects a Reality. More than 350 of the nearly 400 registered attendees the event, held at Disney's Grand Californian Hotel on Friday, September 16, 2022.

Feedback from the event was overwhelmingly positive. The post-event survey results are attached. In spite of the fact that longtime Emcee Fritz Coleman had to pull out unexpectedly just days before the event, Jeff Kightlinger was able to step in, and many attendees offered praise for Kightlinger as both a host and moderator.

The majority of criticism/complaints, both verbal and included in the survey, were related to parking issues at the resort. Construction at Disneyland has closed portions of parking lots closer to the Grand Californian, resulting in some attendees having to walk a substantial distance from self-parking to the conference. This construction is anticipated to continue for at least the following year, further complicating parking for future events held at the resort.

The parking issues, which were ardently challenged by staff, are just one of the issues that complicated the preparation and budget for the event.

Historically, Disney has been a presenting sponsor of the OC Water Summit. New leadership in the department that forged the partnership over the years opted not to participate in the last two Summits. While it is unclear if that is their position moving forward, it appears, at this time, that we can no longer count on Disney providing 'magic' at this event.

Previously, 'magic' included:

- Graphics for promotion and correspondence
- Creation of collateral for attendees (such as the program and signage)
- Artwork, room decor, and special effects (including furniture & centerpieces)
- Various in-kind services
- Breaks in pricing

As such, the 2022 event was significantly more costly. While accounting is not yet final, as receipts and reimbursements, and some sponsorships are still coming in at the time of this report, MWDOC and OCWD will be splitting a bill in the neighborhood of \$25K. A preliminary accounting report is attached.

At the request of staff, the Orange County Water Summit Committee has directed staff to explore other venues as options for the 2023 event. OCWD will be the lead for that event, which the Committee has yet to decide if it will be held in either June or September.

The next meeting of the OC Water Summit Planning Committee will be held on Monday, November 28.

Municipal Water District of Orange County
Prelim Recap of Revenues and Expenses for 9/16/22 O.C. Water Summit Event

Qty	Revenues	Uncollected	MWDOC	OCWD	Total
	Recorded sponsorships paid		\$ 58,142.20	\$ 5,000.00	\$ 63,142.20
	Sponsorships unpaid	(2,020.00)			(2,020.00)
12	Guests paid via cash/check \$ 140.00		1,680.00		1,680.00
1	Guests paid via cash/check 160.00		160.00		160.00
8	Guests paid via PayPal/CC 140.00		1,044.96		1,044.96
78	Guests paid via WePay/CC 140.00		10,260.80		10,260.80
39	Guests paid via WePay/CC 160.00		5,879.04		5,879.04
1	Guests paid via Square 140.00		136.26		136.26
5	Sponsored registered guests 140.00		700.00		700.00
	Guests Unpaid	(300.00)			(300.00)
Total Revenues		(2,320.00)	\$ 78,003.26	\$ 5,000.00	\$ 80,683.26
<u>Expenses</u>					
	Event food & beverage, parking & service charge		\$ 55,963.23	\$ 5,000.00	\$ 60,963.23
	Hotel room charges - Speakers & audio visual crew		6,128.72		6,128.72
	Hotel room charges - MWDOC Staff & Directors		1,013.12		1,013.12
	Hotel room charges - OCWD Staff & Directors		1,562.18		1,562.18
	Hotel room charge - reimb by ACWA (\$489.06)		-		-
	Hotel Audio-Visual equipment rental		29,832.76		29,832.76
	Signage and banners		973.93		973.93
	Summit program printing & digital		48.00		48.00
	Speaker dinner		3,223.37		3,223.37
	Speaker travel reimbursement		1,869.04		1,869.04
	Speaker gifts		318.04		318.04
	Staff dinner		159.72		159.72
	Staff mileage and parking		222.63		222.63
	Rental of two-way radios		278.40		278.40
	Name badges		191.89		191.89
	Summit supplies		1,251.54		1,251.54
Total Expenses		\$ -	\$ 103,036.57	\$ 5,000.00	\$ 108,036.57
Net Revenue (Expense)			\$ (25,033.31)	\$ -	\$ (27,353.31)

Constant Contact Survey Results

Campaign Name: 2022 OC Summit Survey

Survey Starts: 47

Survey Submits: 12

Export Date: 10/24/2022 02:58 PM

NUMERIC SCALE

1 = Very Unsatisfied, 2 = Somewhat Unsatisfied, 3 = Neutral, 4 = Somewhat Satisfied, 5 = Very Satisfied

Answer Choice	0%	100%	Number of Responses	Responses Ratio
1 (Very Unsatisfied)			0	0%
2	<div></div>		1	8%
3			0	0%
4	<div></div>		6	50%
5 (Very Satisfied)	<div></div>		5	41%
Mean	4.25			
Median	4.00			
Total Responses			12	100%

NUMERIC SCALE

Event Location

Answer Choice	0%	100%	Number of Responses	Responses Ratio
1 (Very Unsatisfied)			0	0%
2			0	0%
3	<div></div>		1	8%
4	<div></div>		3	25%
5 (Very Satisfied)	<div></div>		8	66%
Mean	4.58			
Median	5.00			
Total Responses			12	100%

NUMERIC SCALE

Parking

Answer Choice	0%	100%	Number of Responses	Responses Ratio
1 (Very Unsatisfied)	<div></div>		1	8%
2			0	0%
3	<div></div>		4	33%
4	<div></div>		2	16%
5 (Very Satisfied)	<div></div>		5	41%
Mean	3.83			
Median	4.00			
Total Responses			12	100%

NUMERIC SCALE

Registration/Check-in

Answer Choice	0%	100%	Number of Responses	Responses Ratio
1 (Very Unsatisfied)			0	0%
2			0	0%
3			0	0%
4	<div></div>		1	8%
5 (Very Satisfied)	<div></div>		11	91%
Mean	4.92			
Median	5.00			
Total Responses			12	100%

NUMERIC SCALE

Event Space - Sequoia Ballroom

Answer Choice	0%	100%	Number of Responses	Responses Ratio
1 (Very Unsatisfied)			0	0%
2			0	0%
3			0	0%
4	<div></div>		2	16%
5 (Very Satisfied)	<div></div>		10	83%
Mean	4.83			
Median	5.00			
Total Responses			12	100%

NUMERIC SCALE

Food and Beverage

Answer Choice	0%	100%	Number of Responses	Responses Ratio
1 (Very Unsatisfied)			0	0%
2			0	0%
3	<div></div>		2	16%
4	<div></div>		4	33%
5 (Very Satisfied)	<div></div>		6	50%
Mean	4.33			
Median	4.50			
Total Responses			12	100%

NUMERIC SCALE

Audio/Visual - Acoustics and Screen

Answer Choice	0%	100%	Number of Responses	Responses Ratio
1 (Very Unsatisfied)			0	0%
2			0	0%
3			0	0%
4	<div></div>		5	41%
5 (Very Satisfied)	<div></div>		7	58%
Mean	4.58			
Median	5.00			
Total Responses			12	100%

OPEN QUESTION

Please provide any additional comments about the venue below.

Disney should look at upgrading their video presentation capabilities. The audio was fine, but the video set up looks like it is right out of the 1990s.

Since I did not have a table...I did not have a seat to sit in any seats that were designated for individuals who do not have a seat...which were outer tables...

This is a very well presented event with excellent content and great pacing. Keep up the format it is a winner!

3 Response(s)

NUMERIC SCALE

Program Emcee - Jeff Kightlinger

Answer Choice	0%	100%	Number of Responses	Responses Ratio
1 (Very Unsatisfied)			0	0%
2			0	0%
3			0	0%
4	<div></div>		3	25%
5 (Very Satisfied)	<div></div>		9	75%
Mean	4.75			
Median	5.00			
Total Responses			12	100%

NUMERIC SCALE

Session 1 - Megadrought: Is There Any Doubt?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
1 (Very Unsatisfied)			0	0%
2	<div></div>		1	8%
3			0	0%
4	<div></div>		5	41%
5 (Very Satisfied)	<div></div>		6	50%
Mean	4.33			
Median	4.50			
Total Responses			12	100%

NUMERIC SCALE

Session 2 - Proposition Proposal: Dam the Legislature, Grow Me the Money

Answer Choice	0%	100%	Number of Responses	Responses Ratio
1 (Very Unsatisfied)			0	0%
2	<div></div>		1	8%
3	<div></div>		3	25%
4	<div></div>		4	33%
5 (Very Satisfied)	<div></div>		4	33%
Mean	3.92			
Median	4.00			
Total Responses			12	100%

NUMERIC SCALE

Session 3 - Mission Impossible: Water Projects We Need Now

Answer Choice	0%	100%	Number of Responses	Responses Ratio
1 (Very Unsatisfied)			0	0%
2			0	0%
3	<div></div>		2	16%
4	<div></div>		4	33%
5 (Very Satisfied)	<div></div>		6	50%
Mean	4.33			
Median	4.50			
Total Responses			12	100%

NUMERIC SCALE

Session 4 - To Pump or Not to Pump: Re-examining Conventional Wisdom About the Delta

Answer Choice	0%	100%	Number of Responses	Responses Ratio
1 (Very Unsatisfied)			0	0%
2	<div></div>		2	16%
3	<div></div>		2	16%
4	<div></div>		4	33%
5 (Very Satisfied)	<div></div>		4	33%
Mean	3.83			
Median	4.00			
Total Responses			12	100%

MULTIPLE CHOICE

In your opinion, was the time allocated for each speaker too long, too short, or about right?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Too short			0	0%
Too long			0	0%
About right	<div></div>		12	100%
Total Responses			12	100%

OPEN QUESTION

Please provide any additional comments about the sessions & speakers below.

I didn't feel like anything was accomplished. And I'm even more resolved to become as self sufficient as a water and sewer district.

Director Sheldon's confrontational questioning of Ms. Namath was poor form. This is not a political convention.

2 Response(s)

RANK ORDER

Please rank the following items from 1-4 (1 = Most Preferred and 4 = Least Preferred).

Answer Choice	Average Rank	Ranked 1	Ranked 2	Ranked 3	Ranked 4
Presentation Format	1.83	6 (50%)	3 (25%)	2 (16%)	1 (8%)
Panel Format	2.17	4 (33%)	3 (25%)	4 (33%)	1 (8%)
Debate Format	3.25	0 (0%)	4 (33%)	1 (8%)	7 (58%)
Extended Q&A Format	2.75	2 (16%)	2 (16%)	5 (41%)	3 (25%)
Total Responses	12				

OPEN QUESTION

Are there specific topics or speakers you would like to see featured at future OC Water Summit events?

US BR planning group. How is the western U.S. going to prosper in 2040 and beyond?

Salinity, how to deal with this problem.

Agricultural water efficiency, what else can be done?

Dealing with "bad legislation".

Why do projects take so long to get done?

2 Response(s)

MULTIPLE CHOICE

Do you believe the Summit registration fee was appropriate for the value you received?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
Yes	<div><div></div></div>		10	83%
No	<div><div></div></div>		2	16%
Total Responses			12	100%

NUMERIC SCALE

How likely are you to attend future OC Water Summit events?

Answer Choice	0%	100%	Number of Responses	Responses Ratio
1 (Very Unlikely)			0	0%
2			0	0%
3			0	0%
4	<div></div>		4	33%
5 (Very Likely)	<div></div>		8	66%
Mean	4.67			
Median	5.00			
Total Responses			12	100%

OPEN QUESTION

Do you have any suggestions for how we can improve future OC Water Summit events, or is there anything else you would like to tell us?

-make print on nametag (name/company) much larger, so easier to read when meeting new people

-increase time for networking and discussion between topics

-

I enjoy all the information but it was unfortunate that I did not have a seat to sit down

Keep up the great work!

3 Response(s)



INFORMATION ITEM

November 14, 2022

TO: Planning & Operations Committee
(Directors Tamaribuchi, Nederhood, Seckel)

FROM: Robert Hunter, General Manager

Staff Contact: Damon Micalizzi

SUBJECT: Water Policy Dinner Featuring Metropolitan Chairman Elect, Adán Ortega - February 9, 2022

STAFF RECOMMENDATION

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

COMMITTEE RECOMMENDATION

Committee recommends (To be determined at Committee Meeting)

DETAILED REPORT

Metropolitan's newly elected Chairman, Adán Ortega, will serve as MWDOC's featured speaker at our next Water Policy Forum and Dinner. The event will be held at the Westin Hotel in Costa Mesa on Thursday, February 9, 2023.

Ortega, who has served on Metropolitan's 38-member board since 2019, will serve a two-year term beginning January 1. He began representing the city of San Fernando on the board in March 2021 after previously representing the city of Fullerton from February 2019 to February 2021.

Orange County welcomes Chairman Ortega, who was appointed as Chairman of the Metropolitan Board in October. He will share his vision for the largest water provider in the Nation, as Metropolitan responds to water supply and climate change challenges on both of its imported water sources from Northern California and the Colorado River amid a historic drought that has caused water shortages in parts of its service area.

The schedule for future MWDOC Water Policy Dinners is yet to be set as the OC Water Summit date for 2023 is presently TBD.

ENGINEERING & PLANNING	
Reliability Study Update	<p>Staff have been working with consultant CDM Smith and Metropolitan Water District (MET) staff on an update to the 2018 OC Water Reliability Study (2022 OC Study). Updating of the planning assumptions and understanding of the implications will be useful to our staff, Directors, MET Directors, and member agencies for future decision considerations. This update was launched because of significant changes in conditions since the publication of the 2018 OC Study.</p> <p>Preliminary findings were presented at the September 2022 P&O Committee.</p> <p>Staff have additionally been asked to investigate, and if possible, include likely impacts of Sites Reservoir on State Water Project supplies. Preliminary investigation of Sites Reservoir indicate that the WEAP model used for the OC Study is not the appropriate model to analyze Sites Reservoir benefits to the SWP.</p> <p>Staff is currently working with MET staff to obtain CALSIM modeling results from the Sites Project Authority. Once these results are obtained they can be analyzed, and if possible, included in the OC Study. This will push report completion to January 2023.</p>
Water Use Efficiency Standards Analysis	<p>On May 2, 2022, the Board approved entering into an agreement with Water Systems Consulting (WSC) and sub-consultant M. Cubed to complete an economic analysis of proposed State water use efficiency standards. MWDOC has partnered with SMWD in funding this project. There are four main components of the scope of work:</p> <ol style="list-style-type: none"> 1. A customized version of the recently completed Urban Water Use Objective Analyzer (Model) developed by M. Cubed for the Department of Water Resources (DWR). M. Cubed customized the Model to allow individual retail agencies to evaluate the impacts of the proposed standards on their operations and customers. 2. Evaluate the relative impact of the proposed standards on Disadvantaged Communities (DACs). 3. Evaluate compliance cost estimates for MWDOC retail water agencies with information on water service affordability. 4. Develop a web interface of the Model using a visual analytics platform (i.e. dashboard). <p>The updated Model has been completed.</p> <p>Initial findings of the analysis were presented to MWDOC's member agencies on August 9, 2022. The study findings were presented at</p>

	<p>the September 14, 2022 A&F Committee meeting where a draft report was also provided.</p> <p>Next steps include inclusion of feedback from the A&F meeting, and complete the web interface portion of the project to allow agencies access to the customized Water Use Objective Analyzer for their own evaluation and planning efforts.</p>
Doheny Ocean Desalination Project	<p>South Coast Water District (SCWD) continues to develop the Doheny Ocean Desalination Project. SCWD estimates an on-line date of 2026, if approved by the SCWD Board.</p> <p>SCWD held a Special Board Meeting on September 2, 2021 to discuss the financial implications of the project. Clean Energy Capital (CEC) presented a water cost analysis for the project where CEC presented cost projections for a 2 MGD project with an estimated 1st year water cost of \$1,928/AF in 2021\$, and a 5 MGD project with an estimated 1st year water cost of \$1,479/AF in 2021\$ (later updated to \$1,807/AF in 2027\$ vs \$1,545/AF MET Rate in 2027\$).</p> <p>On March 9, 2022 the San Diego Regional Water Quality Control Board approved the Tentative Orders related to the NPDES permits for discharge associated with operation of the Doheny Desalination Project.</p> <p>On October 13, 2022, the California Coastal Commission unanimously approved South Coast Water District's Coastal Development Permit to construct and operate up to a 5 MGD seawater desalination facility in Dana Point.</p>
San Juan Basin Authority	<p>The San Juan Basin Authority (SJBA) has been conducting a hydrogeology study of the San Juan Basin to better understand how groundwater flows through the lower portions of San Juan Basin under various conditions. How groundwater flows in the vicinity of Stonehill Drive is important due to potential impacts on pumping within the basin, and also may potentially influence pumping for the Doheny Desalination project.</p> <p>A technical review panel, consisting of three teams of hydrogeologists, presented their preliminary findings at a special meeting on May 12, 2022. The presentation is available from the SJBA website: https://www.sjbauthority.com/meetings/meetings-2022.html (2022-05-12 SJBA Board Meeting TRP).</p> <p>The preliminary findings are:</p> <ol style="list-style-type: none"> 1. The Basin behaves like two separate areas or 'buckets' that are connected by bedrock ledge area in the vicinity of Stonehill Drive. The bedrock ledge operates similar to a spillway; which although not a boundary, does somewhat restrict flows under normal groundwater conditions.

	<ol style="list-style-type: none"> 2. Groundwater flows through the bedrock ledge area (spillway) are greatly restricted between the upper and lower portions of the basin when groundwater levels are low. This occurs during dry or excessive pumping periods. 3. Pumping on either side of the spillway (north or south) influences portions of the basin on the other side of the spillway. Without recharge and with continued pumping, groundwater levels at the divide could decline precipitously. 4. Saline intrusion in the basin result from seasonal or longer-term declines in freshwater recharge coupled with pumping. Pumping south of the spillway exacerbates saline intrusion more than pumping to the north. Pumping to the north contributes by restricting the flow of freshwater across the spillway. <p>The Technical Review Panel is continuing additional geologic and geophysical assessment of the area; as well as additional monitoring of groundwater levels and flow across the spillway. The next SJBA meeting is scheduled for September 28, 2022.</p>
Shutdowns	<p>Upper Feeder</p> <p>A recap of the completion of the Upper Feeder shutdown will be presented at this month's meeting.</p> <p>Orange County Feeder</p> <p>The purpose of the shutdown is to remove and dispose of the existing lining, reline the pipeline with cement mortar, weld straps, replace valves and install manholes on this 85+ year old pipeline from the Willits Street Pressure Control Structure (north of South Coast Plaza) to the Irvine Cross Feeder (south of UC Irvine).</p> <p>The Orange County Feeder shutdown began on September 18, 2022 and will continue through July 15, 2023. The shutdown schedule was revised to accommodate a requested schedule change for the Orange County Feeder Extension shutdown as described below.</p> <p>Orange County Feeder Extension</p> <p>MET is preparing to reline the final 300-linear feet of the OC Feeder extension from the Irvine Cross Feeder to the terminus affecting the City of Newport Beach, Irvine Ranch WD, and Laguna Beach County WD.</p> <p>MET originally proposed shutdown dates for the extension of June 18, 2023 through July 14, 2023. LBCWD raised concerns about the shutdown timing given recent fire events. MET worked with their contractor and rescheduled the shutdown to coincide with the shutdown work between Willits PCS and the Irvine Cross Feeder for</p>

	<p>January 3 – 31, 2023. The Contractor will engage 4 separate work crews to complete the work as re-scheduled.</p> <p>A meeting was held on September 6, 2022 with MWDOC staff, MET, and all affected agencies to discuss the shutdown. The affected agencies were appreciative of MET's flexibility and confirmed they could support the new shutdown dates.</p> <p>Lake Mathews Facility Shutdown</p> <p>Shutdown of the Lake Mathews Facility has been rescheduled for March 13-14, 2023. The following agencies will be affected during the shutdown: OCWD, YLWD, Serrano WD, IRWD, TCWD, ETWD, SMWD, MNWD, and the City of San Clemente.</p> <p>Orange County Reservoir</p> <p>The decommissioning of the Orange County Reservoir has been rescheduled to March 20, 2023 through March 25, 2023. This work will affect the cities of Brea and La Habra.</p> <p>Diemer Water Treatment Plant</p> <p>MET is planning to repair a chlorine diffuser pipe at the Diemer WTP which will require a seven-day full-plant shutdown. A meeting was held on February 3, 2022 to inform MET of the agencies' local supply conditions for this calendar year. MET reported that the diffuser pipe was not an imminent failure risk. Shutdown dates for repair of the Diemer chlorine diffuser pipe are being reevaluated by MET staff at this time with consideration of the R6 Reservoir shutdown (below).</p> <p>Diemer also recently experienced a backwash valve failure in the filter backwash system. Two of 48 filters will remain out of service through the summer; slightly limiting Diemer's maximum flow capacity by 4%.</p> <p>Joint Transmission Main</p> <p>South Coast WD will shut down the JTM from October 17-20, 2022 to replace a takeout meter located in Laguna Woods for ETWD. The plan is to increase flow on the South County Pipeline during the shutdown while staying within the AMP flow allocations. In the unlikely event that demands increase unexpectedly, a flow waiver for the AMP would be required.</p> <p>R6 Reservoir Rehabilitation</p> <p>El Toro WD will be shutting down the 275 Million Gallon R6 Reservoir to replace the aging reservoir liner and cover. The reservoir will be offline from November 2022 through July 2023.</p>
Meetings	
	Charles Busslinger attended the California Coastal Commission meeting in San Diego on October 13, 2022 in support of South Coast

	Water District's Coastal Development Permit for the Doheny Desalination Project.
	Charles Busslinger attended the Southern California Salinity Coalition Salinity Management Summit on October 25, 2022.
	Charles Busslinger attended a meeting on October 27, 2022 regarding a concept presentation of a new desalination technology which claims to desalinate ocean water using very little energy. The patented technology includes a submersible reverse osmosis desalination apparatus that relies wholly upon hydrostatic pressure to drive seawater through the filter membranes; and continuously desalinates seawater without using any submerged moving parts that would be subject to wear or breakage. The concept is still in the developmental stage.

General Managers Report

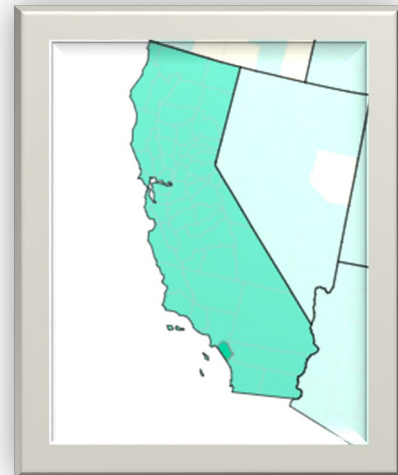
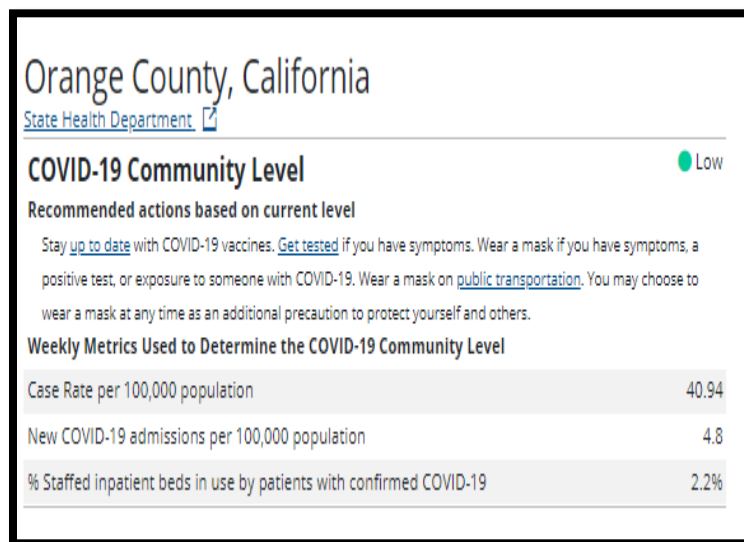
WEROC Status Report

October 2022

COVID-19 (CORONA VIRUS) COORDINATION

- Orange County remains in the **LOW LEVEL** rate of Community Spread

Current Data as of 11/4/22



FEDERAL PUBLIC HEALTH EMERGENCY EXTENDED TO JANUARY 2023

On 10/13/22, the Federal Public Health Emergency was extended for another 90 days until January 11, 2023

CALIFORNIA STATE OF EMERGENCY UPDATE

Governor Newsom to End the COVID-19 State of Emergency - February 28, 2023

FEMA PUBLIC ASSISTANCE

Once the Federal Public Health Emergency ends, the 60 day project submission clocks and those still wishing to enter a request for public assistance funding.

AB 361 - Open meetings: state and local agencies: teleconferences.

For those agencies, continuing to protect employees' safety with the provisions of use of teleconference for Board Meetings the following is still effect for the requirements of AB 361.

- California State of Emergency is still active
- As of the time of this report the County of Orange Health Officer Order remained unchanged even with the CDC changes, still including Vulnerable Populations and social distancing is still referenced in the Orange County Health Officer Order (9/23/22)
- ***For Vulnerable Populations.*** *In general, the older a person is, the more health conditions a person has, and the more severe the conditions, the more important it is to take preventive measures for COVID-19 such as getting vaccinated, including boosters, social distancing and wearing a mask when around people who don't live in the same household, and practicing hand hygiene. For more information, see <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>.*
- WEROC continues to host monthly coordination calls with member agencies to provide updates regarding COVID and other items occurring in the OA.

OCTOBER/NOVEMBER INCIDENTS/EVENTS (NON-COVID)

******The following event(s) in which WEROC provided information and/or coordination.

- Suspicious Activity (1 Agency)
- Water Impact (1 Agency)
- Weather Event/ Debris Flow Coordination Calls

Vicki can provide an additional oral update to WEROC activities specific to the event as required/requested.

COORDINATION/PARTICIPATION WITH MEMBER AGENCIES AND OUTSIDE AGENCIES MEETINGS OUTSIDE OF PROGRAMS AREAS AND EMERGENCY RESPONSE

- On 9/28, Dave and Janine attended the County/OA Technology Subcommittee Meeting
- On 10/4, Vicki attended the ISDOC Executive Committee Meeting.

- On 10/6, the WEROC Team attended the Monthly OCEMO meeting. Planning discussions focused on Aviation, Mass Fatality and Mass Care and Shelter in addition to the normal subcommittee report outs.
- On 10/6 Vicki and Dave attended the OCEMO Exercise Design subcommittee which is starting planning for the 2023 Functional Exercise in May 2023. WEROC will be working with member agencies on participation for this exercise.
- On 10/7, Vicki attended the WACO meeting and provided the WEROC update.
- On 10/7, Vicki participated in the CalWARN kickoff meeting for the CalWarn Strategy Plan.
- On 10/10, Vicki had a meeting with OCFA and MNWD on the training and mapping project. Vicki provided a training bulletin to OCFA regarding WEROC and the services it offers. Action items were developed and timeline to move forward. Outcomes will be a video on the basics of water for new recruit and engineers. Also discussed was providing the line size for water pipes to hydrants to the existing mapping we already share with fire. As the project moves forward we will provide more updates. These meeting continue to develop a positive relationship with OCFA. One last outcome agreed upon is coordination by WEROC to have a joint operations meeting with the Battalion Chiefs at least once a year so that interactions and networking can occur before an event.
- On 10/10, attended the weather update webinar with San Diego National Weather Service.
- On 10/11, Vicki attended the MVWD H2O for HOAs event. Vicki was part of an emergency preparedness panel.
- On 10/13, Vicki had a meeting IRWD regarding AlertOC and IRWD joining.
- On 10.17, Vicki had a perp meeting with OCWD regarding their evacuation drill exercise
- On 10/19, Vicki and Dave evaluated the OCWD evacuation exercise.
- On 10/20. Vicki attended the MWDOC Managers Meeting.
- On 10.21, Vicki and Dave attended Director Dick's Inspection Trip.
- On 10/24, Vicki had a planning meeting with MNWD.
- On 10/27, Vicki attended the Mutual Aid Regional Advisory Council (MARAC) State Coordination meeting as the Region1 Public Utility Rep/Special District.
- On 11/1, Vicki, Dave and Janine conducted the WEROC Quarterly Meeting with WEROC member agencies.
- On 11/1, Vicki conducted WEROC 101 course containing (see training section)
- On 11/3, Vicki, Dave and Janine attended the monthly Orange County Emergency Management Organization (OCEMO) Meeting,. Presentation was made by City of Fountain Valley Hazardous Material Incident Response which did include a water and waste water issue.
- On 11/7, Vicki was part of the Bond Fire Debris Flow Coordination meetings based on the weather coming in.

PLANNING AND PROGRAM EFFORTS

AlertOC

Janine continues to work with of special district member agencies participating in the AlertOC program. In October, Janine hosted an AlertOC training and we had over 25 participants.

Coastal Fire Reimbursement

Vicki continues to work with CalOES and FEMA on the FMAG for the Coastal Fire and trying to get the water used for the suppression an eligible claimable cost, based on changes to Prop 218 in relation to PUC 2713, AB 1432 and Governor EO N-10-19. This will be a long term goal for WEROC to get this Law updated to align with Public Assistance in the future as the state responded back with a denial of water as a claimable cost under the citation of PUC 2713.

Vicki has had conversations with the Deputy Director of CalOES Recovery and will continue to work on this project.

Cyber Security

WEROC continues to send out important information to the Cyber Security Distribution Group as received from DHS or the OCIAC.

National Incident Management System

- Annual 2022 NIMS Implementation Assessment Survey due November 18th
- Other FEMA Guidance being evaluated and commented on by WEROC
 - NIMS National Qualification System
 - Restoration and Recovery
 - Economic Development Strategy and Hazard Mitigation Plan Alignment

Orange County Fire Authority Project

Vicki in partnership with MNWD has been working with OCFA to create training videos for OCFA recruits and engineers. This is an on-going project based on the needs of OCFA. Additionally, Vicki has provided a training bulletin regarding WEROC that was distributed to the Battalion Chiefs and Dispatch to aid with education about WEROC to aid coordination efforts for incidents.

Training and Exercises

On 11/1, Vicki conducted a WEROC 101, Mutual Aid/Assistance Request and Resource Request Training (Paper & WebEOC). Approximately 20 people received this training in a Hybrid format.

Vicki has finalized the Agency Representative Training (AREP) as requested by the agencies. This course will assist agencies when they send a person to interact at an Incident Command post (ex wildland fire). Training will occur November 14th in the city of Yorba Linda (In Person)

WEROC Recovery, Federal Disaster Programs (Public Assistance and FMAG) and Initial Damage Estimate (IDE) Introduction Training on November 10th (Virtual)

WEROC 101, Mutual Aid/Assistance Request and Resource Request Training (Paper & WebEOC) (Hybrid In Person and Virtual)

Vicki is collaborating with MET on an exercise to be held at Diemer on November 17. WEROC will be communicating with member agencies as part of establishing a communications and coordination drill as part of the exercise. This will establish a Multi-Agency Coordination (MAC) Policy Group coordination call to share information and allow agencies who have not been impacted by recent real world event to see how this coordination will work.

WEROC Emergency Operations Center

The 75% designs were received from the architect. The design phase will continue until completion.

Vicki met with an agency regarding some use of space. As this agency looks at their space use for future planning, WEROC will continue to have discussion if this may be a viable alternative to the building of the WEROC EOC due to the funding discussions over the past few months.

WEROC Emergency Water Distribution Plan

At the quarterly meeting, Vicki distributed a draft plan in which all the agencies can adopt and use for a tiered structure for distribution of water based on the severity of the event. Additionally planning meetings with agencies will occur in the beginning of 2023 so the regional WEROC plan can be drafted based on the identified gaps and capabilities provided by agencies.

WEROC GIS Dashboard

At the WEROC Quarterly Meeting, Dave led the discussion with the agencies on a dashboard being created so agencies will have access to different resources for both planning and response purposes. This dashboard will bring together different open source resources combined with water and wastewater information needs.

WEROC Planning Documents Updated in October

- WEROC Training Bulletin for OCFA

- WEROC Training, Planning and Exercise Matrix 2023

WEROC Quarterly Meeting

Was held with member agencies was held on November 1st In person

- Agenda included
 - Water Commodity Distribution Planning
 - Logistics Planning
 - Cyber
 - NIMS
 - Training and Exercise Plan Update
 - Monthly Tests
 - OA Exercise2023
 - GIS Solutions/Dashboard
 - Safety Center
 - AlertOC
 - OA Planning Efforts

Operational Area and Member Agency Plan Review/Working Groups

Vicki has reviewed and provided written changes or feedback to the following Annexes/Plans. These are currently being reviewed in working group meetings focusing on 1-2 chapters at a time:

- Threat Hazard Identification and Risk Assessment (THIRA)
 - Mass Care
 - Mass Fatality
 - Recovery
 - Aviation
-

**Status of Water Use Efficiency Projects
October 2022**

Description	Lead Agency	Status % Complete	Scheduled Completion or Renewal Date	Comments
SoCal WaterSmart Residential Indoor Rebate Program	MWDSC	Ongoing	Ongoing	In September 2022, 231 high efficiency clothes washers and 7 premium high efficiency toilets were installed in Orange County. To date, 126,790 high efficiency clothes washers and 60,885 high efficiency toilets have been installed through this program.
SoCal WaterSmart Commercial Rebate Program	MWDSC	Ongoing	Ongoing	In September 2022, 918 commercial premium high efficiency toilets were installed in Orange County. To date, 112,741 commercial devices have been installed through this program.
Flow-Monitoring Device Rebate Program	MWDSC	Ongoing	Ongoing	In September 2022, 6 flow-monitoring devices were installed in Orange County. To date, 42 flow-monitoring devices have been installed through this program.
Smart Timer Rebate Program	MWDSC	Ongoing	Ongoing	In September 2022, 314 residential and 32 commercial smart timers were installed in Orange County. To date, 33,512 smart timers have been installed through this program.
Rotating Nozzles Rebate Program	MWDSC	Ongoing	Ongoing	In September 2022, 203 rotating nozzles were installed in Orange County. To date, 574,801 rotating nozzles have been installed through this program.

Description	Lead Agency	Status % Complete	Scheduled Completion or Renewal Date	Comments
Rain Barrel Rebate Program	MWDSC	Ongoing	Ongoing	In September 2022, 9 rain barrels were installed in Orange County. To date, 8,688 rain barrels have been installed through this program.
Turf Removal Program	MWDOC	Ongoing	Ongoing	In September 2022, 29 rebates were paid, representing \$123,383.75 in rebates paid this month in Orange County. To date, the Turf Removal Program has removed approximately 24.6 million square feet of turf.
Spray to Drip Rebate Program	MWDOC	Ongoing	Ongoing	In September 2022, 11 rebates were paid, representing \$11,463.90 in rebates paid this month in Orange County. To date, the Spray to Drip Program has converted approximately 1.9 million square feet of standard spray irrigation to drip irrigation.
Landscape Design and Landscape Maintenance Assistance Programs	MWDOC	Ongoing	Ongoing	In September 2022, 24 landscape design packages and 5 landscape maintenance packages were delivered to MWDOC Turf Removal Program customers. To date, 589 landscape design packages and 178 landscape maintenance packages have been delivered to MWDOC Turf Removal Program customers.
Industrial Process/ Water Savings Incentive Program (WSIP)	MWDSC	Ongoing	Ongoing	This program is designed to improve water efficiency for commercial customers through upgraded equipment or services that do not qualify for standard rebates. Incentives are based on the amount of water customers save and allow customers to implement custom water-saving projects.

Description	Lead Agency	Status % Complete	Scheduled Completion or Renewal Date	Comments
Industrial Process/ Water Savings Incentive Program (WSIP) (cont.)				Total water savings to date for the entire program is 1,291 AFY and 6,360 AF cumulatively.
Recycled Water Retrofit Program	MWDSC	Ongoing	Ongoing	<p>This program provides incentives to commercial sites for converting dedicated irrigation meters to recycled water.</p> <p>To date, 182 sites, irrigating a total of 1,672 acres of landscape, have been converted. The total potable water savings achieved by these projects is 3,687 AFY and 21,312 AF cumulatively.</p>

Public & Governmental Affairs Activities Report

September 28, 2022 – November 8, 2022

Member Agency Relations	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Hosted a booth at Moulton Niguel Water District's annual H2O for HOAs • Designed the winter Bill Inserts <p>Government Affairs Staff:</p> <ul style="list-style-type: none"> • Circulated the monthly Grants Tracking and Acquisition report to the member agencies • Attended the monthly MWDOC Member Agency Managers meeting
Community Relations	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Coordinated a Metropolitan Water District of Southern California inspection trip to the State Water Project with Director Ackerman • Staffed a booth with Metropolitan Water District of Southern California at the Orange County Children's Book Festival • Met with GP Generate to discuss a potential partnership with the Orange County Children's Book Festival in 2023 • Organized infrastructure inspection trip with Director Dick on October 21st • Led a booth at the annual Orange County Girl Scouts STEM Expo engaging girls in a hands-on water engineering activity • Met with OC Boy Scouts leaders in order to restart the Soil and Water Conservation Merit Badge Program • Gathered interest from MWDOC Member Agencies to host MWDOC Scouts Program clinics in 2023 <p>Government Affairs Staff:</p> <ul style="list-style-type: none"> • Participated in the OCBC Infrastructure Committee meeting • With Melissa Baum-Haley, staffed Director Ackerman's State Water Project Inspection trip along with Central Basin MWD Director Phil Hawkins • Participated in the Solve the Water Crisis Stakeholder Engagement Working Group meeting • Attended the South Orange County Economic Coalition Legislative Meet & Greet • Participated in the OCBC Legislative Committee meeting
Education	<p>Public Affairs Staff</p> <ul style="list-style-type: none"> • Participated in the monthly California Environmental Literacy Initiative's Green Careers Innovation Hub meeting • Coordinated distribution of Water Energy Education Alliance (WEEA) water and energy career brochures with WEEA sponsors • <i>Speakers Bureau - Presented current education initiatives at Metropolitan Water District of Southern California's Education Coordinator's meeting</i> • <i>Speakers Bureau - Hosted and led the Water Energy Education Alliance (WEEA) Leadership Roundtable #12</i> • Attended Water Injustice Webinar hosted by University of Irvine

	<ul style="list-style-type: none"> • Provided MWDOC Choice School Program information to Trabuco Canyon Water District, Mesa Water, South Coast Water District, Moulton Niguel Water District, City of La Palma, City of Anaheim, City of Santa Ana, and City of San Clemente • Attended MWDOC Choice 6-8 Middle School Program presentation with contractor Orange County Department of Education's Inside the Outdoors at Columbus Tustin Middle School • Attended MWDOC Choice K-2 Elementary School Program presentation with contract Shows That Teach at Anderson Elementary • Met with Los Angeles Department of Water and Power to discuss current education initiatives and programs
Media Relations	<p>Public Affairs Staff</p> <ul style="list-style-type: none"> • Prepared and distributed content for social media • Prepared and submitted articles to Association of California Water Agencies News: <ul style="list-style-type: none"> ○ https://www.acwa.com/news/mwdoc-offers-hands-on-water-supply-activity-for-oc-girl-scouts/ ○ https://www.acwa.com/news/takin-it-to-the-streets-mwdoc-presents-latest-person-on-the-street-video-series/ ○ https://www.acwa.com/news/6-things-to-know-about-mwdocs-water-awareness-poster-contest-awards-ceremony-transformation/ ○ https://www.acwa.com/news/mwdocs-leak-detection-program-saves-member-agencies-and-customers-water-and-money/ • Distributed weekly news digests to MWDOC managers and Board • Distributed weekly AMWA Monday briefings for member agencies • Interviewed participants of MWDOC's rebate program to feature in publications, newsletters, and social media • Prepared and distributed eCurrents • Shadowed MWDOC's Leak Detection team to gather field photos for media
Special Projects	<p>Public Affairs Staff:</p> <ul style="list-style-type: none"> • Responded to MWDOC department requests for website information and published website updates • Updated briefing papers and updated them on the website • Secured The Westin for February 9, 2023, Water Policy Dinner featuring Adán Ortega • Reviewed a joint industry call to action for career promotion that mentions the Water Energy Education Alliance - prepared by California Water Environment Association, CA-Nevada American Water Works Association, Association of California Water Agencies

	<ul style="list-style-type: none"> Met with the Centers of Excellence for Labor Market Research on the statewide water and wastewater workforce needs assessment survey initiation by the Water Energy Education Alliance <p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> Staffed the ISDOC Executive Committee meeting Coordinated details (bio, slide deck, program title) with the October WACO program speaker Met with OCWD staff to discuss and prepare for upcoming WACO meetings and 2023 calendar Staffed the October WACO meeting featuring speaker Malinda Stalvey, outlining Met's Climate Action Plan Completed cyber security training Staffed the WACO Planning Committee meeting Circulated an announcement to the WACO Planning Committee calling for candidates for WACO Chair and Vice Chair for 2023-2024 Confirmed November WACO speaker and coordinated necessary details (bio, program title, slide deck, etc.) Followed up on emails regarding upcoming ISDOC and WACO meetings Staffed the November ISDOC Executive Committee meeting Staffed the November WACO meeting featuring speaker Jennifer Hernandez, who spoke on the housing crisis, climate and water
Legislative Affairs	<p>Governmental Affairs Staff:</p> <ul style="list-style-type: none"> Met with staff from EMWD and IEUA to discuss Met's non-functional turf proposal Met with Lana Haddad of Metropolitan to discuss upcoming legislative issues affecting the region Participated in the Southern California Water Coalition Legislative Task Force meeting Attended the October OCBC Governmental Affairs meeting Reported and filed the 3rd Quarter Lobbying Report on behalf of MWDOC to the Secretary of State Participated in the ACWA/CMUA SB 200 working group meeting Attended the CNRA Water and Drought Webinar Participated in the CMUA Regulatory Committee meeting Attended the CA Natural Resources Agency Webinar – Drought to Flood Along with Melissa Baum-Haley, participated in Metropolitan's Annual Legislative Planning meeting Followed up on the ACWA Region 10 prep meeting call, regarding the upcoming ACWA State Legislative Committee meeting Attended the CSDA Annual Legislative Planning meeting in Sacramento Attended the ACWA Annual Legislative Planning meeting in Sacramento

