

WORKSHOP MEETING OF THE  
BOARD OF DIRECTORS WITH MET DIRECTORS  
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY  
18700 Ward Street, Board Room, Fountain Valley, California  
May 3, 2023, 8:30 a.m.

**This meeting will be held in person. As a convenience for the public, the meeting may also be accessed by Zoom Webinar and will be available by either computer or telephone audio as indicated below. Because this is an in-person meeting and the Zoom component is not required, but rather is being offered as a convenience, if there are any technical issues during the meeting, this meeting will continue and will not be suspended.**

**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#

## AGENDA

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### PLEDGE OF ALLEGIANCE

### ROLL CALL

### PUBLIC PARTICIPATION/COMMENTS

At this time members of the public will be given an opportunity to address the Board concerning items within the subject matter jurisdiction of the Board. Members of the public may also address the Board about a particular Agenda item at the time it is considered by the Board and before action is taken.

The Board requests, but does not require, that members of the public who want to address the Board complete a voluntary "Request to be Heard" form available from the Board Secretary prior to the meeting.

### ITEMS RECEIVED TOO LATE TO BE AGENDIZED

Determine need and take action to agendize item(s), which arose subsequent to the posting of the Agenda. (ROLL CALL VOTE: Adoption of this recommendation requires a two-thirds vote of the Board members present or, if less than two-thirds of the Board members are present a unanimous vote.)

### ITEMS DISTRIBUTED TO THE BOARD LESS THAN 72 HOURS PRIOR TO MEETING

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

### NEXT RESOLUTION NO. 2137

### PRESENTATION/DISCUSSION ITEMS

#### 1. PRESENTATION BY MET STAFF REGARDING NEXT STEPS ON CLIMATE ADAPTATION MASTER PLAN

*Recommendation: Review and discuss the information presented.*

**2. LEGISLATIVE ACTIVITIES**

- a. Federal Legislative Report (NRR)
- b. State Legislative Report (BBK)
- c. Legal and Regulatory Report (Ackerman)
- d. County Legislative Report (Whittingham)
- e. MWDOC Legislative Matrix
- f. Metropolitan Legislative Matrix

*Recommendation: Review and discuss the information presented.*

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

*Recommendation: Receive input and discuss the information presented.*

**ACTION ITEMS**

**4. AUTHORIZATION TO VOTE ON BEHALF OF MWDOC IN ACWA JPIA EXECUTIVE COMMITTEE ELECTION**

*Recommendation: Review the candidates, and authorize Director Jeff Thomas, MWDOC's ACWA JPIA Board Member to cast the District's ballot for the ACWA JPIA Executive Committee at ACWA's Spring Conference on May 8, 2023.*

**5. AB 755 (PAPPAN) – WATER: COST OF SERVICE ANALYSIS**

*Recommendation: Adopt an oppose position on AB 755 (Pappan), and send a letter to the author's office and the Orange County delegation.*

**6. AB 1594 (E. GARCIA) – MEDIUM AND HEAVY DUTY ZERO EMISSION VEHICLES: PUBLIC AGENCIES**

*Recommendation: Adopt a support position on AB 1594 (E. Garcia) and join CMUA's coalition letter and outreach efforts.*

**INFORMATION ITEMS**

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

- a. MET's Finance and Rate Issues
- b. MET's Water Supply Condition Update
- c. Water Quality Update
- d. Colorado River Issues
- e. Delta Conveyance Activities and State Water Project Issues

*Recommendation: Review and discuss the information presented.*

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

- a. Summary regarding April MET Board Meetings
- b. MET 4-Month Outlook on Upcoming Issues (not available)
- c. Review items of significance for MET Board and Committee Agendas

*Recommendation: Review and discuss the information presented.*

**ADJOURNMENT**

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



**DISCUSSION ITEM**  
May 3, 2023

**TO:** Board of Directors

**FROM:** Harvey De La Torre, Interim General Manager

Staff Contact: Melissa Baum-Haley

**SUBJECT: PRESENTATION BY MET STAFF REGARDING NEXT STEPS ON  
CLIMATE ADAPTATION MASTER PLAN**

**STAFF RECOMMENDATION**

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

**REPORT**

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MWDOC staff has invited Liz Crosson, Metropolitan's Chief Sustainability, Resiliency and Innovation Officer, and Brad Coffey, Metropolitan's Group Manager, Water Resource Management to present an overview of the Climate Adaptation Master Plan for Water process.

**Background**

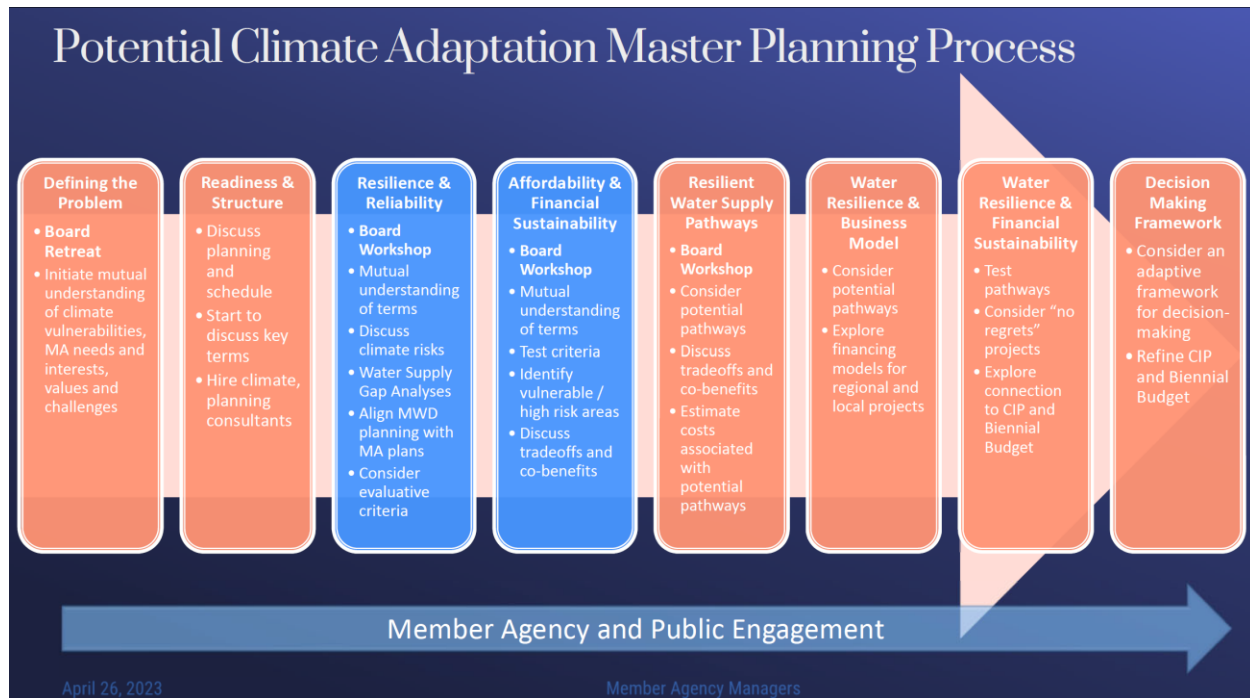
The February 2023 Metropolitan Board Retreat raised the idea of developing a Climate Adaptation Master Plan for Water (CAMP4W) to better integrate Metropolitan's planning for water resources, climate resilience, and finances, given the significance of rapidly increasing impacts of climate change on water supplies and operations. This planning work functions as a catalyst to help position Metropolitan for greater climate resilience and to provide reliable water in an economically and environmentally responsible manner in the years and decades ahead.

Through the development of the CAMP4W, the Metropolitan Board will make key policy decisions on the following items:

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



1. Develop a mutual understanding of key terms and outline goals and potential impacts for Metropolitan and member agencies. This will commence with Board workshops in May and June.
  - a. Resilience
  - b. Reliability
  - c. Financial Sustainability
  - d. Affordability
2. Develop evaluative criteria to measure climate-resilient strategies for:
  - a. Local and regional water supply and conveyance projects.
  - b. Storage development inside and outside service area.
  - c. Investments in imported water supply.
  - d. Conservation and other demand management programs.
3. Identify potential pathways for future investment to meet resilience, reliability, financial sustainability and affordability goals and objectives and evaluate against criteria.
4. Evaluate organizational needs for meeting goals and objectives, including:
  - a. Business model options
  - b. Financing and rate structures
  - c. Workforce development



The Metropolitan *Subcommittee on Long-Term Regional Planning and Business Modeling* is expected to be the hub for Board direction related to the planning process and the alignment of resource planning, providing recommendations for full Board actions.

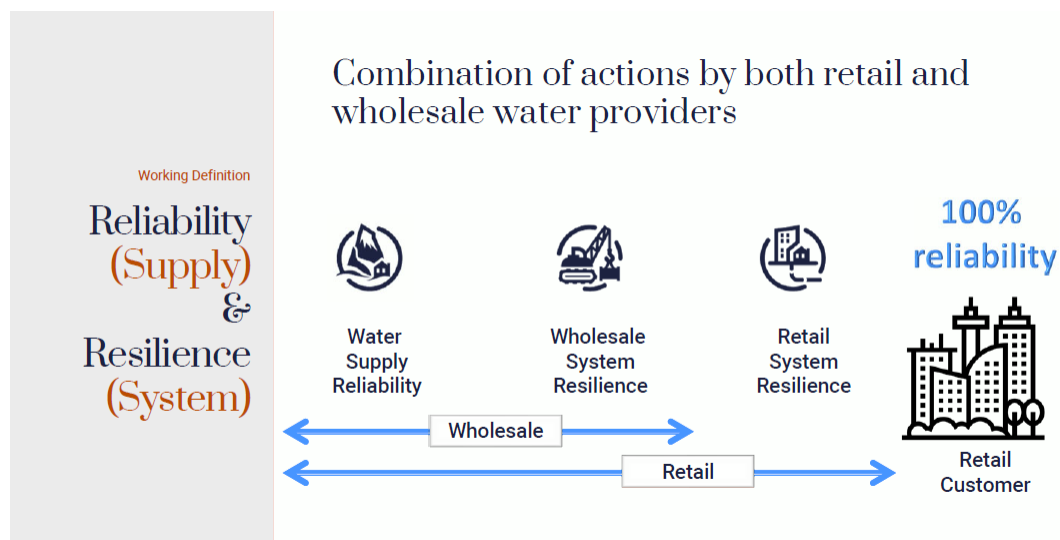
### **Common Understand of Key Terms**

Metropolitan staff has begun reviewing how Metropolitan as a district has defined the key terms in the past and how they have been used in practice. Once a common understanding of definitions takes shape, how evolving climate conditions impact these key terms will also be evaluated.

Generally, the key terms will capture the following concepts:

- (Supply) Reliability: Ability to always meet water demands.
- (System) Resilience: Ability to withstand and recover from disruptions.
- (Enterprise) Financial Sustainability: Ensuring revenues are sufficient to cover expenses over the short- and long-term.
- (Customer) Affordability: Relative cost burden and elastic ability to access (pay for) service.

As the definitions and a better understanding of reliability and resilience are being considered, it has become evident that these two terms are interrelated. Further, for a retail customer to have 100% reliability, a combination of actions by both retail and wholesale water providers must occur.



### Draft Definitions

Through thoughtful group effort, MWDOC developed a working draft of definitions of the key terms focused on progressing a common understanding specific to Metropolitan. The conceptual definitions below are solely intended to start dialogue as we prepare for successful upcoming CAMP4W Board Workshops.

**Reliability Goal:** Metropolitan’s ability to meet member agency demands regardless of the frequency and intensity of hydrologic events through an adaptable supply portfolio that is complemented with structural water use efficiency, accessible surface and groundwater storage, and a flexible conveyance system that enables balanced delivery of Metropolitan’s supplies throughout its service area.

**Resiliency Goal:** Metropolitan’s capacity to respond and recover quickly from emergencies and extreme hydrologic events by utilizing a diverse portfolio of water management strategies in conjunction with flexible storage and conveyance. Resiliency is a component of reliability.

**Financial Sustainability Goal:** A Metropolitan business model that supports financial stability through balanced and predictable revenue and strong credit ratings under short and long-term variations in member agency water sales.

**Affordability Goal:** Metropolitan's efficient and effective delivery of essential projects, programs, and operations to meet reliability and resiliency objectives. Ensure Metropolitan's component of member agencies' customer water costs is economical.

### **Upcoming Board Workshop: Terminology & Interests**

On May 23, the Metropolitan Board will hold a workshop focused on terminology and interests. The proposed objectives will be to develop mutual understanding on the key terms (Resilience, Reliability, Financial Sustainability, Affordability). This will help the Board identify shared interests and brainstorm potential principles/goals to meet these shared interests.

In preparation for the discussion on terminology and interests, Metropolitan staff has established the following discussion questions to gain a better understanding of the local agency perspective:

- What are the most concerning vulnerabilities of your local water supply?
- What's the worst situation you've encountered?
- How are your vulnerabilities different today than in the past?

MWDOC staff is seeking healthy discussion at this Joint Board Workshop. The general feedback received will aid in consensus building and shared interests within Orange County, and with other Metropolitan Member Agencies.



**To:** Board of Directors, *Municipal Water District of Orange County*  
**From:** Natural Resource Results  
**RE:** Monthly Board Report – May 2023

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### **House Natural Resources Legislative Hearing**

On April 11<sup>th</sup>, the House Natural Resources Subcommittee on Water, Wildlife, and Fisheries held a legislative field hearing in Tulare, California to review two pieces water related legislation – H.R. 215 (Valadao), the “WATER for California Act” and H.R. 872 (Calvert), the “FISH Act”. Witnesses included the following:

Mr. Tony DeGroot, DG Bar Ranches  
Mr. Aaron Fukuda, General Manager, Tulare Irrigation District  
Mr. Jason Phillips, Chief Executive Officer, Friant Water Authority  
Mr. Jeff Sutton, General Manager, Tehama-Colusa Canal Authority  
Mr. Chris White, Executive Director, San Joaquin River Exchange Contractors Water Authority  
Mr. William Boudeau, Director, Westlands Water District

Democrats on the subcommittee boycotted the hearing, stating that it was nothing more than political theater. One Democrat did attend, Jim Costa, who is no longer on the Natural Resources Committee but continues to be very involved in California water issues.

H.R. 215 would:

- Require the Bureau of Reclamation to operate the CVP in accordance with the 2019 biological opinions unless changes are agreed to as a part of the voluntary agreement process.
- Prevent reconsultation on the biological opinion unless certain criteria are met.
- Override state law to allow for Shasta raise to move forward.
- Retroactively fund WIIN Act funding request for the Shasta raise that were not approved by Congress.
- Reauthorize the storage account from the WIIN Act.
- Deem CVPIA complete.

H.R. 872 would transfer management authority of anadromous fish species from the National Marine Fisheries Service (NMFS) to the U.S. Fish and Wildlife Service (USFWS).

The hearing itself was more focused on the need for additional water storage in California than the specifics of either piece of legislation. Republicans on the subcommittee made the case that the Biden Administration created permitting delays for the ongoing storage projects in

California. The crux of their argument is that Biden Administration voluntarily reinitiated consultation on LTO for the CVP, something it was not required to do. As a result of that, projects like Sites Reservoir and the Los Vaqueros Expansion have been slowed while we wait for Reclamation to finish LTO consultation at which point it will pivot to completing biological opinions for new storage projects. They believe that if the Administration left the 2019 biological opinions in place, we would not be facing delays on new storage projects.

### **Waters of the United States (WOTUS)**

The Biden Administration's WOTUS rule continues to face legal setbacks in the courts. You will recall from a previous report that the rule was enjoined in Texas and Idaho – that list has since grown as a federal judge in North Dakota blocked implementation of the rule in 24 additional states. The 24 additional states include Alabama, Alaska, Arkansas, Florida, Georgia, Indiana, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, New Hampshire, North Dakota, Ohio, South Dakota, Tennessee, Virginia, Mississippi, Oklahoma, South Carolina, Utah, West Virginia and Wyoming.

### **WEROC**

We are pleased to report that Congresswoman Kim has submitted a Community Project Funding request on behalf of MWDOC for a mobile emergency operations center. She personally reached out to Director Yoo Schneider to share the news.

On the Senate side, Senators Feinstein and Padilla have not announced their earmark requests but we expect to have that information at the next board meeting.

This is the first step in a long process. Going forward, our biggest obstacle to success will likely be the appropriations process itself. House Republicans have the difficult challenge of trying to cut spending back to FY22 levels, which the Senate and White House will not support, and can only lose 5 votes given their slim margin. Senior Republican appropriators are already sounding the alarm over the possibility of a full year Continuing Resolution (CR), which would be a continuation of FY23 spending levels and likely would not include any earmarks.

### **Colorado River**

Earlier this month, the Department of the Interior released a draft supplemental environmental impact statement (SEIS) that lays out how the Department could operate the Glen Canyon and Hoover Dam to conserve additional water given the ongoing drought. Those changes could lead to a reduction in water deliveries to the lower basin states from 2024 through 2026 after which the current operating guidelines expire.

The SEIS process was initiated in October 2022 and the draft SEIS is available for public comment for 45 days, ending on May 30<sup>th</sup>, 2023. Reclamation will hold four virtual public meetings to provide information on the draft SEIS, answer questions, and take verbal comment. To attend a virtual public meeting, click the link below that corresponds to the meeting date you

would like to attend and fill out the registration form. You will receive a confirmation email with the Zoom webinar connection information once you register.

- **Thursday, May 4, 2023, at 5:30 – 8 p.m. Mountain time**
  - Registration Link: [https://swca.zoom.us/webinar/register/WN\\_X-04hT1hSbut5O8MRkvPcg](https://swca.zoom.us/webinar/register/WN_X-04hT1hSbut5O8MRkvPcg)
  - Dial-in Options: (720) 928-9299 or (602) 753-0140  
Webinar ID: 996 0050 5024
- **Monday, May 8, 2023, at 9:30 a.m. – noon Mountain time**
  - Registration link: [https://swca.zoom.us/webinar/register/WN\\_kwekr3bDSxCObn7o8QI7iA](https://swca.zoom.us/webinar/register/WN_kwekr3bDSxCObn7o8QI7iA)
  - Dial-in Options: (720) 928-9299 or (602) 753-0140  
Webinar ID: 969 2718 6484
- **Wednesday, May 10, 2023, at 5:30 – 8 p.m. Mountain time**
  - Registration link: [https://swca.zoom.us/webinar/register/WN\\_Fil5uaL7Tj6mw5CFel3p9Q](https://swca.zoom.us/webinar/register/WN_Fil5uaL7Tj6mw5CFel3p9Q)
  - Dial-in Options: (720) 928-9299 or (602) 753-0140  
Webinar ID: 945 5762 5742
- **Tuesday, May 16, 2023, at noon – 2:30 p.m. Mountain time**
  - Registration Link: [https://swca.zoom.us/webinar/register/WN\\_X\\_VmHK4TQmOzSp2Q7W0M\\_eg](https://swca.zoom.us/webinar/register/WN_X_VmHK4TQmOzSp2Q7W0M_eg)
  - Dial-in Options: (720) 928-9299 or (602) 753-0140  
Webinar ID: 953 3249 2376

To:	MWDOC
From:	Syrus Devers, Best Best & Krieger
Date:	May 3rd, 2023
Re:	State Government Affairs Monthly Report

### The Legislature

The final week of April is one of the busiest of the year. The policy bill deadline of April 28th meant that nearly every bill tracked by water agencies was heard in one committee or another over the previous 14 days. Here are the major highlights:

**AB 1572** (Friedman): This bill would prohibit watering nonfunctional turf with potable water. The initial major concerns of the water industry appear to have been addressed as the bill no longer places primary responsibility for enforcement and investigation on water agencies. A public water system “may” enforce the bill’s provisions, and the SWRCB will audit compliance with “input” from public water systems based on “readily available information.” ACWA’s remaining concern is the reach of the bill into multifamily developments. ACWA members want multifamily developments to be removed from the bill, while the author is suggesting the bill could only apply to larger properties. Meanwhile, MWD and ACWA are working on a definition of nonfunctional turf that everyone can support, and MWD has also proposed a definition of “Functional Turf,” presumably to create safe harbors for specific uses. Since MWD is mainly focused on definitions while ACWA is mainly focused on the impacts to multifamily housing, it is possible that the two agencies may end up on opposite sides of the bill.

**AB 1337** (Wicks): As introduced this bill would have made SWRCB’s emergency powers its regular powers. The bill was completely rewritten to address the “Curtailment Cases” where the SWRCB was prohibited from curtailing water diversions of junior pre-1914 water right holders to protect the rights of more senior diverters. Except in a drought emergency or a streamwide adjudication, the court held that the SWRCB did not have the authority it tried to exercise. But the court also said it was for the Legislature to decide if such major water rights should be so loosely regulated in modern times: as amended AB 1337 would answer that call. In brief, the bill now says SWRCB may order a curtailment where there is insufficient water to satisfy a diverter’s priority of right, regardless of the basis of that right. In other words, even a pre-1914 water right. The difference between the amended language of the bill and the Curtailment Cases is that the amended bill expands the SWRCB’s authority over pre-1914 water rights in all years, not just dry years. Even agencies not directly impacted would like to see the

reach of the bill limited to dry years. ACWA held an emergency State Legislative Committee meeting on this bill but delayed changing its position until proposed amendments could be reviewed.

**AB 460** (Bauer-Kahan): This bill seeks to give the SWRCB the power to issue “interim orders” that largely resemble a court’s power to issue temporary restraining orders. The bill was heard in the Assembly Judiciary Committee where opponents focused on due process issues, but the committee analysis was dismissive of the water industry’s concerns. In response to opposition arguments that SWRCB will have no judicial oversight, the committee amendments recommend requiring the SWRCB to adopt regulations before the bill takes effect: the SWRCB, of course, can adopt biased regulations. The bill moved forward with committee amendments that do little to remove opposition.

**SB 366** (Caballero): This is the “Solve the Water Crisis” bill which began as a public relations effort last year, of which MWDOC was a participant. The whole point of the bill is to focus attention on increasing the water supply and setting tangible targets by certain dates. Based on the committee analysis, SB 366 was not received, but the suggested amendments were not onerous and the bill passed out of committee. Most of the criticism in the analysis focuses on the fact that the bill fails to address “demand management.” (Sometimes called “conservation.”) Of course, hundreds of bills have addressed every aspect of conservation over the last 30 years. The sponsors of SB 366 are not against conservation, but the reason for the bill is that there has not been enough focus on increasing California’s water supply. Despite the sweeping breadth of the bill, it may have to be larger still to address, yet again, some other aspect of conservation.

The bills detailed above have consumed a huge amount of advocacy time, perhaps to the detriment of other bills that should be of equal concern to public water agencies. SB 687 (Eggman), as discussed in last month’s workshop, would delay the Delta Conveyance until a new Delta Water Quality Control Plan is not only adopted (it is almost 20 years overdue) but also implemented. Besides associations, only MWDOC and Desert Water Agency are opposed. Another bill of concern that is getting very little attention is AB 755 (Papan). The bill is somewhat hard to explain, but it would require water agencies to somehow determine how much incremental cost ratepayers have to bear as a result of the way “heavy water users in their service area drive up cost.” It is entirely unclear how water agencies would calculate these costs, which they would then have to publish. Bills such as these have direct impacts on water agencies in Orange County and more resources should go into opposing them.



## Legal and Regulatory

May 3, 2023

1. **JPL Crystal Ball:** Jet Propulsion Laboratory (JPL) launched a satellite last year which will be good for water world. This effort which we have mentioned before, is known as Surface Water and Ocean Topography (SWOT). SWOT will not solve water problems, but it will provide more and better data to help manage water issues. SWOT uses a Ka-band Interferometer to measure the mass and movement of water more accurately around the world. Estimating timing and amount of water supply can help farmers determine what type of crop to plant and when. This will also help in predicting labor demands for agriculture.
2. **Sites Discussion:** Construction of the Sites reservoir continues to receive attention and criticism. Most experts agree that if Sites would have been in operation last December, it would have been filled some time ago. However, some tribes and environmental groups still doubt the projects viability and cost and warn that it may never be filled. Clearly the battle continues.
3. **Flood Prevention Methods:** The University of Cincinnati (UC) has been studying methods of flood prevention. The entire US has been experiencing more flood events because of weather issues recently. This effort has concentrated on rainwater scenarios. Rain gardens and green roofs were examined. Using types of plants and grass which absorb water at high rates in a garden setting and even using them as roof materials can work. Bioretention cells using decorative gravel to funnel the water to areas that can absorb it also work. The best solution, particularly in urban areas, is detention ponds. These are designed to store the water for a period of time, until it can be released in a controlled method or can evaporate.
4. **Storm Impact on Wine:** While agricultural products usually take a hit when we have severe weather conditions, certain high value crops do better. A report from the Sonoma County Winegrowers is quite optimistic. Last years crop was down only slightly considering the drought and severe cold spells during the growing season. The current heavy rain events are being handled by filling of lakes and reservoirs and have done little damage to the vines. The spring frost along with the rain are making 2023 into a good year for wine. The Winemakers using the Wharton School of Business are using various methods to make the wine business more sustainable under all conditions. They are using more electrification, solar energy, and carbon sequestration practices with significant results.
5. **Super El Nino?:** Climate experts including the World Meteorological Organization and NOAA are forecasting an extreme El Nino condition this year. The current atmospheric and ocean conditions suggest a rapid and long outcome with exceedingly high ocean temperatures. These temperatures impact the world's climate differently around the globe. You may remember however, that last year was predicted to be a very dry year with drought ramifications. Then the rains came.

6. **Underground A/C:** The Lawrence Berkeley National Laboratory is working on Aquifer Thermal Energy Storage (ATES). The concept is to use underground aquifers for the heating and cooling of houses and buildings. Water is pumped up in the summer and heated via solar. It is then stored underground until winter when it is used to heat the buildings and homes. The earth is a particularly good insulator, so the water, hot or cold, maintains its temperature. Similarly, in the winter the water is pumped up and chilled for use in the summertime. The water stored below can be stored for a long time and maintain its temperature. It is estimated that utility costs can be reduced by 40%. This process is being used in the Netherlands now and is being tested at a few locations in the US. The concept is quite viable. The only constraints being the existence of an adequate underground aquifer.
7. **Fire Retardant Battle:** A lawsuit has been filed by forest service employees to stop the use of aerial fire retardants. They claim it violates the Clean Water Act and puts pollutants into our water system. They submit that airplanes which drop the retardants are point sources under the Act and must therefore be required to get a NPDES permit. While the retardant does contain some forms of pollutants, the proponents claim there is no good alternative and protections of the forests and the economy is a priority. California Congressman Doug LaMalfa has introduced a bill to exempt fire agencies from having to get a permit. The definition of point sources is also being discussed as it was originally considered as a conveyance such as a pipe or ditch.
8. **Groundwater Rising:** A new problem has been occurring around the US particularly after our heavy rains. While sea level rise is getting more attention, groundwater is also rising in various areas around the US. The Bay Area and Oakland in California, parts of South Carolina and Illinois are experiencing issues with rising groundwater. This impact can produce problems with air and water pollution, existing toxic sites, plant growth, underground infrastructure. In addition to producing soupy soil conditions, trees in the Bay Area are literally drowning from too much water. These conditions are being monitored closely but no solutions are implemented as of now.
9. **Water Pollution:** There is currently a battle going on as to which rules will govern water pollution, Federal or State. The Trump Administration EPA has said that no State could have a stricter standard than the Federal Government. The Biden Administration has tried to reverse this position. A Federal Appeals Judge has said that the Trump EPA rules must be followed at least until the current EPA completes a further review. It looks like this will be in court for a little longer.
10. **Lake Mead Level:** Experts are optimistic that the current and past snows in the Rockies will increase the water level in Lake Mead. Prior storms have put the snowpack at 30% above historic average. That was before the snow that happened last weekend. Boater and businesses are less optimistic. Other experts observe the downward trend of the Lake will continue due to the over allocation of water.
11. **Space Station Water:** Astronauts at the International Space Station are doing water tests. How water responds to zero gravity is serious business. Using these types of tests explores basic physics fundamentals and fluid dynamics. How waters and other fluids slosh about and react with each other and gases is particularly important in the design of fuel tanks both in space and on Earth.
12. **Lake Tahoe Clean and Flipped:** Lakes typically flip (fully mixed from top to bottom) on a regular basis. Tahoe traditionally does not flip because it is very deep (1640 feet). But this year it did. Flipping means all the nutrients

are mixed from top to bottom and the temperature is also the same. Air temperature is the driving force, and it has been a very cold winter at Tahoe. Also, the clearness is impacted. The Secchi depth went to 115 feet, 30 feet deeper than earlier in the season. Another factor for the clearness was the drop in shrimp count. The zooplankton (which the shrimp usually eat) are thriving. They are responsible for eating tiny particles that cloud the lake. Experts expect the Lake to get even clearer in the future with the zooplankton surge.

13. **Public Works Coalition:** As you recall, I am part of this Coalition on behalf of MWDOC. The group put together by California Special Districts Association represents special districts from water, sanitation, school districts, higher education, utilities, cities, counties, and others. One of their goals is to reform CEQA. While we have had little success in the past few years, there are signs of hope this year. The Little Hoover Commission is having an extensive review of the CEQA process and could be immensely helpful. Also, some of the housing advocates may seek relief from CEQA because of the roadblocks being put up to new housing projects.



May 3, 2023

TO: MWDOC Board of Directors

FROM: Peter Whittingham

SUBJECT: April, 2023 Report

This month has been an extremely busy period for the District and for agencies throughout Orange County as a result of the tremendous amount of rain experienced throughout our region. Some of the more notable developments and issues of April are as follows:

- The U.S. Drought Monitor listed Orange County as entirely free of drought conditions, making it one of few southern California counties to achieve such status by the end of March. The reported water content of the statewide snowpack is 237% of average to date.
- The Biden administration proposed alternatives for cutting Colorado River water allocations to southwest states. The cuts in water deliveries to California, Nevada and Arizona will be roughly two million acre-feet in 2024; California receives the most Colorado River water of all seven states, with an annual entitlement of 4.4 million acre-feet. Roughly 2.5 million acre-feet goes to the Imperial Irrigation District, with much of the remainder going to the Metropolitan Water District. A final decision by the Interior Department is expected in August.
- Officials from Orange County Water District and Orange County Sanitation District presided at a media event to announce completion of the final expansion of the Groundwater Replenishment System (GWRS), which will produce 130 million gallons of water per day, enough to serve nearly one million Orange County residents.
- More than 200 elected officials and management from water agencies in Los Angeles, Orange and San Diego Counties came together at the Water Infrastructure Networking Summit. State Infrastructure Advisor and former Mayor Antonio Villaraigosa highlighted the need for collaboration during his keynote address and some 15 regional leaders participated in a lively panel discussion at this inaugural event.

- The Orange County Local Agency Formation Commission (OC LAFCO) approved separate consultant agreements with Albert E. Webb Associates and John Schatz to provide an analysis of the Focused Municipal Service Review application of MWDOC-Orange County Water District submitted in 2022 by OCWD. Representatives of several retail agencies provided comments at this meeting, as did OCWD Board President Cathy Green and MWDOC Board members Karl Seckel and Al Nederhood.

It is a pleasure to work with you and to represent the Municipal Water District of Orange County.

Sincerely,



Peter Whittingham

# MWDOC Workshop

## Bill Matrix – May, 2023

### A. Priority Support/Oppose

#### [AB 460](#)

**(Bauer-Kahan D) State Water Resources Control Board: water rights and usage: interim relief: procedures.**

**Status:** 4/19/2023-From committee: Do pass and re-refer to Com. on JUD. (Ayes 9. Noes 4.) (April 18). Re-referred to Com. on JUD.

**Calendar:** 4/25/2023 9 a.m. - State Capitol, Room 437 ASSEMBLY JUDICIARY, MAIENSCHIN, BRIAN, Chair

**Summary:** Current law authorizes the State Water Resources Control Board to investigate all streams, stream systems, lakes, or other bodies of water, take testimony relating to the rights to water or the use of water, and ascertain whether water filed upon or attempted to be appropriated is appropriated under the laws of the state. Current law requires the board to take appropriate actions to prevent waste or the unreasonable use of water. This bill would authorize the board, in conducting specified investigations or proceedings to inspect the property or facilities of a person or entity, as specified. The bill would authorize the board, if consent is denied for an inspection, to obtain an inspection warrant, as specified, or in the event of an emergency affecting public health and safety, to conduct an inspection without consent or a warrant.

Position	Priority
Opposition	A. Priority
	Support/Oppose

#### [AB 557](#)

**(Hart D) Open meetings: local agencies: teleconferences.**

**Status:** 2/17/2023-Referred to Com. on L. GOV.

**Calendar:** 4/26/2023 10 a.m. - State Capitol, Room 127 ASSEMBLY LOCAL GOVERNMENT, AGUIAR-CURRY, CECILIA, Chair

**Summary:** Current law, until January 1, 2024, authorizes a local agency to use teleconferencing without complying with specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect, or in other situations related to public health, as specified. If there is a continuing state of emergency, or if state or local officials have imposed or recommended measures to promote social distancing, existing law requires a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting, and to make those findings every 30 days thereafter, in order to continue to meet under these abbreviated teleconferencing procedures. Current law requires a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures to give notice of the meeting and post agendas, as described, to allow members of the public to access the meeting and address the legislative body, to give notice of the means by which members of the public may access the meeting and offer public comment, including an opportunity for all persons to attend via a call-in option or an internet-based service option. Current law prohibits a legislative body that holds a teleconferenced meeting under these abbreviated teleconferencing procedures from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. This bill would extend the above-described abbreviated teleconferencing provisions when a declared state of emergency is in effect, or in other situations related to public health, as specified, indefinitely.

Position	Priority
Support	A. Priority
	Support/Oppose

**AB 735****(Berman D) Workforce development: utility careers.****Status:** 2/23/2023-Referred to Com. on L. & E.**Calendar:** 4/26/2023 1:30 p.m. - State Capitol, Room 447 ASSEMBLY LABOR AND EMPLOYMENT, KALRA, ASH, Chair

**Summary:** Would establish the High Road Utility Careers (HRUC) program, to be administered by the California Workforce Development Board, to connect existing resources with individuals interested in careers in the utility sector and ensure a continued reliable workforce for California utilities. The bill would require the board to administer the HRUC program through partnerships with statewide water, wastewater, and energy utility associations and to coordinate the program with existing and future programs and initiatives administered by the board, including high road training partnerships, in order to align interested individuals with available resources. The bill would require the HRUC program, upon appropriation by the Legislature, to dedicate funding and resources toward accomplishing specified goals, including connecting workers to high-quality jobs or entry-level work with defined routes to advancement and increasing skills and opportunities while expanding pipelines for low-income populations.

Position	Priority
Support	A. Priority Support/Oppose

**AB 838****(Connolly D) California Water Affordability and Infrastructure Transparency Act of 2023.****Status:** 4/19/2023-In committee: Set, first hearing. Referred to suspense file.

**Summary:** The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. The act prohibits a person from operating a public water system unless the person first submits an application to the state board and receives a permit to operate the system, as specified. The act requires a public water system to submit a technical report to the state board as a part of the permit application or when otherwise required by the state board, as specified, and to submit the report in the form and format and at intervals specified by the state board. This bill would require, beginning January 1, 2025, and thereafter at intervals determined by the state board, public water systems to provide specified information and data related to customer water bills and efforts to replace aging infrastructure to the state board.

Position	Priority
Watch	A. Priority Support/Oppose

**AB 1337****(Wicks D) State Water Resources Control Board: water diversion curtailment.****Status:** 4/24/2023-Re-referred to Com. on JUD. Re-referred to Com. on APPR. pursuant to Assembly Rule 96.

**Summary:** Under current law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability. This bill would expand the instances when the diversion or use of water is considered a trespass.

Position	Priority
Opposition	A. Priority Support/Oppose

**AB 1572****(Friedman D) Potable water: nonfunctional turf.****Status:** 4/24/2023-Re-referred to Com. on APPR.

**Summary:** Would make legislative findings and declarations concerning water use, including that the use of potable water to irrigate nonfunctional turf is wasteful and incompatible with state policy relating to climate change, water conservation, and reduced reliance on the Sacramento-San Joaquin Delta ecosystem. The bill would direct all appropriate state agencies to encourage and support the elimination of irrigation of nonfunctional turf with potable water.

Position	Priority
Oppose unless amended	A. Priority Support/Oppose

**AB 1637****(Irwin D) Local government: internet websites and email addresses.****Status:** 4/20/2023-From committee: Do pass and re-refer to Com. on P. & C.P. (Ayes 6. Noes 0.) (April 19). Re-referred to Com. on P. & C.P.**Calendar:** 4/25/2023 1:30 p.m. - State Capitol, Room 126 ASSEMBLY PRIVACY AND CONSUMER PROTECTION, GABRIEL, JESSE, Chair



**Summary:** The California Public Records Act requires a local agency to make public records available for inspection and allows a local agency to comply by posting the record on its internet website and directing a member of the public to the internet website, as specified. This bill, no later than January 1, 2025, would require a local agency, as defined, that maintains an internet website for use by the public to ensure that the internet website utilizes a “.gov” top-level domain or a “.ca.gov” second-level domain, and would require a local agency that maintains an internet website that is noncompliant with that requirement to redirect that internet website to a domain name that does utilize a “.gov” or “.ca.gov” domain. This bill, no later than January 1, 2025, would also require a local agency that maintains public email addresses to ensure that each email address provided to its employees utilizes a “.gov” domain name or a “.ca.gov” domain name. By adding to the duties of local officials, the bill would impose a state-mandated local program.

Position	Priority
Watch	A. Priority
	Support/Oppose

**SB 23**

**(Caballero D) Water supply and flood risk reduction projects: expedited permitting.**

**Status:** 4/18/2023-Set for hearing April 26.

**Calendar:** 4/26/2023 9 a.m. - 1021 O Street, Room 1200 SENATE ENVIRONMENTAL QUALITY, ALLEN, BENJAMIN, Chair

**Summary:** Current law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, except under specified conditions, including requiring the entity to send written notification to the Department of Fish and Wildlife regarding the activity in the manner prescribed by the department. This bill would require a project proponent, if already required to submit a notification to the department, to submit to the department the certified or adopted environmental review document, as applicable, for the activity in the notification. The bill would require the department, under prescribed circumstances, to take certain actions within specified timelines, or within a mutually agreed-to extension of time.

Position	Priority
Support	A. Priority
	Support/Oppose

**Notes 1:** Support position approved on 3/1/2023

**SB 366**

**(Caballero D) The California Water Plan: long-term supply targets.**

**Status:** 4/11/2023-Set for hearing April 25.

**Calendar:** 4/25/2023 Upon adjournment of Public Safety Committee - 1021 O Street, Room 2200 SENATE NATURAL RESOURCES AND WATER, MIN, DAVE, Chair

**Summary:** Current law requires the Department of Water Resources to update every 5 years the plan for the orderly and coordinated control, protection, conservation, development, and use of the water resources of the state, which is known as the California Water Plan. Current law requires the department to include a discussion of various strategies in the plan update, including, but not limited to, strategies relating to the development of new water storage facilities, water conservation, water recycling, desalination, conjunctive use, water transfers, and alternative pricing policies that may be pursued in order to meet the future needs of the state. Current law requires the department to establish an advisory committee to assist the department in updating the plan. This bill would require the department to instead establish a stakeholder advisory committee, to expand the membership of the committee to include tribes and environmental justice interests, to prohibit a member of the committee from serving longer than the development of 2 updates, and to require the committee to meet a minimum of 4 times annually. The bill would require the department, in coordination with the California Water Commission, the State Water Resources Control Board, other state and federal agencies as appropriate, and the stakeholder advisory committee to develop a comprehensive plan for addressing the state’s water needs and meeting specified water supply targets established by the bill for purposes of “The California Water Plan.”

Position	Priority
Support	A. Priority
	Support/Oppose

**SB 389**

**(Allen D) State Water Resources Control Board: determination of water right.**

**Status:** 4/11/2023-Set for hearing April 25.

**Calendar:** 4/25/2023 Upon adjournment of Public Safety Committee - 1021 O Street, Room 2200 SENATE NATURAL RESOURCES AND WATER, MIN, DAVE, Chair

**Summary:** Current law provides that it is the intent of the Legislature that the state take vigorous action to enforce the terms and conditions of permits, licenses, certifications, and registrations to appropriate water, to enforce state board



orders and decisions, and to prevent the unlawful diversion of water. This bill would authorize the State Water Resources Control Board to investigate the diversion and use of water from a stream system to determine whether the diversion and use are based upon appropriation, riparian right, or other basis of right, as specified.

Position	Priority
Opposition	A. Priority Support/Oppose

**[SB 687](#) (Eggman D) Water Quality Control Plan: Delta Conveyance Project.**

**Status:** 4/18/2023-Set for hearing April 26.

**Calendar:** 4/26/2023 9 a.m. - 1021 O Street, Room 1200 SENATE ENVIRONMENTAL QUALITY, ALLEN, BENJAMIN, Chair

**Summary:** Would require the State Water Resources Control Board to adopt a final update of the 1995 Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, as provided, before the board may consider a change in point diversion or any other water rights permit or order for the Delta Conveyance Project. The bill would also, if, after completing the update of the plan and in compliance with existing law, the board approves a change in point of diversion or any other water rights permit or order associated with the Delta Conveyance Project, prohibit the operation of the Delta Conveyance Project unless and until the updated plan is fully implemented. The bill would specify that these provisions do not constitute an authorization for or approval of funding for the Delta Conveyance or any other isolated Delta conveyance project and do not reduce any statutory or other regulatory conditions or permit requirements for Delta Conveyance projects.

Position	Priority
Opposition	A. Priority Support/Oppose

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## B. Watch

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**[AB 30](#) (Ward D) Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program.**

**Status:** 3/14/2023-Coauthors revised. From committee: Do pass and re-refer to Com. on APPR. (Ayes 15. Noes 0.) (March 14). Re-referred to Com. on APPR.

**Calendar:** 4/26/2023 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, CHRIS, Chair

**Summary:** Current law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program in the Department of Water Resources. Current law requires the department, upon an appropriation for purposes of the program, to research climate forecasting and the causes and impacts that climate change has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. This bill would rename that program the Atmospheric Rivers Research and Forecast Improvement Program: Enabling Climate Adaptation Through Forecast-Informed Reservoir Operations and Hazard Resiliency (AR/FIRO) Program. The bill would require the department to research, develop, and implement new observations, prediction models, novel forecasting methods, and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions.

Position	Priority
Watch	B. Watch

**[AB 62](#) (Mathis R) Statewide water storage: expansion.**

**Status:** 4/24/2023-Re-referred to Com. on APPR.

**Summary:** Current law establishes within the Natural Resources Agency the State Water Resources Control Board and the California regional water quality control boards. Current law requires the work of the state board to be divided into at least 2 divisions, known as the Division of Water Rights and the Division of Water Quality. This bill would establish a statewide goal to increase above- and below-ground water storage capacity by a total of 3,700,000 acre-feet by the year

2030 and a total of 4,000,000 acre-feet by the year 2040. The bill would require the Department of Water Resources, in consultation with the state board, to take reasonable actions to promote or assist efforts to achieve the statewide goal, as provided. The bill would require the department, beginning July 1, 2027, and on or before July 1 every 2 years thereafter until January 1, 2043, in consultation with the state board, to prepare and submit a report to the Legislature on the progress made to achieve the statewide goal.

Position	Priority
Watch	B. Watch

#### [AB 66](#)

##### **(Mathis R) Natural Resources Agency: water storage projects: permit approval.**

**Status:** 4/19/2023-In committee: Set, first hearing. Referred to suspense file.

**Summary:** Current law establishes the Natural Resources Agency, composed of departments, boards, conservancies, and commissions responsible for the restoration, protection, and management of the state's natural and cultural resources. Current law establishes in the agency the Department of Water Resources, which manages and undertakes planning with regard to water resources in the state. This bill would require the agency, and each department, board, conservancy, and commission within the agency, to take all reasonable steps to approve the necessary permits for specified projects that meet certain employment conditions within 180 days from receiving a complete permit application.

Position	Priority
	B. Watch

#### [AB 249](#)

##### **(Holden D) Water: schoolsites: lead testing: conservation.**

**Status:** 4/3/2023-Re-referred to Com. on APPR.

**Calendar:** 5/3/2023 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, CHRIS, Chair

**Summary:** Would require a community water system that serves a schoolsite, as defined, to test for lead in the potable water system outlets of the schoolsite before January 1, 2027, except for potable water system outlets in buildings that were either constructed after January 1, 2010, or modernized after January 1, 2010, and all faucets and other end point devices used for providing potable water were replaced as part of the modernization. The bill would require the community water system to report its findings to the applicable school or local educational agency and to the state board. The bill would require the local educational agency or school, if the lead level exceeds a specified level at a schoolsite, to notify the parents and guardians of the pupils who attend the schoolsite, take immediate steps to make inoperable and shut down from use all fountains and faucets where the excess lead levels may exist, and work with the schoolsites under its jurisdiction to ensure that a potable source of drinking water is provided for pupils, as specified. The bill would require a community water system to prepare a sampling plan for each schoolsite where lead sampling is required under these provisions. The bill would require the state board to make the results of schoolsite lead sampling publicly available by posting the results on its internet website. By imposing additional duties on local agencies, this bill would impose a state-mandated local program.

Position	Priority
Watch	B. Watch

#### [AB 277](#)

##### **(Rodriguez D) Extreme Weather Forecast and Threat Intelligence Integration Center.**

**Status:** 4/19/2023-From committee: Do pass and re-refer to Com. on APPR. with recommendation: To Consent Calendar. (Ayes 15. Noes 0.) (April 18). Re-referred to Com. on APPR.

**Calendar:** 5/3/2023 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, CHRIS, Chair

**Summary:** Current law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program within the Department of Water Resources to, upon appropriation of special fund moneys, research climate forecasting and the causes and impacts that climate change has on atmospheric rivers, to operate reservoirs in a manner that improves flood protection in the state, and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers. This bill would establish the State-Federal Flood Operations Center within the Department of Water Resources and would authorize the department to administer the center in the department's divisions, offices, or programs. The bill would provide that the purpose of the center is to function as the focal point for gathering, analyzing, and disseminating flood and water-related information to stakeholders and would authorize the center to take specified actions for that purpose, including to function during emergency situations to enable the department to centrally coordinate statewide emergency responses. This bill would require the center and the Office of Emergency Services, in consultation with cooperating agencies, to develop and submit a report to the Legislature, as specified, on or before June 1, 2025, that outlines necessary technological advancements for agile forecasting and identifies regions that are and were underserved, gaps in data that would improve flood response, and strategies for improving communication and emergency response to identified regions. This bill would, upon appropriation by the Legislature, authorize the Office of Emergency Services to expend federal emergency preparedness and hazard

mitigation funds to fill any technological, operational, or preparedness gap identified in the report.

Position	Priority
Watch	B. Watch

**AB 305**      **(Villapudua D) California Flood Protection Bond Act of 2024.**

**Status:** 4/24/2023-From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 13. Noes 1.) (April 24).

**Calendar:** 4/27/2023 #8 ASSEMBLY SECOND READING FILE -- ASSEMBLY BILLS

**Summary:** Would enact the California Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,500,000,000 pursuant to the State General Obligation Bond Law for flood protection projects, as specified. The bill would provide for the submission of these provisions to the voters at the November 5, 2024, statewide general election.

Position	Priority
Watch	B. Watch

**AB 338**      **(Aguiar-Curry D) Public works: definition.**

**Status:** 4/19/2023-In committee: Set, first hearing. Referred to suspense file.

**Summary:** Current law requires that, except as specified, not less than the general prevailing rate of per diem wages, determined by the Director of Industrial Relations, be paid to workers employed on public works projects. Existing law defines the term “public works” for purposes of requirements regarding the payment of prevailing wages to include construction, alteration, demolition, installation, or repair work done under contract and paid for using public funds, except as specified. Current law makes a willful violation of laws relating to the payment of prevailing wages on public works a misdemeanor. This bill would, commencing January 1, 2025, expand the definition of “public works” to include fuel reduction work done under contract and paid for in whole or in part out of public funds performed as part of a fire mitigation project, as specified. The bill would limit those provisions to work that falls within an apprenticeship occupation in the building and construction trades for which an apprenticeship program has been approved and to contracts in excess of \$100,000. The bill would delay the application of those provisions until January 1, 2026, for nonprofits.

Position	Priority
Watch	B. Watch

**AB 340**      **(Fong, Vince R) California Environmental Quality Act: grounds for noncompliance.**

**Status:** 3/27/2023-In committee: Set, first hearing. Hearing canceled at the request of author.

**Summary:** The California Environmental Quality Act (CEQA) prohibits an action or proceeding from being brought in a court to challenge the approval of a project by a public agency unless the alleged grounds for noncompliance are presented to the public agency orally or in writing by a person during the public comment period provided by CEQA or before the close of the public hearing on the project before the issuance of the notice of determination. This bill would require the alleged grounds for noncompliance with CEQA presented to the public agency in writing be presented at least 10 days before the public hearing on the project before the issuance of the notice of determination. The bill would prohibit the inclusion of written comments presented to the public agency after that time period in the record of proceedings and would prohibit those documents from serving as basis on which an action or proceeding may be brought.

Position	Priority
Watch	B. Watch

**AB 676**      **(Bennett D) Water: general state policy.**

**Status:** 3/27/2023-In committee: Hearing postponed by committee.

**Calendar:** 5/2/2023 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, REBECCA, Chair

**Summary:** Current law establishes various state water policies, including the policy that the use of water for domestic purposes is the highest use of water and that the next highest use is for irrigation. This bill would provide specific examples of the use of water for domestic purposes, including, but not limited to, sustenance of human beings and household conveniences. The bill would provide that all water rights remain subject to specified laws.

Position	Priority
Watch	B. Watch

[AB 755](#)**(Papan D) Water: public entity: cost-of-service analysis.**

**Status:** 4/24/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 4.) (April 24). Re-referred to Com. on APPR.

**Summary:** would require a public entity, as defined, that conducts a cost-of-service analysis, as defined, to identify the incremental costs incurred by the major water users, as described, in the single-family residential class and the incremental costs that would be avoided if major water users met a specified efficiency goal. The bill would also require the incremental costs incurred by the major water users to be made publicly available by posting the information on the public entity's internet website. By requiring a higher level of service of public entities, the bill would impose a state-mandated local program.

Position	Priority
Watch	B. Watch

[AB 1072](#)**(Wicks D) Water conservation and efficiency: low-income residential customers.**

**Status:** 4/24/2023-From committee: Amend, and do pass as amended and re-refer to Com. on APPR. (Ayes 10. Noes 1.) (April 24).

**Calendar:** 4/27/2023 #10 ASSEMBLY SECOND READING FILE -- ASSEMBLY BILLS

**Summary:** Would declare the policy of the state that access to water conservation and efficiency programs needs to be available to all residents. The bill would also set forth related findings including that reaching the state's environmental justice goals and commitments requires designing climate adaptation programs so that all households may participate.

Position	Priority
Watch	B. Watch

[AB 1205](#)**(Bauer-Kahan D) Water rights: sale, transfer, or lease: agricultural lands.**

**Status:** 3/27/2023-Re-referred to Com. on W., P., & W.

**Calendar:** 5/2/2023 9 a.m. - State Capitol, Room 444 ASSEMBLY WATER, PARKS AND WILDLIFE, BAUER-KAHAN, REBECCA, Chair

**Summary:** Would declare that the sale, transfer, or lease of an interest in any water right for profit, on or below agricultural lands within the state by an investment fund, shall not be considered a reasonable or beneficial use of water.

Position	Priority
Watch	B. Watch

[AB 1567](#)**(Garcia D) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2024.**

**Status:** 4/19/2023-From committee: Do pass and re-refer to Com. on NAT. RES. (Ayes 10. Noes 2.) (April 18). Re-referred to Com. on NAT. RES.

**Summary:** Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,105,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, and workforce development programs.

Position	Priority
Watch	B. Watch

[AB 1648](#)**(Bains D) Water: Colorado River conservation.**

**Status:** 3/20/2023-Re-referred to Com. on W., P., & W.

**Summary:** Would prohibit the Metropolitan Water District of Southern California and the Department of Water and Power of the City of Los Angeles from achieving a reduction in, or conservation of, Colorado River water consumption required by an agreement with specified entities through increased water deliveries or imports from other regions of California, including the San Joaquin Valley and the Sacramento-San Joaquin Delta. The bill would require the Colorado River Board of California, the Department of Water Resources, and the State Water Resources Control Board to use their existing authority to enforce these provisions. The bill would specify that these provisions apply retroactively to January 1, 2023, and apply to any agreement entered into on or after that date.

Position	Priority
Watch	B. Watch

[ACA 2](#)**(Alanis R) Public resources: Water and Wildfire Resiliency Act of 2023.**

**Status:** 4/20/2023-Referred to Coms. on W., P., & W. and NAT. RES.

**Summary:** Would establish the Water and Wildfire Resiliency Fund within the State Treasury, and would require the Treasurer to annually transfer an amount equal to 3% of all state revenues that may be appropriated as described from the General Fund to the Water and Wildfire Resiliency Fund. The measure would require the moneys in the fund to be appropriated by the Legislature and would require that 50% of the moneys in the fund be used for water projects, as specified, and that the other 50% of the moneys in the fund be used for forest maintenance and health projects, as specified.

Position	Priority
Out for Analysis	B. Watch

**SB 3**

**(Dodd D) Discontinuation of residential water service: community water system.**

**Status:** 4/17/2023-April 17 hearing: Placed on APPR suspense file.

**Summary:** The Water Shutoff Protection Act prohibits an urban and community water system, defined as a public water system that supplies water to more than 200 service connections, from discontinuing residential service for nonpayment, as specified, and requires specified procedures before it can discontinue residential service for nonpayment. Current law defines a community water system as a public water system that serves at least 15 service connections used by yearlong residents or regularly serves at least 25 yearlong residents of the area served by the system. Current law requires an urban and community water system to have a written policy on discontinuation of residential service for nonpayment available in English, the specified languages in the Civil Code, and any other language spoken by at least 10% of the people residing in its service area. This bill would expand the scope of the Water Shutoff Protection Act by requiring that it instead apply to a community water system, defined to have the same meaning as existing law. The bill would require a community water system that supplies water to 200 service connections or fewer to comply with the act's provisions on and after August 1, 2024.

Position	Priority
Out for Analysis	B. Watch

**SB 48**

**(Becker D) Building Energy Savings Act.**

**Status:** 4/21/2023-Set for hearing May 1.

**Calendar:** 5/1/2023 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, ANTHONY, Chair

**Summary:** Current law requires each utility to maintain records of the energy usage data of all buildings to which they provide service for at least the most recent 12 complete calendar months, and to deliver or otherwise provide that aggregated energy usage data for each covered building, as defined, to the owner, as specified. Current law requires the State Energy Resources Conservation and Development Commission (Energy Commission) to adopt regulations providing for the delivery to the Energy Commission and public disclosure of benchmarking of energy use for covered buildings, and specifies that this requirement does not require the owner of a building with 16 or fewer residential utility accounts to collect or deliver energy usage information to the Energy Commission. This bill would additionally specify that the requirement does not require the owner of a building with less than 50,000 square feet of gross floor space to collect or deliver energy usage information to the Energy Commission.

Position	Priority
Watch	B. Watch

**SB 57**

**(Gonzalez D) Utilities: disconnection of residential service.**

**Status:** 4/17/2023-April 18 set for first hearing canceled at the request of author.

**Summary:** Would require an electrical corporation, local publicly owned electric utility, gas corporation, local publicly owned gas utility, water corporation, or local agency that owns a public water system to postpone the disconnection of a customer's residential service for nonpayment of a delinquent account when the temperature will be 32 degrees Fahrenheit or cooler, or 95 degrees Fahrenheit or warmer, within the utility's service area during the 24 hours after that service disconnection would occur, as specified. The bill would require each of those utilities to notify its residential ratepayers of that requirement and to create an online reporting system available through its internet website, if it has one, that enables its residential ratepayers to report when their utility service has been disconnected in violation of that requirement, as specified. The bill would require the PUC to establish a citation program to impose a penalty on an electrical corporation or gas corporation that violates that requirement, and require each local publicly owned electric utility and local publicly owned gas utility to annually report to the State Energy Resources Conservation and Development Commission the number of residential service connections it disconnected for nonpayment of a delinquent account. The bill would authorize the State Water Resources Control Board to enforce the requirement that a water corporation and local agency that owns a public water system postpone a disconnection of a customer's residential service, as specified.

Position	Priority
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**SB 66****(Hurtado D) Water Quality, Supply, and Infrastructure Improvement Act of 2014: Drinking Water Capital Reserve Fund: administration.****Status:** 3/29/2023-Re-referred to Com. on E.Q.

**Summary:** The Water Quality, Supply, and Infrastructure Improvement Act of 2014 bond act provides that the sum of \$260,000,000 is to be available for grants and loans for public water system infrastructure improvements and related actions to meet safe drinking water standards, ensure affordable drinking water, or both, as specified. Current law requires the State Water Resources Control Board to deposit up to \$2,500,000 of the \$260,000,000 into the Drinking Water Capital Reserve Fund, to be available upon appropriation by the Legislature. Current law requires the state board to administer the Drinking Water Capital Reserve Fund for the purpose of serving as matching funds for disadvantaged communities and requires the state board to develop criteria to implement this provision. This bill would require the state board to provide an analysis of the criteria to implement that provision to the Senate Committee on Natural Resources and Water and Assembly Committee on Water, Parks, and Wildlife on January 1, 2025, and every 2 years thereafter.

Position  
Watch

Priority  
B. Watch

**SB 69****(Cortese D) California Environmental Quality Act: judicial and administrative proceedings: limitations.****Status:** 4/24/2023-April 24 hearing: Placed on APPR suspense file.

**Summary:** The California Environmental Quality Act (CEQA) authorizes a state agency or a local agency that determines that a project is not subject to CEQA to file a notice of exemption with the office or the county clerk of each county in which the project will be located, as provided. CEQA requires the county clerk to make the notice available for public inspection and post the notice within 24 hours of receipt in the office or on the internet website of the county clerk, as specified. If a person has made a written request to a public agency for a copy of a notice of determination or notice of exemption for a project before the date on which the public agency approves or determines to carry out the project, CEQA requires the public agency, no later than 5 days from the date of the public agency's action, to deposit a copy of the written notice addressed to that person in the United States mail, first-class postage prepaid. CEQA provides that the date upon which the notice is mailed does not affect the limitations periods applicable to specified actions or proceedings to attack, review, set aside, void, or annul specified acts or decisions of a public agency on the grounds of noncompliance with CEQA. The bill would require the county clerk to post the notice both in the office and on the internet website of the county clerk within 24 hours of receipt. The bill would require a public agency to provide both the notice and any subsequent amended, corrected, or revised notice, as specified, in response to a written request for the notice, regardless of the delivery method. The bill would toll, except as provided, the limitations periods applicable to specified actions or proceedings to attack, review, set aside, void, or annul specified acts or decisions of a public agency until the date on which the public agency deposits in the mail or sends by email to the requestor a copy of the notice, including any subsequent amended, corrected, or revised notice, or the date on which the public agency submits the notice to a specified state entity, as described.

Position  
Watch

Priority  
B. Watch

**SB 231****(Hurtado D) Water measurement.****Status:** 4/20/2023-Read second time and amended. Re-referred to Com. on APPR.

**Calendar:** 5/1/2023 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, ANTHONY, Chair

**Summary:** Current law requires the Department of Water Resources, the State Water Resources Control Board, and the State Department of Public Health to coordinate the collection, management, and use of agricultural and urban water measurement information provided to each agency. Current law requires the board, in collaboration with the Department of Water Resources, the California Bay-Delta Authority or its successor agency, and the State Department of Public Health, to prepare and submit a report to the Legislature by January 1, 2009, evaluating the feasibility, estimated costs, and potential means of financing a coordinated water measurement database. This bill would require the board, in collaboration with the Department of Water Resources and the Delta Stewardship Council or its successor agency, to prepare and submit an update to the report to the Legislature by January 1, 2025, evaluating the feasibility, estimated costs, and potential means of financing a coordinated water measurement database, as specified.

Position  
Watch

Priority  
B. Watch

**SB 272****(Laird D) Sea level rise: planning and adaptation.****Status:** 4/13/2023-Set for hearing April 26.

**Calendar:** 4/26/2023 9 a.m. - 1021 O Street, Room 2100 SENATE GOVERNANCE AND

**Summary:** Would require a local government, as defined, lying, in whole or in part, within the coastal zone, as defined, or within the jurisdiction of the San Francisco Bay Conservation and Development Commission, as defined, to implement sea level rise planning and adaptation through either submitting, and receiving approval for, a local coastal program, as defined, to the California Coastal Commission or submitting, and receiving approval for, a subregional San Francisco Bay shoreline resiliency plan to the San Francisco Bay Conservation and Development Commission, as applicable, on or before January 1, 2034. By imposing additional requirements on local governments, the bill would impose a state-mandated local program. The bill would require local governments that receive approval for sea level rise planning and adaptation on or before January 1, 2029, to be prioritized for sea level rise funding, upon appropriation by the Legislature, for the implementation of projects in the local government's approved sea level rise adaptation plan. The bill would require, on or before December 31, 2024, the California Coastal Commission and the San Francisco Bay Conservation and Development Commission, in close coordination with the Ocean Protection Council and the California Sea Level Rise State and Regional Support Collaborative, to establish guidelines for the preparation of that planning and adaptation. The bill would make the operation of its provisions contingent upon an appropriation for its purposes by the Legislature in the annual Budget Act or another statute.

Position	Priority
Watch	B. Watch

**SB 315****(Hurtado D) Groundwater: groundwater sustainability agencies: probationary basins.**

**Status:** 4/20/2023-Read second time and amended. Re-referred to Com. on APPR.

**Calendar:** 5/1/2023 10 a.m. - 1021 O Street, Room 2200 SENATE APPROPRIATIONS, PORTANTINO, ANTHONY, Chair

**Summary:** The Sustainable Groundwater Management Act authorizes the State Water Resources Control Board to designate specified basins as probationary basins if certain conditions are met, including, but not limited to, that the Department of Water Resources, in consultation with the board, determines that a groundwater sustainability plan is inadequate or that the groundwater sustainability program is not being implemented in a manner that will likely achieve the sustainability goal. Current law requires the board, if it designates a basin as a probationary basin pursuant to specified conditions, to identify the specific deficiencies and potential remedies. Current law authorizes the board to request the department, within 90 days of the designation, to provide technical recommendations to local agencies to remedy the deficiencies and to develop an interim plan for the probationary basin one year after the designation, as specified. This bill would require any groundwater sustainability agency that hires a third-party consulting firm to ensure that the integrity of the science being used to develop a groundwater sustainability plan is protected and the data is not sold. The bill would delete the authorizations for the board to request technical recommendations from the department. The bill would additionally place various requirements on the board in working with a groundwater sustainability agency, including, among other things, requiring the board to provide clear benchmarks and guidance for groundwater sustainability agencies to improve their groundwater management plans.

Position	Priority
Watch	B. Watch

**SB 414****(Allen D) Climate change: applications using hydrogen: assessment.**

**Status:** 4/14/2023-Set for hearing April 26.

**Calendar:** 4/26/2023 9 a.m. - 1021 O Street, Room 1200 SENATE ENVIRONMENTAL QUALITY, ALLEN, BENJAMIN, Chair

**Summary:** Would, on or before December 31, 2025, require the State Air Resources Board, in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission) and the Public Utilities Commission (PUC), upon appropriation by the Legislature, to complete an assessment of the use of hydrogen in certain applications, as specified. The bill would require the state board, the Energy Commission, and the PUC to consider the findings in the assessment in their plans, rulemakings, reports, or other process related to the planning, implementation, or regulation of hydrogen production, distribution, storage, or usage in the state.

Position	Priority
Watch	B. Watch

**SB 865****(Laird D) Municipal water districts: automatic exclusion of cities.**

**Status:** 4/10/2023-Set for hearing April 19. April 19 set for first hearing canceled at the request of author.

**Summary:** Current law authorizes a governing body of a municipal water district to adopt an ordinance excluding any territory annexed to a metropolitan water district organized under the Metropolitan Water District Act, if the territory is annexed prior to the effective date of the formation of the municipal water district. Current law requires the Secretary of State to issue a certificate reciting the passage of the ordinance and the exclusion of the area from the municipal water

district within 10 days of receiving a certified copy of the ordinance. This bill would extend the number of days the Secretary of State has to issue a certificate to 14 days.

Position	Priority
Watch	B. Watch

#### [SB 867](#)

**(Allen D) Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.**

**Status:** 4/19/2023-From committee with author's amendments. Read second time and amended. Re-referred to Com. on GOV. & F.

**Calendar:** 4/26/2023 9 a.m. - 1021 O Street, Room 2100 SENATE GOVERNANCE AND FINANCE, CABALLERO, ANNA, Chair

**Summary:** Would enact the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,500,000,000 pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs.

Position	Priority
Watch	B. Watch

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## C. Spot Bill

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#### [AB 396](#)

**(Fong, Vince R) Dams.**

**Status:** 2/3/2023-From printer. May be heard in committee March 5.

**Summary:** Current law regulates the construction and operation of dams and exempts certain structures for these purposes. Current law requires the owner of such exempt structures to employ a registered civil engineer to supervise the structure, as prescribed. This bill would make nonsubstantive changes to the above provision.

Position	Priority
Watch	C. Spot Bill

#### [AB 422](#)

**(Alanis R) Natural Resources Agency: statewide water storage: tracking.**

**Status:** 2/9/2023-Referred to Com. on W., P., & W.

**Summary:** Would require the Natural Resources Agency, on or before June 1, 2024, to post on its publicly available internet website information tracking the progress to increase statewide water storage, and to keep that information updated.

Position	Priority
Watch	C. Spot Bill

#### [AB 1573](#)

**(Friedman D) Water conservation: landscape design: model ordinance.**

**Status:** 4/19/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 4.) (April 18). Re-referred to Com. on APPR.

**Calendar:** 5/3/2023 9 a.m. - 1021 O Street, Room 1100 ASSEMBLY APPROPRIATIONS, HOLDEN, CHRIS, Chair

**Summary:** The Water Conservation in Landscaping Act provides for a model water efficient landscape ordinance that is adopted and updated at least every 3 years by the Department of Water Resources, unless the department makes a specified finding. Current law requires a local agency to adopt the model ordinance or to adopt a water efficient landscape ordinance that is at least as effective in conserving water as the updated model ordinance, except as specified.



Current law specifies the provisions of the updated model ordinance, as provided. Current law includes a related statement of legislative findings and declarations. This bill would require the updated model ordinance to include provisions that require that plants included in a landscape design plan be selected based on their adaptability to climatic, geological, and topographical conditions of the project site, as specified. The bill would also exempt landscaping that is part of ecological restoration projects that do not require a permanent irrigation system, mined-land reclamation projects that do not require a permanent irrigation system, and existing plant collections, as part of botanical gardens and arboretums open to the public, from the model ordinance.

Position  
Watch

Priority  
C. Spot Bill

**Total Measures: 40**

**Total Tracking Forms: 40**

**Metropolitan Water District of Southern California**  
**State Legislation Matrix**  
**April 10, 2023 – First Year of Legislative Session**

Bill Number Author	Amended Date, Location	Title-Summary	MWD Position	Effects on Metropolitan
<b>AB 400</b> <b>B. Rubio (D)</b>	Assembly Local Government Committee	<b>Local agency design-build projects: authorization.</b> This measure would repeal the existing sunset date of January 1, 2025, for the use of design-build as a delivery method for public works contracts and allow the use of design-build to continue indefinitely.	<b>Support</b> Based on October 2021 Board Action	Metropolitan's current authority to use design-build was authorized under AB 1845 (Calderon, CH. 275, 2022), but the authority will sunset on January 1, 2028. The provisions of this bill also apply to Metropolitan's statutory authorization and will allow Metropolitan to use design-build for future projects beyond January 1, 2028.
<b>AB 1648</b> <b>Bains (D)</b>	Amended on 3/16/2023 Assembly Water, Parks, and Wildlife Committee	<b>Water: Colorado River Conservation.</b> This measure would specifically prohibit Metropolitan and LADWP achieving federally required reductions on Colorado River resources through increased water deliveries from other regions of California, including the Delta, retroactively as of January 1, 2023.	<b>Oppose</b> Based upon Board-adopted legislative policy principles on 12/13/2022	This measure would create additional challenges and affect Metropolitan's flexibility with its entire water portfolio including the integrated water resource management and the Annual Operating Plan. Metropolitan's reliability and its ability to meet demands would also be impacted by restricting Metropolitan's discretion to develop creative partnerships with its State Water Project and Colorado River Basin stakeholders.



**ACTION ITEM**  
May 3, 2023

**TO: Board of Directors**

**FROM: Harvey De La Torre, Interim General Manager**

Staff Contact: Heather Baez

**SUBJECT: AUTHORIZATION TO VOTE ON BEHALF OF MWDOC IN ACWA JPIA  
EXECUTIVE COMMITTEE ELECTION**

**STAFF RECOMMENDATION**

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Staff recommends that the Board of Directors review the candidates, and authorize Director Jeff Thomas, MWDOC's ACWA JPIA Board Member to cast the District's ballot for the ACWA JPIA Executive Committee at ACWA's Spring Conference on May 8, 2023.

**SUMMARY AND PROCEDURE**

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On Monday, May 8, before ACWA's Spring Conference in Monterey, during the JPIA Board of Director's Meeting, at the Marriott Hotel, the ACWA JPIA Board of Directors will vote to fill four seats on the Executive Committee.

The procedures and rules for the May 8, 2023, election are as follows:

1. The ballots with the names of all qualified candidates will be distributed at the entrance to the meeting room before the meeting is called to order.
2. Only the Board of Directors member or Alternate Board of Directors member may obtain the ballot.
3. Only those JPIA members with either a Director or Alternate Director present may vote. PROXY VOTING IS NOT PERMITTED.

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

4. Additional color-coded ballots will be supplied for any necessary subsequent balloting.
5. Ballots are counted by the election inspectors and the results announced at the board meeting.
6. All nominated candidates will run for election at the same time. Those candidates with the majority of votes shall be elected to the longest term of office.
7. Since the Bylaws require a majority vote to elect Executive Committee members (Article II, Section 9), subsequent ballots may be required if the required number of candidates do not receive a majority of votes from the members present and voting.
8. If candidates for office do not receive a majority of cast votes, a subsequent ballot will be held with one more candidate's name than the number of vacancies to be filled; i.e. the top three candidates who receive the most votes to run for two vacancies or the top two candidates who receive the most votes to run for one vacancy.
9. If a tie vote occurs in a preliminary ballot (majority of votes not obtained by required number of candidates), the tied candidates will be included in the subsequent ballot if they have received the required number of ballots as determined in seven (7) above.
10. If a tie vote occurs in a final ballot (two candidates for one office or position) the presiding officer will designate one of the tied candidates to call a coin toss, by the presiding officer, to determine the election results.

## BOARD OPTIONS

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### Option #1

- Review the candidates and authorize Director Jeff Thomas, to cast the District's ballot for the ACWA JPIA Executive Committee at the JPIA Board Meeting on Monday, May 8, 2023.

**Fiscal Impact:** None

**Business Analysis:** ACWA JPIA is MWDOC's provider for Liability and Property Insurance and Employee Benefits. Ensuring that the Executive Committee has the most qualified directors serving in a leadership role is critical to the organization's success.

### Option #2

- Take no action

**Fiscal Impact:** None

**Business Analysis:** MWDOC would not have an opportunity to vote for the ACWA JPIA Executive Committee.

**Attachments:**

2023 Executive Committee Election Candidates  
Statement of Qualifications – Fred Bockmiller  
Statement of Qualifications – John Pang  
Statement of Qualifications – David Wheaton  
Email Request for Support - Oliver Smith

**ACWA JPIA**  
**Qualified Candidates for the Executive Committee Election**  
**May 8, 2023**

**BACKGROUND**

The JPIA's Bylaws provide that the Executive Committee be a Committee elected by the Board of Directors, each position be elected for a four-year term, and elections be held in every odd numbered year. The Bylaws also require that all members of the Executive Committee, except the Vice President of ACWA, be representatives of JPIA members that participate in all four of the Programs: Liability, Property, Workers' Compensation, and at least one of the Employee Benefits' programs.

**CURRENT SITUATION**

This election will fill four Executive Committee member positions for their complete terms of four years each. The qualified candidates are as follows.

Fred Bockmiller – Mesa Water District (*incumbent*)  
June Hayes – San Bernardino Valley Municipal Water District  
Szu Pei Lu-Yang – Rowland Water District  
Andy Morris - Elsinore Valley Municipal Water District  
Lenet Pacheco – Valley County Water District  
John Pang – Tahoe City Public Utilities District  
Scott Ratterman – Calaveras County Water District  
Bruce Rupp – Humboldt Bay Municipal Water District (*incumbent*)  
Oliver Smith – Valley Center Municipal Water District  
Pamela Tobin – San Juan Water District  
John H. Weed – Alameda County Water District  
David Wheaton – Citrus Heights Water District

The candidates' statements of qualifications are listed on the following pages. Each candidate will be given two minutes to address the Board.  
No other candidates submitted resolutions to be on the ballot.

**REQUIRED ACTION**

Each candidate will be given two minutes to address the Board before the votes are cast. The voting procedures will be reviewed, and the Board members will be asked to cast their votes. The three directors appointed as election inspectors and one JPIA staff member will collect the ballots and tally the votes.

# Executive Committee Election Procedures & Rules

For the May 8, 2023, Election  
To be Held During the JPIA's Board of Directors' Meeting  
at the Marriott Hotel in Monterey, CA

**The procedures and rules for the May 8, 2023, election are as follows:**

1. The ballots with the names of all qualified candidates will be distributed at the entrance to the meeting room before the meeting is called to order.
2. Only the Board of Directors member or Alternate Board of Directors member may obtain the ballot.
3. Only those JPIA members with either a Director or Alternate Director present may vote. **PROXY VOTING IS NOT PERMITTED.**
4. Additional color-coded ballots will be supplied for any necessary subsequent balloting.
5. Ballots are counted by the election inspectors and the results announced at the board meeting.
6. All nominated candidates will run for election at the same time. Those candidates with the majority of votes shall be elected to the longest term of office.
7. Since the Bylaws require a **majority vote** to elect Executive Committee members (Article II, Section 9), subsequent ballots may be required if the required number of candidates do not receive a majority of votes from the members present and voting.
8. If candidates for office do not receive a majority of cast votes, a subsequent ballot will be held with one more candidate's name than the number of vacancies to be filled; i.e. the top **three** candidates who receive the most votes to run for **two vacancies** or the top **two** candidates who receive the most votes to run for **one vacancy**.
9. If a tie vote occurs in a preliminary ballot (majority of votes not obtained by required number of candidates), the tied candidates will be included in the subsequent ballot if they have received the required number of ballots as determined in seven (7) above.
10. If a tie vote occurs in a final ballot (two candidates for one office or position) the presiding officer will designate one of the tied candidates to call a coin toss, by the presiding officer, to determine the election results.



## 2023 Executive Committee Election Candidates

On May 8, 2023, during the Spring Board of Directors meeting at the [2023 Spring Conference](#), an election will be held to fill four vacancies on the ACWA JPIA Executive Committee. Each candidate's Statement of Qualifications is below. For more information on the Executive Committee election process, visit the [Elections](#) page. The 12 candidates, in alphabetical order, are:

1. Fred R. Bockmiller P.E.\* (Mesa Water District)
2. June Hayes Ph.D. (San Bernardino Valley Municipal Water District)
3. Szu Pei Lu-Yang (Rowland Water District)
4. Andy Morris (Elsinore Valley Municipal Water District)
5. Lenet Pacheco (Valley County Water District)
6. John Pang (Tahoe City Public Utility District)
7. Scott Ratterman (Calaveras County Water District)
8. John Bruce Rupp\* (Humboldt Bay Municipal Water District)
9. Oliver J. Smith (Valley Center Municipal Water District)
10. Pamela E. Tobin (San Juan Water District)
11. John H. Weed (Alameda County Water District)
12. David C. Wheaton (Citrus Heights Water District)

\*incumbent

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### Fred R. Bockmiller, P.E., Mesa Water District

Objective: To further the goals of ACWA JPIA in best serving its members, by applying analytical and leadership skills, and risk management experience, while continuing to serve our members on the ACWA JPIA Executive Committee during this time of significant transition for the organization.

Statement of Qualifications:

- ACWA JPIA Executive Committee, 2019-present
- ACWA JPIA Committees – Risk Management, 2008-present; Workers Compensation, 2022-present; Personnel, 2023-present
- ACWA JPIA Board, 2006-present
- ACWA Energy Committee, 2002-present
- Mesa Water District Director, 1996-present – Five-term Board President; Chaired every Mesa Water District Committee (Executive, Audit Ad Hoc, Finance, Human Resources, IT Ad Hoc, Engineering and Operations, Public Information)
- Engineering Manager, University of California, Irvine (UCI) Department of Finance and Administration
- Ex Officio member, California Building Standards Commission Plumbing Electrical Mechanical and Energy Code Advisory Committee, 2015-present

Biography: Fred Bockmiller represents Division 1 — encompassing the West Side of Costa Mesa and portions of Newport Beach — on the Mesa Water District (Mesa Water®) Board of Directors. He has served as Mesa Water Board President for five terms.

Throughout his elected service, Director Bockmiller has championed water quality and cost-effective service reliability through a perpetual agency philosophy of long-term planning for the future of Mesa Water and continuous infrastructure maintenance, renewal, and improvement. He has been a relentless supporter of high-quality, fact-based decision-making.

Director Bockmiller has represented Mesa Water at the City/Districts Liaison Committee, Orange County Council of Governments, Orange County Water District, and the Costa Mesa Westside Revitalization Oversight Committee.

For more than 15 years, Director Bockmiller has represented Mesa Water on the Board of the Association of California Water Agencies (ACWA) Joint Powers Insurance Authority (JPIA). He presently serves on the ACWA JPIA Executive, Risk Management (Chair), Workers Compensation (Vice Chair), and Personnel Committees.



Director Bockmiller has been the Engineering Manager in the Department of Finance and Administration at UCI, a leader in energy conservation and construction efforts for more than 25 years, including completion of more than \$3 billion in major capital construction projects; more than \$300 million in reconstruction and extensive energy and water conservation retrofits, which tripled the developed building space, reduced energy consumption in laboratories by 50 percent, slashed the campus carbon footprint, improved the energy infrastructure, and decreased per capita water use by more than 30% while improving the built environment for research, teaching, and public service.

Developing the next generation is an area of interest for Director Bockmiller. He is a regular guest lecturer in UCI's Department of Mechanical and Aerospace Engineering, a mentor in the Junior Mentor Program at Newport Harbor High School, and served for 17 years on the board of Youth Employment Service — a local charity that provides youth with the tools to find jobs — where he served as CFO and President.

## June Hayes, Ph.D., San Bernardino Valley Water District

Dr. June Hayes was elected to the Board of Directors of the San Bernardino Valley Municipal Water District in 2016 and re-elected in 2020. She represents Division I, which includes portions of Rialto and Fontana, and the Fontana Water Company, Marigold Mutual Water Company, Rialto Water Service, and West Valley Water District. Dr. Hayes serves as Valley District's Vice President and Chair of the Resources Workshop. She co-chairs the Policy and Initiatives Engagement ad-hoc committee which aims to organize the District's legislative advocacy efforts at the State and Federal levels.

Vice President Hayes serves as the Vice Chair of the Utilities Commission for the City of Rialto, a position she was appointed to in 1995. In 2017 she received her Water Distribution 1 certification in an effort to enhance her understanding of water operations and water systems.

She is active with California Special Districts Association and the Association of California Water Agencies (ACWA). She served as a Commissioner on the Santa Ana Watershed Project Authority.

Vice President Hayes is a clinical psychologist and spent 10 years serving as the clinic manager at one of the largest mental health clinics in the San Bernardino County Mental Health system. She then went into private practice, specializing in Workers' Compensation, and neglected, abused, and delinquent youth in placement, a field she continues to work in. Vice President Hayes is a veteran and was a finalist for Assembly Majority Leader Eloise Gomez-Reyes' Veteran of the Year award in 2019.

## Szu Pei Lu-Yang, Rowland Water District

I am excited to announce my nomination for the Executive Committee at ACWA JPIA for the 2023-2027 term and humbly request your vote when we meet in May at the upcoming ACWA JPIA Conference. After more than 17 years in this industry, I am equipped and eager to further ACWA JPIA's goal of being "much more than just an insurance provider".

As President of the Rowland Water District Board of Directors, in addition to being a member of Three Valleys Municipal Water District and the Rowland Heights Community Coordinating Council, I am familiar with the demands of leadership and current water-related issues facing our communities. My diverse experience has provided me with a deep knowledge and understanding of pressing challenges from a variety of viewpoints and given me the opportunity to take a unique and productive approach to everything from water quality regulation to effective rate structuring.

I also have the privilege of serving on the Los Angeles County Sheriff's Department Advisory Council, the Los Angeles Assessment Appeals Board, and as president of the Rowland Unified School District For Us Foundation. These appointments have fostered a desire to serve and make an impact.

I came to Rowland Water District as an attorney specializing in general liability litigation in 2006 and have served the District with a commitment to accountability and excellence since that day.

Before beginning my career, I attended the University of California, Los Angeles, and earned a Bachelor of Arts degree in Political Science and Business Administration, and continued my education with a law degree from Loyola Law School, Los Angeles.

In the past 17 years on the Rowland Water District Board of Directors, I have seen triumphs, hardships, and all that falls in between. I have been a part of numerous projects that expanded our local and imported water supplies, brought financial awareness to our community, saved ratepayer dollars, educated the local public and their families, and advanced water conservation through annual poster contests and grant programs for teachers. I have cherished my ability to further these improvements and growth and look forward to sharing that ability with ACWA JPIA.

I recognize and appreciate all of the time, energy and effort that must be put into this position for the agency and its members to succeed, and am prepared to do all that it takes to support ACWA JPIA's needs and reflect its values.

## Andy Morris, Elsinore Valley Municipal Water District

Director Morris is a Graduate of California State University Fullerton with a Bachelor of Arts Degree in History. He has owned and operated the Andrew Morris Insurance Agency in Wildomar since 1991 and was named the Murrieta/Wildomar Chamber of Commerce Citizen of the Year in 2021. Director Morris is very involved in the community and currently serves as the Wildomar Rotary Treasurer. Currently, Director Morris serves as Board President for the Meeks and Daley Water Company, Vice-Chair of the Santa Rosa Regional Resource Authority, and Vice-Chair of The California Water Insurance Fund. He also attends meetings on the district's behalf for the following organizations:

Rancho California Water District, Western Municipal Water District Group, Farm Mutual Water Company, Lake Elsinore Unified School District, Murrieta City Council, Murrieta/Wildomar Chamber of Commerce Student of the Month, Wildomar City Council, and The Association of California Water Agencies JPIA. Director Morris was first elected in November 2010 and served as Treasurer in 2012 and 2015, Vice President in 2013 and 2022, and President in 2014, 2019, and 2020. Director Morris will again be serving as President for 2023.

## Lenet Pacheco, Valley County Water District

Director Pacheco was first elected to serve on the Board of Directors in 2009. She has been reelected in 2013, 2018, and 2022 through her strong advocacy for reaching out to the public and hearing their concerns. As a VCWD Board Member, Director Pacheco regularly advocates for vital issues impacting the District where she has met with congressional leaders to discuss the critical water concerns impacting the residents and insurance shared risk issues.

Lenet would like to bring her local water perspective to the ACWA/JPIA. She believes in returning any excess funds to the members, providing quality insurance coverage to all the members.

Born in an agriculture region of Mexico, Director Pacheco understands the importance of challenging work and value of water. Her family depended on farming and raising livestock for a living. She learned firsthand the importance of water resources for sustaining a farming community. She understands the importance of water conservation and sustainability in rural communities.

A longtime resident of Baldwin Park, Director Pacheco is proud to call Baldwin Park home. Director Pacheco is a graduate of the Water Elected Latino Leaders (WELL). She lives in the District where she raised her family, she is happily married to her husband and is also the proud mother of two daughters and her son. Lenet and her husband own and operate American Solar Electric an electrical contracting business serving the residential and business clients in our local communities.

Since her tenure on the VCWD Board of Directors, Director Pacheco has advocated for safe, affordable, clean and reliable water resources for the ratepayers. During these unprecedented times of the Covid Pandemic, Director Pacheco supported policies to help those impacted by the pandemic.

## John Pang, Tahoe City Public Utility District

John Pang was first elected to the TCPUD Board in 2014 and successfully re-elected twice, in 2018 and 2022. John was appointed by the TCPUD Board to serve as a member of the ACWA JPIA Board of Directors in January 2015 in recognition of his experience in risk management and safety. John has been an actively engaged ACWA JPIA board member since his appointment in 2015, attending the spring and fall conferences each year and participating in the ACWA Headwaters Workgroup. He will work hard to serve your interests.

- Elected TCPUD Board Director – 2014, 2018, 2022
- Past Board President (2018 and 2022) Current Chair, TCPUD Finance Committee
- Member, TCPUD Ad-Hoc Long-Term Financial Planning Committee Member, TCPUD Ad-Hoc Administrative Facility Master Plan Committee
- Past Chair, TCPUD Sewer and Water Committee Board Director – ACWA / JPIA (2015-Present) Member – ACWA Headwaters Workgroup

Experience:

- Retired Fire Chief – Meeks Bay Fire Protection District (19 years) Prioritized employee and public safety, and wildfire prevention
- Active Volunteer – Tahoe Nordic Search and Rescue Team (since 1995) Active Volunteer – Loyalton Fire (since 2015)
- Former Vice President – Talmont Resort Improvement District (7 years) Former Director – Olympic Valley Public Service District (7 years) Former Director – Sierra Watershed Education Partnership (7 years) Former Member – Lake Tahoe Federal Advisory Committee
- Former Member – El Dorado County “Fire Advisory Board” (10 years) Former Founding Chair – Tahoe Fire and Fuels Team (addressing forest health)

Education:

- Certified Chief Officer for the State of California (Fire Chief Certification) Certificate in Special District Management from Special District Management Institute
- Graduate California Special District Governance Academy Numerous classes including District Advanced Finance, Leadership, Infrastructure Security, Public Governance, etc.
- Graduate University of California, Davis

## Scott Ratterman, Calaveras County Water District

CCWD Division I Director Scott Ratterman grew up in Calaveras County, attending San Andreas Elementary School and Calaveras High School. Upon graduation from high school in 1976, Ratterman earned a business administration degree from Sacramento State University in 1981. By 1982, he was working in the insurance industry with an independent adjusting firm, and he continued that career path for the next 22 years. In 2004, Ratterman took a job with Farmers Insurance Co., where he retired from in 2019 after 37 years in the insurance industry.

After being selected by the CCWD Board to fill a vacant seat in 2011, Ratterman has since won re election three times and plans to run again in 2024. He is currently chair of the CCWD board of directors. In 2020 he was appointed to the ACWA JPIA Property Committee board where he continues to serve. He is also a member of ACWA's Federal Affairs Committee.

In 2015, he joined the Mountain Counties Water Resources Association board and was elected president in 2017. The MCWRA board recently appointed him to a second term as board president. Page 38 of 81

CCWD provides water service in six separate service areas to over 13,000 connections and wastewater service in 13 service areas to over 5,000 connections. CCWD also has County-wide water resources planning jurisdiction spanning the Mokelumne, Calaveras, and Stanislaus rivers, is a member of a GSA managing a critically over-drafted groundwater basin and owns two hydropower projects with a combined capacity of 260 Megawatts.

Outside of work, Ratterman is an active member of the St. Andrews Catholic Church in San Andreas and is a member of the Knights of Columbus. He was also a member of the Calaveras Community Foundation Board from 2005 to 2012, serving as vice president for two years and chairing several committees. Ratterman lives in San Andreas and is the single father of two grown children. He enjoys tennis, golf, boating, hiking and cross-country skiing.

## John Bruce Rupp, Humboldt Bay Municipal Water District

Director of Humboldt Bay Municipal Water District for 27 years; Two Term President of the Board.

### Career History:

- Five years as United States Army officer, combat veteran-Vietnam; Bronze Star, Jump Wings, Vietnamese Cross of Gallantry
- Seven years of progressively more responsible positions in Alameda County Government, San Francisco Bay Area
- Ten years as City Manager, City of Alameda, CA
- Four years as County Administrative Officer, Humboldt County, CA
- Twelve years as a Real Estate Broker and owner of Rupp & Associates Realty

### Education:

- San Rafael High School, San Rafael, CA
- San Jose State University, BA, Public Administration
- Graduate Officers Candidate School, Defense Language Institute

### Professional & Community Service:

- Member ACWA/JPIA Executive Committee Chair ACWA-JPIA Employee Benefits Committee Vice-Chair of ACWA/PIA Finance Committee
- Member ACWA Board & Board Executive Committee Chair of ACWA Region 1
- Rotary Member for 44 years; twice Club President; Paul Harris Fellow Member Eureka Elks Lodge
- Member City of Eureka Finance Advisory Committee
- Past Chair Redwood Region Economic Development Commission Past President, Humboldt Association of Realtors
- Former State Governor appointment to North Coast Regional Water Control Board
- Past Board Member League of California Cities

## Oliver J. Smith, Valley Center Municipal Water District

Oliver Smith was elected to the Board of Directors of the Valley Center Municipal Water District in 2018 and again in 2022. His combined governance and policy experience has given him an in-depth understanding of how to provide cost effective critical services and fiduciary oversight for Valley Center's water-independent special district.

In addition, he is a water district representative on Special District Advisory Committee to the San Diego LAFCO (Local Agency Formation Commission). In this role he collaborates with other special district representatives on areas of common interest.

Oliver Smith's diverse public background includes serving on and chairing the Valley Center Community Planning Group, a public advisory group to the County of San Diego for land planning issues in the Valley Center area. He was first appointed, then elected 3 times from 2005 to 2020, serving as its Chair for the last 12 years of his tenure.

Finally, Oliver Smith was elected 3 times to the Board of Directors of the Valley Center Fire Protection District, serving from 2006 to 2018 where he served as Board Secretary. He oversaw the transformation of the VCFPD from being a Cal Fire Contract staff to a locally staffed and operated agency.

### JPIA Related Experience

As part of Oliver's Valley Center Municipal Water District activities, he is an ACWA JPIA Property Program Committee Member, with a particular interest in Cyber security. He has in-person attended the last 3 ACWA conferences and actively participates in ACWA and ACWA JPIA meetings. Within ACWA, he is a member of the Energy Committee.

### Professional and Educational Qualifications

Oliver Smith is an Electrical Engineer who continues to design highly sophisticated medical products in a career spanning 40+ years. He has a BSEE from Worcester Polytechnic Institute (MA) and **Page 39 of 81**

## Pamela E. Tobin, San Juan Water District

Objective: To align with the core values of ACWA/JPIA to ensure the implementation of policies and services that best meet members' insurance needs. I would like to continue contributing my skills in coalition-building and collaboration, contract negotiations and financial leadership, organizational governance, policy development, and strategic planning to the ACWA/JPIA Executive Committee.

### Statement of Qualifications:

- ACWA/JPIA Leadership—Executive Committee and Liability Management Committee, 2020-2021
- ACWA/JPIA Board, 2016-present
- ACWA Leadership—President, 2021-2023; Vice President, 2019-2021; Executive Committee, 2019-2023; Federal Affairs Committee, 2014-2019; Local Government Committee, 2014-2015)
- San Juan Water District, 2004-present—Director; Four-Term Board President; Chair/Vice Chair of various Committees (Engineering, Finance, Pension Reform Ad Hoc, Personnel, Public Information, Regional Water Authority, Sacramento Groundwater Authority)

Biography: Pamela E. Tobin represents Division 2, encompassing the Granite Bay area in Placer County, on the San Juan Water District (SJWD) Board of Directors. Having been SJWD Board President for four prior terms — in 2007, 2012, 2016, and 2020 — Director Tobin serves as President of the Association of California Water Agencies (ACWA), and she previously served as ACWA Vice President. She developed the Leadership-to-Leadership Program during Covid 19 to keep members connected and provide assistance.

She developed the "ACWA Foundation", a 501C(3) non-profit organization for the development, mentoring, training and scholarships for future water leaders in our industry.

Director Tobin also represents SJWD on the Board of the Association of California Water Agencies (ACWA) Joint Powers Insurance Authority (JPIA), having recently served on the ACWA/JPIA Executive Committee and Liability Management Committee.

As an elected official, Director Tobin has over 19 years of involvement with local, regional, and statewide water issues. To further her passion of assisting nonprofit and public agencies to fulfill their mission of serving customers and the community, Director Tobin has used her coalition-building and collaboration skills to actively contribute to organizational finance and governance, and water policy development.

Throughout her elected service, Director Tobin has served on the Board of the Regional Water Authority (RWA), including serving as Chair (in 2012) and on its Executive Committee (2011-2014, 2016-2019). In 2018, she received RWA's Distinguished Service Award. Additionally, the Volunteer Center of Sacramento honored Director Tobin with a "Volunteer Spirit Award, Sacramento Community Change Maker" in 2007.

Throughout her ACWA and ACWA/JPIA service, Director Tobin has championed, and continues to focus on, how the organizations can best serve members, including assisting members in adapting to COVID-19, and developing innovative programs that fostered connections and improved communications and information-sharing among and between ACWA, ACWA/JPIA, and its members.

Enthusiastic about contributing to her community, Director Tobin's volunteer service includes over 40 years as President and Rescue Chair for the Sierra Pacific Great Pyrenees Rescue Program, a nonprofit organization committed to saving the lives of abandoned, abused, injured, and sick dogs. Director Tobin developed the organization's 501C3 nonprofit status and she manages the organization's Board and other volunteers. Also, she dedicated 20 years as a Tester/Observer with the Alliance of Therapy Dogs to improve infirmed and youth patients' quality of life; and, for over 14 years, she has been a 4-H Club of Placer County Community Leader, developing and directing the agriculture and non-agriculture programs for over 150 youth members.

## John H. Weed, Alameda County Water District

Mr. John H. Weed is a Board Member of the Alameda County Water District (ACWD) and has served on the ACWD Board since 1995. He is an attorney, member of California Bar, and also works in property development as President of Niles Properties, Inc. He has military experience as a Civil Engineer and water utility consultant with the United States Air Force on installations worldwide. He retired as a Colonel with the U.S. Air Force Reserves in 2000. He was previously employed as an Engineer Technician with the Santa Clara Valley Water District and was the Special Assistant to the Division Manager of Ordnance Engineering at FMC Corporation. Mr. Weed formerly served as an elected Trustee of the Ohlone Community College District from 1977 to 2010.

Since 2003 he has served on the Board of Directors of the Bay Area Water Supply and Conservation Agency and is an appointed member of the Alameda County Assessment Appeals Board. Mr. Weed also serves on the Federal Affairs Committee of the Association of California Water Agencies (ACWA) and is past Chair of the ACWA Region 5 Council. He serves as Alternate Director on the Board of the California Delta Conveyance Design and Construction Authority, a member of the Risk Management Committee of Joint Power Insurance Authority of ACWA, President of the Washington Township Historical Society, and member of the Newark Rotary Club.

Mr. Weed has a Bachelor of Science degree in Civil Engineering, and Juris Doctor degree from the University of Santa Clara. He has a Master of Business Administration degree in Finance from Eastern New Mexico University. He conducted doctoral-level graduate studies in Water Resource Administration, and Graduate Research Associate in Agricultural Economics at the University of Arizona.

## David C. Wheaton, Citrus Heights Water District

I would appreciate your support to serve on ACWA JPIA's Executive Committee. I would like to commit my time and my policy-level and professional background to work in a team setting to further the work of ACWA JPIA as it continues to effectively manage its resources and provide a wide array of insurance coverage and value-added services to member agencies.

I currently serve on ACWA JPIA's Workers' Compensation Program Committee, and several aspects of my background can assist in my effectively supporting member agencies' interests on ACWA JPIA's Executive Committee, including:

- I served as Vice Chair of Citrus Heights Water District's twenty-four (24) member Customer Advisory Committee (CAC), helping CHWD identify a strategy that will lead to the replacement of over seventy percent (70%) of CHWD's two hundred fifty (250) miles of aging water mains through 2080
- During my tenure on the Citrus Heights Water District Board, CHWD has implemented a long-term financial strategy to grow its capital and operational reserves, while completing water main replacements and other capital reinvestment projects; expanded its groundwater program; led/planned for a regional meter asset management program; expanded its water efficiency program, including constructing a demonstration water efficient garden; successfully recruited several customers to serve on a volunteer Garden Corps committee to maintain the new garden and become active in their water district; and, effectively operated and maintained an urbanized water distribution system over a nearly thirteen (13) square mile area with approximately 67,000 residents. All of these accomplishments were done with a focus on safety, loss prevention and effectively managing CHWD's insurance coverages with ACWA JPIA.
- Served as Interim City Manager, Assistant City Manager, Interim Public Works Director, Administrative Services Director and Community Services Director at the City of Menlo Park, during which time I managed that city's risk management and loss prevention programs
- Served as General Services Director (Public Works Director) for the City of Citrus Heights, overseeing that city's Capital Improvement Program
- Served as the Assistant to the City Manager at the City of Richmond
- Served as a Management Analyst at the City of Redwood City
- Served as Chief Executive Officer for the Cities/Counties/Schools Partnership Program, a joint powers authority of the California School Board Association, California State Association of Counties and League of California Cities
- I am located in the Sacramento region, within fifteen minutes of the ACWA JPIA office, offering easy availability to attend meetings in-person when required

Thank you for your consideration.

# **Re-elect Fred R. Bockmiller, P.E. to ACWA JPIA Executive Committee**

## **Fred R. Bockmiller, P.E. Director, Mesa Water District**



**OBJECTIVE:** To further the goals of ACWA JPIA in best serving its members, by applying analytical and leadership skills, and risk management experience, while continuing to serve our members on the ACWA JPIA Executive Committee during this time of significant transition for the organization.

### **STATEMENT OF QUALIFICATIONS:**

- ACWA JPIA Executive Committee, 2019-present
- ACWA JPIA Committees – Risk Management, 2008-present; Workers Compensation, 2022-present; Personnel, 2023-present
- ACWA JPIA Board, 2006-present
- ACWA Energy Committee, 2002-present
- Mesa Water District Director, 1996-present – Five-term Board President; Chaired every Mesa Water District Committee (Executive, Audit Ad Hoc, Finance, Human Resources, IT Ad Hoc, Engineering and Operations, Public Information)
- Engineering Manager, University of California, Irvine (UCI) Department of Finance and Administration
- Ex Officio member, California Building Standards Commission Plumbing Electrical Mechanical and Energy Code Advisory Committee, 2015-present

**BIOGRAPHY:** Fred Bockmiller represents Division 1 -- encompassing the West Side of Costa Mesa and portions of Newport Beach -- on the Mesa Water District (Mesa Water®) Board of Directors. He has served as Mesa Water Board President for five terms.

Throughout his elected service, Director Bockmiller has championed water quality and cost-effective service reliability through a perpetual agency philosophy of long-term planning for the future of Mesa Water and continuous infrastructure maintenance, renewal, and improvement. He has been a relentless supporter of high-quality, fact-based decision-making.

Director Bockmiller has represented Mesa Water at the City/Districts Liaison Committee, Orange County Council of Governments, Orange County Water District, and the Costa Mesa Westside Revitalization Oversight Committee.

For more than 15 years, Director Bockmiller has represented Mesa Water on the Board of the Association of California Water Agencies (ACWA) Joint Powers Insurance Authority (JPIA). He presently serves on the ACWA JPIA Executive, Risk Management (Chair), Workers Compensation (Vice Chair), and Personnel Committees.

Director Bockmiller has been the Engineering Manager in the Department of Finance and Administration at UCI, a leader in energy conservation and construction efforts for more than 25 years, including completion of more than \$3 billion in major capital construction projects; more than \$300 million in reconstruction and extensive energy and water conservation retrofits, which tripled the developed building space, reduced energy consumption in laboratories by 50 percent, slashed the campus carbon footprint, improved the energy infrastructure, and decreased per capita water use by more than 30% while improving the built environment for research, teaching, and public service.

Developing the next generation is an area of interest for Director Bockmiller. He is a regular guest lecturer in UCI's Department of Mechanical and Aerospace Engineering, a mentor in the Junior Mentor Program at Newport Harbor High School, and served for 17 years on the board of Youth Employment Service -- a local charity that provides youth with the tools to find jobs -- where he served as CFO and President.





## Contact: John Pang



Phone

530-448-6460



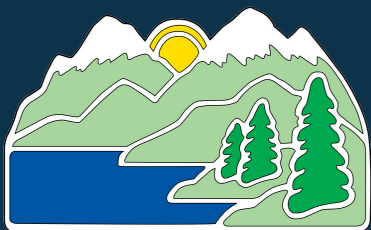
Email

jpang@tcpud.org



Address

221 Fairway Dr., Tahoe City CA



**Tahoe City Public Utility District**

*Building a healthy mountain  
community through our passion  
for public service.*

## Candidate Statement of Qualifications for ACWA JPIA Executive Committee

John Pang was first elected to the TCPUD Board in 2014 and successfully re-elected twice, in 2018 and 2022. John was appointed by the TCPUD Board to serve as a member of the ACWA JPIA Board of Directors in January 2015 in recognition of his experience in risk management and safety. John has been an actively engaged ACWA JPIA board member since his appointment in 2015, attending the spring and fall conferences each year and participating in the ACWA Headwaters Workgroup. He will work hard to serve your interests.

- Elected TCPUD Board Director – 2014, 2018, 2022
  - Past Board President (2018 and 2022)
  - Current Chair, TCPUD Finance Committee
  - Member, TCPUD Ad-Hoc Long-Term Financial Planning Committee
  - Member, TCPUD Ad-Hoc Administrative Facility Master Plan Committee
  - Past Chair, TCPUD Sewer and Water Committee
- Board Director – ACWA / JPIA (2015-Present)
- Member – ACWA Headwaters Workgroup

## Experience

- Retired Fire Chief – Meeks Bay Fire Protection District (19 years)
  - Prioritized employee and public safety, and wildfire prevention
- Active Volunteer – Tahoe Nordic Search and Rescue Team (since 1995)
- Active Volunteer – Loyalton Fire (since 2015)
- Former Vice President – Talmont Resort Improvement District (7 years)
- Former Director – Olympic Valley Public Service District (7 years)
- Former Director – Sierra Watershed Education Partnership (7 years)
- Former Member – Lake Tahoe Federal Advisory Committee
- Former Member – El Dorado County "Fire Advisory Board" (10 years)
- Former Founding Chair – Tahoe Fire and Fuels Team (addressing forest health)

## Education

- Certified Chief Officer for the State of California (Fire Chief Certification)
- Certificate in Special District Management from Special District Management Institute
- Graduate California Special District Governance Academy
- Numerous classes including District Advanced Finance, Leadership, Infrastructure Security, Public Governance, etc.
- Graduate University of California, Davis



*ACWA JPIA is an incredible organization. I hope to be part of a strong team leading it into the future.*

## David C. Wheaton

CITRUS HEIGHTS WATER DISTRICT

### ROLES

- Vice President and past President, Citrus Heights Water District
- Active and longstanding member of ACWA JPIA
- Government administrator with experience serving:
  - City of Menlo Park
  - City of Citrus Heights
  - City of Richmond
  - City of Redwood City
- Served as a CEO of a Joint Powers Authority



### RELEVANT EXPERIENCE

- Serves on ACWA JPIA's Workers' Compensation Program Committee
- Implements financial strategies to increase District reserves
- Focuses on safety, loss prevention and effective insurance coverage
- Understands challenges unique to JPAs, having run one
- Looks for value added benefits to help attract agencies and get the most out of ACWA JPIA



### ENDORSEMENT

*David is uniquely qualified to take on a leadership role at ACWA JPIA. He will ask the right questions, work collaboratively and push for strong solutions. **He's got my vote.***

CHRIS PETERSEN  
Fair Oaks Water District | Board Vice President

It would be a privilege to represent your agency's interests at ACWA JPIA. **Please consider selecting me to serve on ACWA JPIA's Executive Committee.** If you have any questions, please don't hesitate to reach out.

— David Wheaton

cell/text 916-871-0494 [dwheaton@chwd.org](mailto:dwheaton@chwd.org)





## Item No. 5

### ACTION ITEM May 3, 2023

**TO:** Board of Directors

**FROM:** Harvey De La Torre  
Interim General Manager

Staff Contact: Heather Baez

**SUBJECT: AB 755 (PAPPAN) – WATER: COST OF SERVICE ANALYSIS**

#### STAFF RECOMMENDATION

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Staff recommends the Board of Directors vote to adopt an oppose position on AB 755 (Pappan), and send a letter to the author's office and the Orange County delegation.

#### BILL SUMMARY

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Assembly Bill 755 would require urban water agencies, when conducting a cost-of-service analysis, to analyze the incremental costs of providing water service to residential customers that are "major water users" and estimate potential savings if those users were to implement efficiency measures.

#### ARGUMENTS IN SUPPORT

---

According to the author, "All too often, the maximum demand for water is driven by the customers that use the most, and the affluent single family residences are notorious for using excessive amounts of water for outdoor irrigation. Considering that the system needs to satisfy the highest possible demand on any given day, the largest water users are a driving force behind the public utility's need for larger supply, increased infrastructure, and efforts to conserve the system's water. These investments increase the public water utility's overall costs and can raise the rates for all customers. In drought, these issues are especially exacerbated, as the temporary additional water supplies and conservation programs can be costly. For people who conserve water and keep demand low, many of the public utilities costly investments are unnecessary."

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

## **ARGUMENTS IN OPPOSITION**

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AB 755 would impose significant challenges on water agencies in determining what water rate to charge different classes of customers. ACWA argues that this bill “would force agencies to incorporate hypotheticals into their cost-of-service analysis. The inherent uncertainty of this analysis could expose agencies to liability.” Additionally, it assumes that customers with large properties are water wasters. Retail water providers have the ability to address water wasters, but this is not done based on the size of the property.

## **REGISTERED SUPPORT & OPPOSITION**

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### Support:

California Coastkeeper Alliance (sponsor)  
 Coachella Valley Waterkeeper  
 Community Water Center  
 Humboldt Baykeeper  
 Inland Empire Waterkeeper  
 laane (Los Angeles Alliance for A New Economy)  
 Mono Lake Committee  
 Monterey Waterkeeper  
 Orange County Coastkeeper  
 River in Action  
 Russian Riverkeeper  
 San Diego Coastkeeper  
 Santa Barbara Channelkeeper  
 Save the Sonoma Coast  
 SEE (Social Eco Education)  
 Somos Familia Valle  
 South Yuba River Citizens League  
 Western Center on Law & Poverty  
 Yuba River Waterkeeper

### Opposition:

Association of California Water Agencies  
 California Municipal Utilities Association  
 Irvine Ranch Water District

## **BOARD OPTIONS**

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### **Option #1**

- Adopt an oppose position on AB 755 and send a letter to the author’s office and the Orange County delegation.

### **Option #2**

- Take no action

## **STAFF RECOMMENDATION**

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Option #1

### **ATTACHED:**

- AB 755 Full Text

AMENDED IN ASSEMBLY MARCH 16, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

## ASSEMBLY BILL

No. 755

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### Introduced by Assembly Member Papan

February 13, 2023

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An act to ~~amend Section 201 of the Public Utilities Code, relating to public utilities;~~ *add Chapter 3.8 (commencing with Section 390) to Division 1 of the Water Code, relating to water.*

#### LEGISLATIVE COUNSEL'S DIGEST

AB 755, as amended, Papan. ~~Public Utilities Act. Water: public entity: cost-of-service analysis.~~

*Existing law authorizes a public entity that supplies water at retail or wholesale within its service area to adopt, in accordance with specified procedures, and enforce a water conservation program.*

*This bill would require a public entity, as defined, that conducts a cost-of-service analysis, as defined, to identify the incremental costs incurred by the major water users, as described, in the single-family residential class and the incremental costs that would be avoided if major water users met a specified efficiency goal. The bill would also require the incremental costs incurred by the major water users to be made publicly available by posting the information on the public entity's internet website. By requiring a higher level of service of public entities, the bill would impose a state-mandated local program.*

*The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state.*

*Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

~~The California Constitution establishes the Public Utilities Commission, with jurisdiction over all public utilities. The California Constitution grants the commission certain general powers over public utilities, subject to control by the Legislature, and authorizes the Legislature, unlimited by the other provisions of the California Constitution, to confer on the commission additional authority and jurisdiction.~~

~~The Public Utilities Act contains laws directing the commission's regulation of public utilities.~~

~~This bill would make nonsubstantive changes to the law naming the act.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

1     SECTION 1. Chapter 3.8 (commencing with Section 390) is  
2     added to Division 1 of the Water Code, to read:

3  
4             CHAPTER 3.8. WATER: COST-OF-SERVICE ANALYSIS

5  
6     390. For purposes of this chapter, the following terms have  
7     the following meanings:

8     (a) "Cost-of-service analysis" means the analysis conducted  
9     to determine water usage patterns and demands placed on the  
10    system by various customer classes.

11    (b) "Efficiency goal" means the long-term standards for efficient  
12    water use, as developed by the board, pursuant to Section 10609.2.

13    (c) "Incremental costs" means the costs of water service,  
14    including capital costs and operation and maintenance costs, that  
15    the public entity incurs directly, or by contract, as a result of the  
16    use of water by the systems' major water users and may include  
17    any of the following:

1 (1) Conservation best management practices, conservation  
2 education, irrigation controls and other conservation devices, and  
3 other demand management measures.

4 (2) Water system retrofitting, dual plumbing and facilities for  
5 production, distribution, and all uses of recycled water and other  
6 alternative water supplies.

7 (3) Projects and programs for the prevention, control, or  
8 treatment of the runoff of water from irrigation and other outdoor  
9 water uses. Incremental costs does not include the costs of  
10 stormwater management systems and programs.

11 (4) Securing dry year water supply arrangements.

12 (5) Procuring water supplies, including supply or capacity  
13 contracts for water supply rights or entitlements.

14 (6) Energy costs for water delivery.

15 (d) "Major water user" means the top 10 percent of water users  
16 in a given customer class since the last cost of service analysis.

17 (e) "Public entity" means a city, whether general law or  
18 chartered, county, city and county, special district, agency,  
19 authority, any other municipal public corporation or district, or  
20 any other political subdivision of the state that provides retail  
21 water service and that is an urban water supplier, as defined in  
22 Section 10617.

23 390.1. (a) Whenever a public entity conducts a cost-of-service  
24 analysis, that entity shall identify both of the following:

25 (1) The incremental costs incurred by the major water users in  
26 the single-family residential class.

27 (2) The incremental costs that would be avoided if major water  
28 users met a specified efficiency goal.

29 (b) The incremental costs incurred by the major water users,  
30 as identified pursuant to subdivision (a), shall be made publicly  
31 available by posting the information on the public entity's internet  
32 website.

33 SEC. 2. The Legislature finds and declares that water  
34 conservation is a matter of statewide concern and is not a  
35 municipal affair as that term is used in Section 5 of Article XI of  
36 the California Constitution. Therefore, Section 1 of this act adding  
37 Section 390.1 to the Water Code applies to all cities, including  
38 charter cities.

39 SEC. 3. If the Commission on State Mandates determines that  
40 this act contains costs mandated by the state, reimbursement to

1 *local agencies and school districts for those costs shall be made*  
2 *pursuant to Part 7 (commencing with Section 17500) of Division*  
3 *4 of Title 2 of the Government Code.*

4 ~~SECTION 1. Section 201 of the Public Utilities Code is~~  
5 ~~amended to read:~~

6 ~~201. This part shall be known, and may be cited, as the “Public~~  
7 ~~Utilities Act.”~~

O



## Item No. 6

### ACTION ITEM

May 3, 2023

**TO:** Board of Directors

**FROM:** Harvey De La Torre  
Interim General Manager

Staff Contact: Heather Baez

**SUBJECT: AB 1594 (E. GARCIA) – MEDIUM AND HEAVY DUTY ZERO EMISSION VEHICLES: PUBLIC AGENCIES**

### STAFF RECOMMENDATION

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Staff recommends the Board of Directors vote to adopt a support position on AB 1594 (E. Garcia) and join CMUA's coalition letter and outreach efforts.

### BILL SUMMARY

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Assembly Bill 1594 would require any state regulation that seeks to require the procurement of medium- and heavy-duty zero-emission vehicles by a public agency utility to ensure that those vehicles can support a public agency utility's ability to maintain reliable water and electric services, respond to disasters in an emergency capacity, and provide mutual aid assistance statewide and nationwide, among other requirements.

### ARGUMENTS IN SUPPORT

---

AB 1594 will ensure that publicly owned electric, water, and wastewater utilities have a pathway to procure zero-emission medium- and heavy-duty vehicles everywhere feasible, while maintaining the ability of publicly owned utilities to rely on their fleets to provide reliable service and respond to emergencies.

According to CMUA, the bill sponsor, "AB 1594 is necessary to meet our 100% ZEV goals in a manner tailored to each publicly owned utility and the essential services they

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



provide their communities. Specifically, for regulations such as the CARB rule referenced above, [this bill] would require the state agency to do both of the following.

- 1) Recognize the diversity of fleet size, terrain, and climate, and authorize public agency utilities to purchase replacements for traditional utility specialized vehicles that are at the end of life when needed to maintain reliable service and respond to major foreseeable events, including, but not limited to, severe weather, wildfires, natural disasters, and physical attacks.
- 2) In coordination with public agency utilities, include a list of vehicle vendors and suppliers that meet zero-emission vehicle standards and the public agency utilities' technical and performance requirements."

## **ARGUMENTS IN OPPOSITION**

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None on file.

## **REGISTERED SUPPORT & OPPOSITION**

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Support:

Association of California Water Agencies  
California Municipal Utilities Association  
City of Corona  
City of Roseville  
City of Shasta Lake  
Imperial Irrigation District  
Irvine Ranch Water District  
Las Virgenes Municipal Water District  
Lassen Municipal Utility District  
Northern California Power Agency  
North Tahoe Public Utility District  
Olivenhain Municipal Water District  
Rancho California Water District  
Redding Electric Utility  
Santa Clarita Valley Water Agency  
South San Joaquin Irrigation District  
Southern California Public Power Authority  
Truckee Donner Public Utility District

Opposition:

None on file

## **BOARD OPTIONS**

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### **Option #1**

- Adopt a support position on AB 1594 and join CMUA's coalition and outreach efforts.

### **Option #2**

- Take no action

## **STAFF RECOMMENDATION**

---

Option #1

### **ATTACHED:**

- AB 1594 Full Text

AMENDED IN ASSEMBLY MARCH 13, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1594**

---

**Introduced by Assembly Member Garcia**  
**(Coauthor: Assembly Member Wendy Carrillo)**  
**(Coauthors: Senators Bradford and Dahle)**

February 17, 2023

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~~An act to amend Section 165 of the Vehicle Code, relating to vehicles.~~  
*An act to add the heading of Division 12.5 (commencing with Section 28500 to, and to add Chapter 1 (commencing with Section 28500) to Division 12.5 of, the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1594, as amended, Garcia. ~~Authorized emergency vehicles.~~  
*Medium- and heavy-duty zero-emission vehicles: public agency utilities.*

*Executive Order No. N-79-20 establishes the goal of transitioning medium- and heavy-duty vehicles in California to zero-emission vehicles by 2045 for all operations where feasible and by 2035 for drayage trucks, and requires the State Air Resources Board to develop and propose medium- and heavy-duty vehicle regulations to meet that goal.*

*Existing law establishes the Air Quality Improvement Program that is administered by the board for purposes of funding projects related to, among other things, the reduction of criteria air pollutants and improvement of air quality, and establishes the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program within the Air Quality Improvement Program to make financing tools and nonfinancial supports available to operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles.*

*This bill would require any state regulation that seeks to require, or otherwise compel, the procurement of medium- and heavy-duty zero-emission vehicles by a public agency utility to ensure that those vehicles can support a public agency utility's ability to maintain reliable water and electric services, respond to disasters in an emergency capacity, and provide mutual aid assistance statewide and nationwide, among other requirements. The bill would define a public agency utility to include a local publicly owned electric utility, a community water system, and a wastewater treatment provider, as specified.*

~~Existing law generally regulates authorized emergency vehicles, and exempts the driver of an authorized emergency vehicle from various provisions of the rules of the road, as contained in the Vehicle Code, if, among other things, the vehicle is being driven in response to an emergency call, the driver of the vehicle sounds a siren, and the vehicle displays a lighted red lamp visible from the front as a warning to other drivers and pedestrians. Existing law defines "authorized emergency vehicle" to include, among others, any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical equipment.~~

~~This bill would instead define authorized emergency vehicle to include any vehicle owned by the state, or any bridge and highway district, and equipped and used for, among other things, repairing damaged lighting or electrical infrastructure.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     *SECTION 1. The heading of Division 12.5 (commencing with*  
2     *Section 28500) is added to the Vehicle Code, to read:*

3

4             *DIVISION 12.5. ZERO-EMISSION VEHICLES*

5

6     *SEC. 2. Chapter 1 (commencing with Section 28500) is added*  
7     *to Division 12.5 of the Vehicle Code, to read:*

CHAPTER 1. PUBLIC AGENCY UTILITY MEDIUM- AND  
HEAVY-DUTY VEHICLES

28500. (a) “Public agency utility” means a local publicly owned electric utility, as defined in Section 224.3 of the Public Utilities Code, a community water system, as defined in Section 116275 of the Health and Safety Code, and a wastewater treatment provider, as defined in Section 116773.2 of the Health and Safety Code.

(b) Any state regulation that seeks to require, or otherwise compel, the procurement of medium- and heavy-duty zero-emission vehicles shall ensure that those vehicles can support a public agency utility’s ability to maintain reliable water and electric service, respond to disasters in an emergency capacity, and provide mutual aid assistance statewide and nationwide, and shall do both of the following:

(1) Recognize the diversity of fleet size, terrain, and climate, and authorize public agency utilities to purchase replacements for traditional utility specialized vehicles that are at the end of life when needed to maintain reliable service and respond to major foreseeable events, including, but not limited to, severe weather, wildfires, natural disasters, and physical attacks.

(2) In coordination with public agency utilities, include a list of vehicle vendors and suppliers that meet zero-emission vehicle standards and the public agency utilities’ technical and performance requirements.

~~SECTION 1. Section 165 of the Vehicle Code is amended to read:~~

~~165. An authorized emergency vehicle is:~~

~~(a) Any publicly owned and operated ambulance, lifeguard, or lifesaving equipment or any privately owned or operated ambulance licensed by the Commissioner of the California Highway Patrol to operate in response to emergency calls.~~

~~(b) Any publicly owned vehicle operated by the following persons, agencies, or organizations:~~

~~(1) Any federal, state, or local agency, department, or district employing peace officers as that term is defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal Code, for use by those officers in the performance of their duties.~~

~~(2) Any forestry or fire department of any public agency or fire department organized as provided in the Health and Safety Code.~~

~~(e) Any vehicle owned by the state, or any bridge and highway district, and equipped and used either for fighting fires, or towing or servicing other vehicles, caring for injured persons, or repairing damaged lighting or electrical infrastructure.~~

~~(d) Any state-owned vehicle used in responding to emergency fire, rescue, or communications calls and operated either by the Office of Emergency Services or by any public agency or industrial fire department to which the Office of Emergency Services has assigned the vehicle.~~

~~(e) (1) Any vehicle owned or operated by a federally recognized Indian tribe used in responding to emergency, fire, ambulance, or lifesaving calls. For the purposes of this section and the provisions of Sections 2501 and 2510, a vehicle used in responding to emergency, fire, ambulance, or lifesaving calls owned or operated by a federally recognized Indian tribe is considered an authorized emergency vehicle.~~

~~(2) Any vehicle owned or operated by any department or agency of the United States government when the vehicle is used in responding to emergency fire, ambulance, or lifesaving calls or is actively engaged in law enforcement work.~~

~~(f) Any vehicle for which an authorized emergency vehicle permit has been issued by the Commissioner of the California Highway Patrol.~~

**REVISIONS:**

**Heading—Lines 2 and 3.**

O



**Item No. 7**

**DISCUSSION ITEM**

May 3, 2023

**TO: Board of Directors**

**FROM: Harvey De La Torre,  
Interim General Manager**

Staff Contact: Melissa Baum-Haley

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

**STAFF RECOMMENDATION**

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

**DETAILED REPORT**

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

- a. MET's Finance and Rate Issues
- b. Water Supply Condition Update
- c. Water Quality Update
- d. Colorado River Issues
- e. Delta Conveyance Activities and State Water Project Issues

## **ISSUE BRIEF #A**

**SUBJECT: MET Finance and Rate Issues**

### **RECENT ACTIVITY**

---

Water Transactions for February 2023 (for water billed in December 2022) totaled 147.0 thousand acre-feet (TAF), which was 11.8 TAF higher than the budget of 135.2 TAF, translating to \$131.0 million in receipts for February 2023, which was \$11.5 million higher than the budget of \$119.5 million.

Year-to-date water transactions through February 2023 (for water billed from May 2022 through December 2022) were 1,152.2 TAF, which was 27.4 TAF lower than the budget of 1,179.6 TAF. Year-to-date water receipts through February 2023 were \$1,067.2 million, which was \$44.8 million lower than the budget of \$1,112.0 million.

As of February 28, 2022, Metropolitan's investment portfolio balance was \$1.3 billion.

### **Statement of Decision for the SDCWA v. Metropolitan Litigation Case**

On April 25, Judge Anne-Christine Massullo of the San Francisco Superior Court issued her final statement of decision concerning the trial in the consolidated *SDCWA v. Metropolitan, et al.* cases (filed in 2014, 2016, and 2018), in which SDCWA sought over \$334 million in contract damages.

For each claim litigated at trial, Judge Massullo ruled in favor of Metropolitan or found the claim to be moot based on the rulings in Metropolitan's favor, as she had done in her tentative statement of decision issued on March 14, 2023. The final decision notes that SDCWA filed objections to the tentative decision and the court considered them (pg. 2 and footnote 3), as well as adds and modifies other language in the final decision as compared to the tentative.

The court's rulings in the final statement of decision are:

- *Breach of the Exchange Agreement.* Metropolitan did not breach the Exchange Agreement: "The duty to include a reasonable credit for any offsetting benefits pursuant to [the Wheeling Statutes] did not arise . . . [T]he Court finds Metropolitan did not breach the Exchange Agreement by failing to calculate a reasonable credit for any offsetting benefits. As the Court finds Metropolitan did not breach the Exchange Agreement, the Court need not address damages." (Pgs. 26-27)
- *Reformation.* Metropolitan's conditional claims to reform the Exchange Agreement, if SDCWA prevailed, are moot. (Pgs. 27-28)
- *Declaration of Metropolitan's rights and duties under the Wheeling Statutes.* Metropolitan's conditional claim for a declaration of its rights and duties under the Wheeling Statutes, if SDCWA prevailed on its claim that the Wheeling



Statutes apply to the Exchange Agreement, are moot. Judge Massullo stated that while she finds offsetting benefits under the Wheeling Statutes do not apply to the Exchange Agreement's price term, "[t]he Court has made no express finding whether the Wheeling Statutes apply." (Pg. 28)

- *Rate challenges.* Judge Massullo rejected SDCWA's rate challenges. (Pg. 30)
- *Declaration whether SDCWA must contribute to a damages award.* Judge Massullo ruled that SDCWA's request for a declaration that it could not be required to contribute to a damages, fees, or costs award in the cases is moot. (Pg. 30)

As the decision notes, the parties previously resolved the Water Stewardship Rate claims in SDCWA's favor, pursuant to a 2021 Court of Appeal decision.

## ISSUE BRIEF #B

**SUBJECT: MET's Supply Condition Update**

### **RECENT ACTIVITY**

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The 2022-23 Water Year (2022-23 WY) officially started on October 1, 2022. Thus far, Northern California accumulated precipitation (8-Station Index) reported 61.03. inches or 135% of normal as of April 25th. The Northern Sierra Snow Water Equivalent peaked at 59.1 inches on April 9th, which is 215% of normal for that day. Due to barrage of atmospheric rivers in January and March, the Department of Water Resources (DWR) has increased the State Water Project (SWP) "Table A" allocation to 100%. This allocation provides Metropolitan with approximately 1,911,500 AF in SWP deliveries this water year. In Addition, Article 21 supplies were made to SWP contractors on March 24th 2023. DWR's SWP Allocation considers several factors including existing storage in SWP, conservation reservoirs, SWP operational regulatory constraints, and the 2023 contractor demands. In additional, Metropolitan received 134,000 AF for Human Health and Safety Supply in CY 2022.

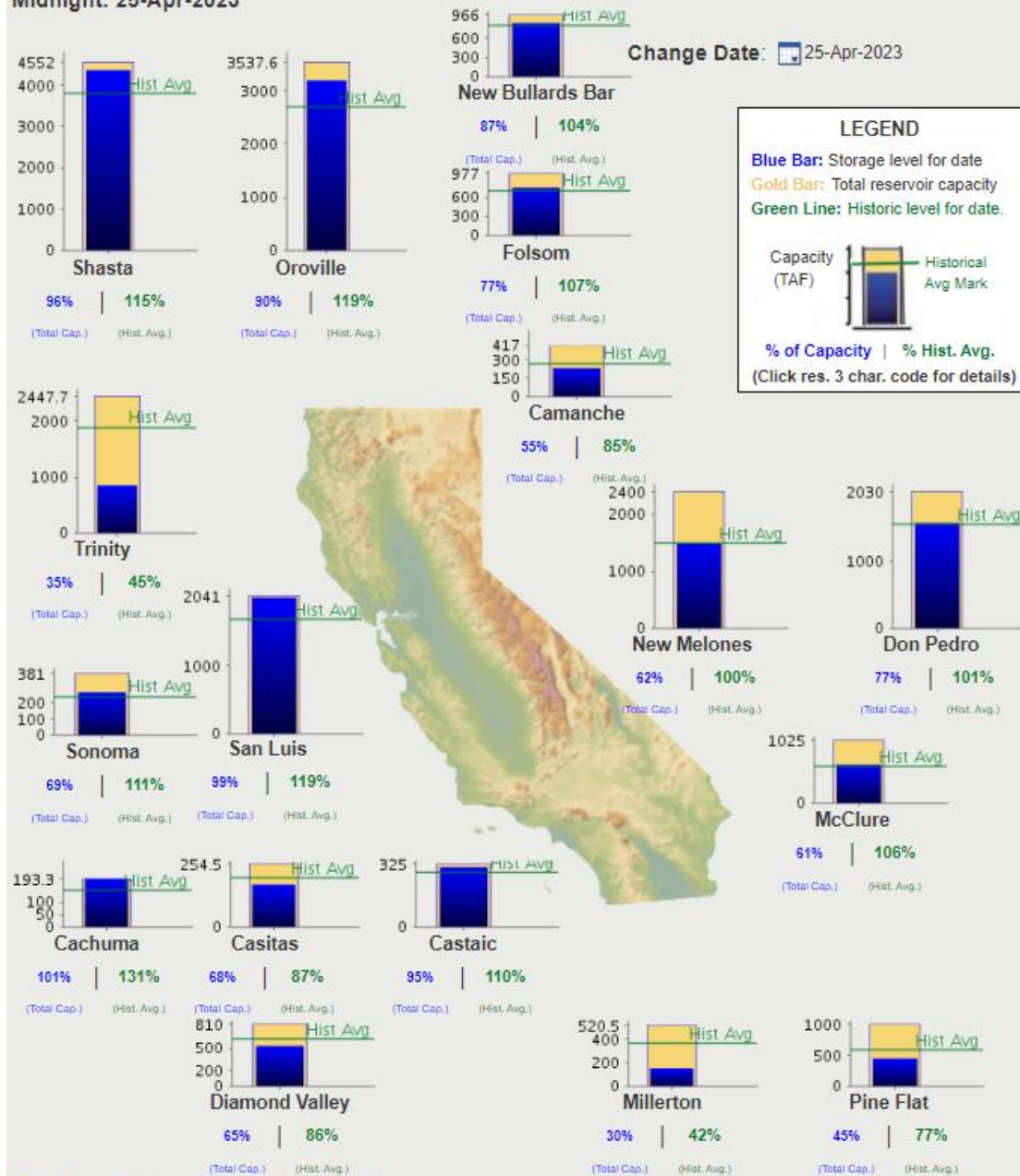
The Upper Colorado River Basin accumulated precipitation is reporting 23.8 inches or 125% of normal as of April 24th. On the Colorado River system, snowpack is measured across four states in the Upper Colorado River Basin. The Upper Colorado River Basin Snow Water Equivalent peaked 26.2 inches as of April 10th, which is 131% of normal for that day. Due to the below average inflows into Lake Powell over the past several years, the United States Bureau of Reclamation declared a shortage at Lake Mead that has been ongoing since January 1st, 2022. As of Early March, there is and a 93% chance of shortage continuing in CY 2024 and a 60% chance that Metropolitan will see a 250,000 AF reduction in Colorado River water supplies in CY 2024.

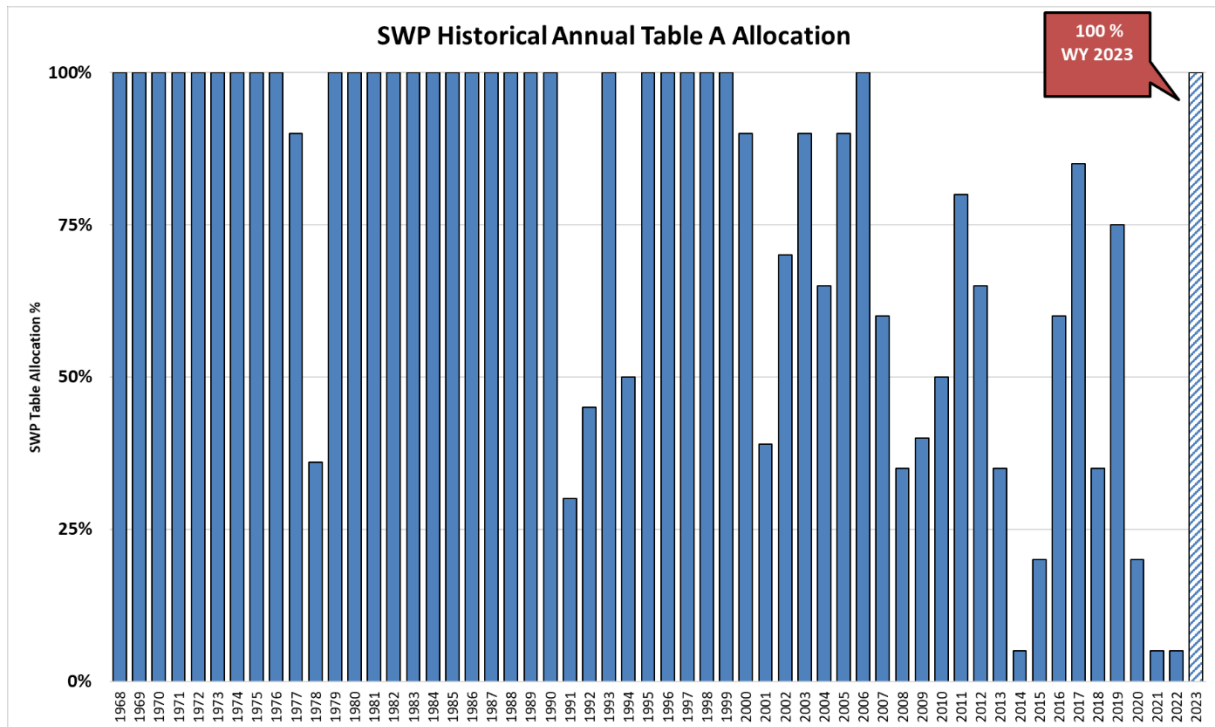
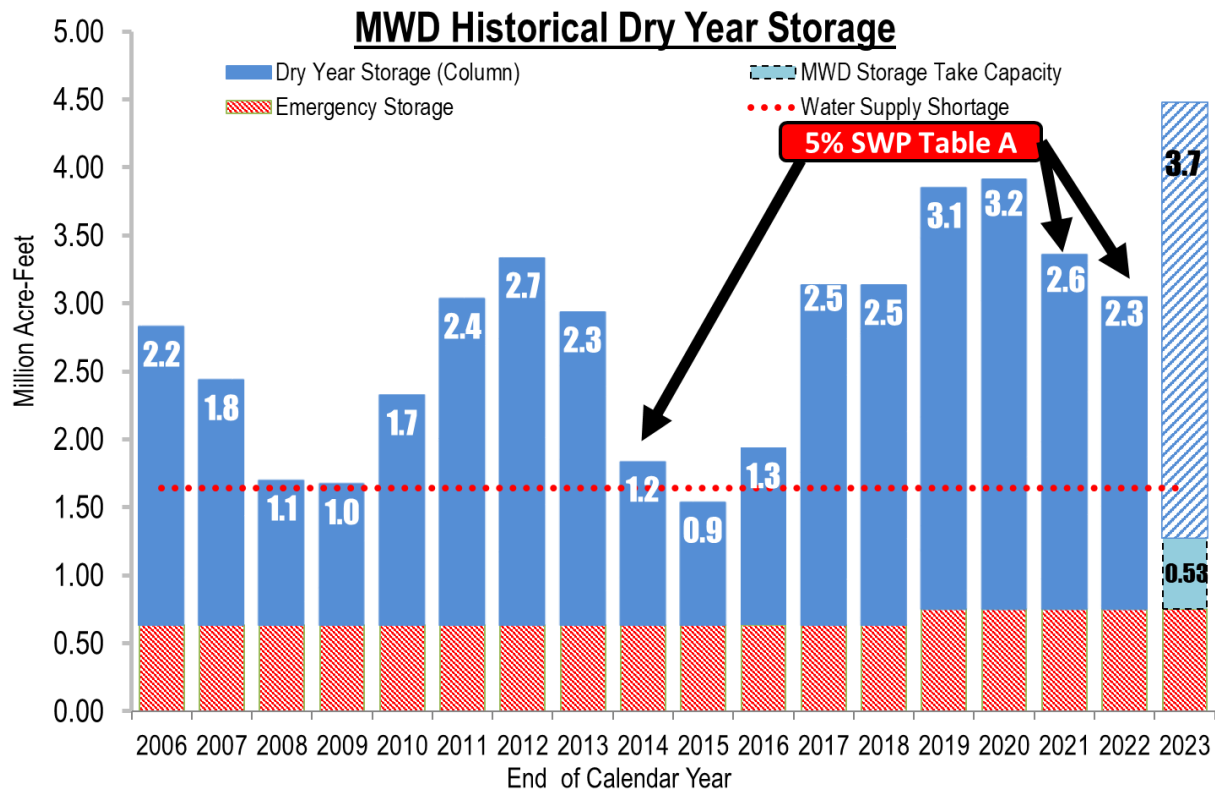
As of April 25th Lake Oroville storage is at **90% of total capacity and 119% of normal**. As of April 25th San Luis Reservoir has a current volume of **99% of the reservoir's total capacity and is 119% of normal**.

With CY 2023 estimated total demands and losses of 1.60 million acre-feet (MAF) and with a 100% SWP Table A Allocation, Metropolitan is projecting that supplies will exceed demands levels in Calendar Year (CY) 2023. Based on this, estimated total dry-year storage for Metropolitan at the end of **CY 2023 will increase to approximately 3.73 MAF**. A projected dry-year storage supply of **3.73 MAF would be the highest level in MWD History**. A large factor in maintaining a high water storage level are lower than expected water demands. We are seeing regional water demands reaching a 38-year low. **However, with a majority of MWD's water supplies stored in Lake Mead and with a 5 year shortage projection at Lake Mead, there remains a lot of uncertainty to where supply balances will be in the future.**

CURRENT CONDITIONS: MAJOR WATER SUPPLY RESERVOIRS:25-APR-2023

Midnight: 25-Apr-2023





### 2023 WSDM Storage Detail

	1/1/2023 Estimated Storage Levels <sup>1</sup>	CY 2023 Put Capacity <sup>2</sup>	2023 Total Storage Capacity
<b>WSDM Storage</b>			
<b>Colorado River Aqueduct Delivery System</b>	<b>1,139,000</b>	<b>400,000</b>	<b>1,657,000</b>
Lake Mead ICS	1,139,000 <sup>3</sup>	400,000	1,657,000
<b>State Water Project System</b>	<b>502,000</b>	<b>638,000</b>	<b>1,897,000</b>
MWD SWP Carryover <sup>4</sup>	39,000	215,000	350,000
DWCV SWP Carryover <sup>4</sup>			
MWD Articles 14(b) and 12(e)	0	0	N/A
Castaic and Perris DWR Flex Storage	3,000	216,000	219,000
Arvin Edison Storage Program	119,000	0 <sup>5</sup>	350,000
Semitropic Storage Program	158,000	131,000	350,000
Kern Delta Storage Program	137,000	45,000	250,000
Mojave Storage Program	19,000	10,000	330,000
AVEK Storage Program	27,000	3,000	30,000
AVEK High Desert Water Bank Program	0	18,000 <sup>6</sup>	18,000 <sup>7</sup>
<b>In-Region Supplies and WSDM Actions</b>	<b>698,000</b>	<b>407,000</b>	<b>1,246,000</b>
Diamond Valley Lake	494,000	316,000	810,000
Lake Mathews and Lake Skinner	194,000	32,000	226,000
Conjunctive Use Programs (CUP) <sup>8</sup>	10,000	59,000	210,000
<b>Other Programs</b>	<b>662,000</b>	<b>303,000</b>	<b>1,181,000</b>
Other Emergency Storage	381,000	0	381,000
DWCV Advanced Delivery Account	281,000	303,000	800,000
<b>Total</b>	<b>3,001,000</b>	<b>1,748,000</b>	<b>5,981,000</b>
Emergency	750,000	0	750,000
<b>Total WSDM Storage (AF) <sup>9</sup></b>	<b>2,251,000</b>	<b>1,748,000</b>	<b>5,231,000</b>

<sup>1</sup> Preliminary start of year balances, subject to DWR adjustments and USBR final accounting in May 2023.

<sup>2</sup> Put capacity assumed under a 35 percent SWP Table A Allocation. Storage program losses included where applicable.

<sup>3</sup> This amount is net of the water Metropolitan stored for IID in Lake Mead in an ICS sub-account.

<sup>4</sup> Total storage capacity varies year to year based on prior year remaining balance added to current year contractual limits.

<sup>5</sup> Puts are limited due to water quality considerations.

<sup>6</sup> Includes the early recharge in the High Desert Water Bank Program expected to commence in the summer.

<sup>7</sup> Represents a portion of the total storage capacity. Total storage capacity is 280,000 AF once the program is fully constructed. Anticipated to be fully operational by the end of 2025.

<sup>8</sup> Total of all CUP programs including IEUA/TVMWD (Chino Basin); Long Beach (Central Basin); Long Beach (Lakewood); Foothill (Raymond and Monk Hill); MWD OC (Orange County Basin); Three Valleys (Live Oak); Three Valleys (Upper Claremont); and Western.

<sup>9</sup> Total WSDM Storage level subject to change based on accounting adjustments.





## Water Supply Conditions

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

May 3<sup>rd</sup> 2023



## MWD Article 21 Supplies



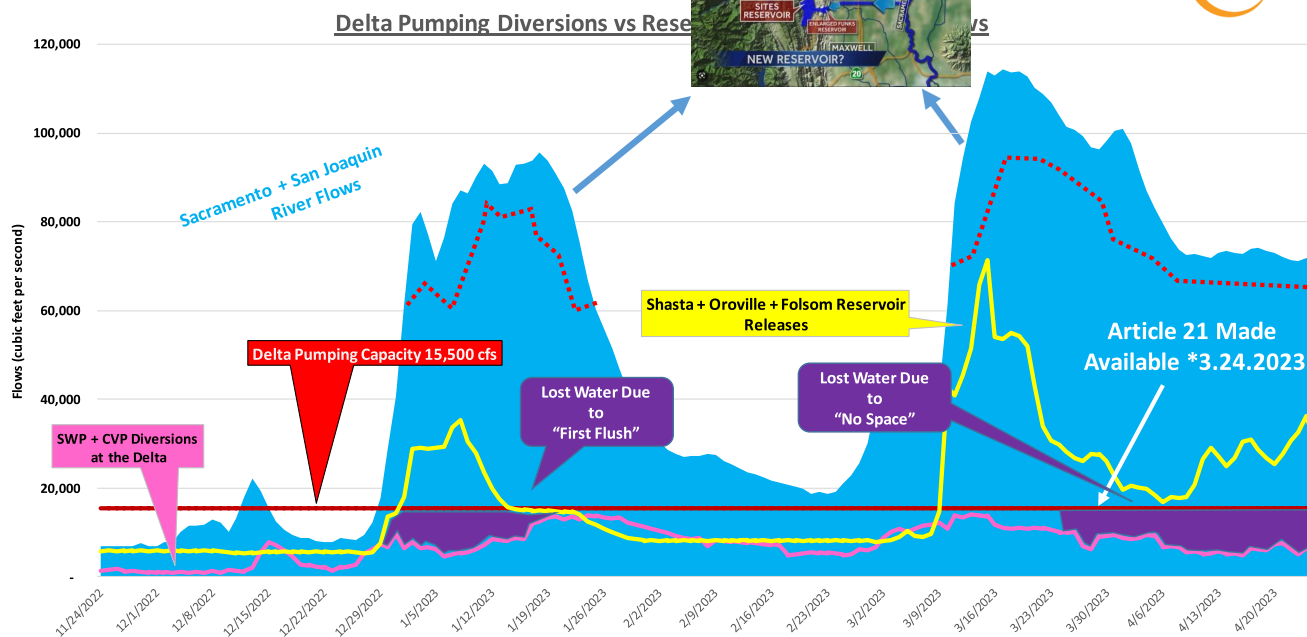
### WSDM Update

### Article 21 Supplies

- Article 21 supplies are additional supplies above the SWP Table A Allocation
- Article 21 supplies are allocated week-to-week, and available to SWP Contractors when:
  - 1) SWP share of San Luis Reservoir is full
  - 2) Contractor demands are met and additional supplies available for export from Delta
  - 3) SWP Contractor can store supplies in non-SWP facilities
- Article 21 supplies were first made available in late March
- Metropolitan has taken delivery of all of its allocated Article 21 supplies to date (123 TAF)



# Delta Operations



\*San Clemente North Beach Hill Slide 4.15.2023

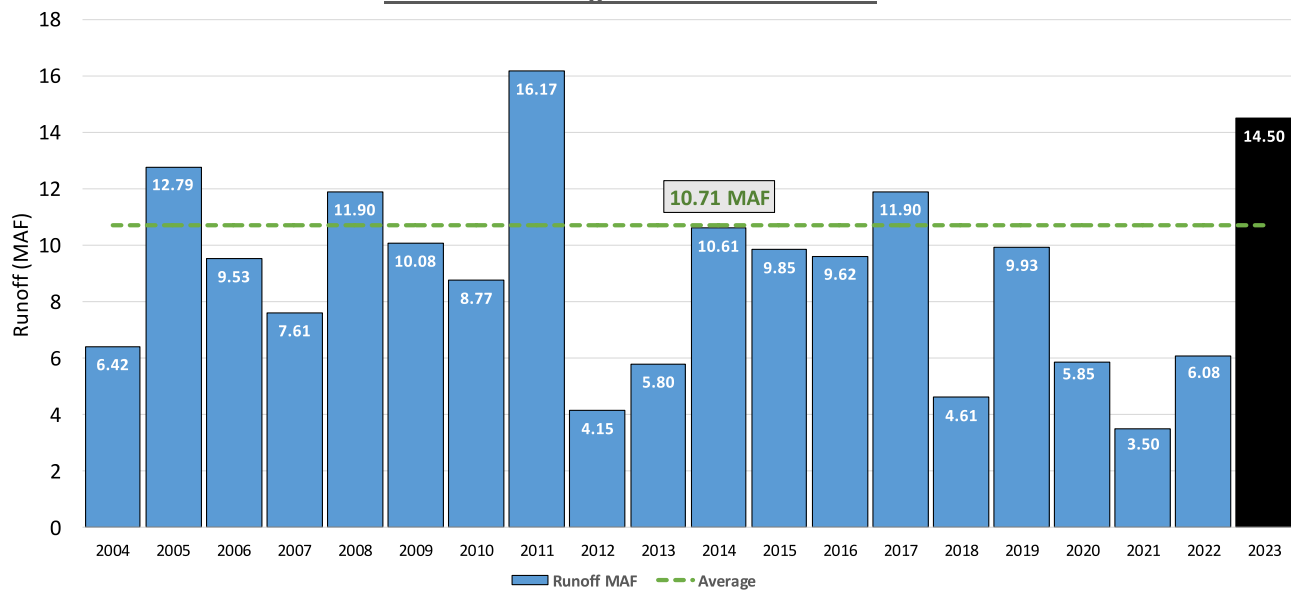


Questions???

## Lake Powell Estimate Unregulated Inflow



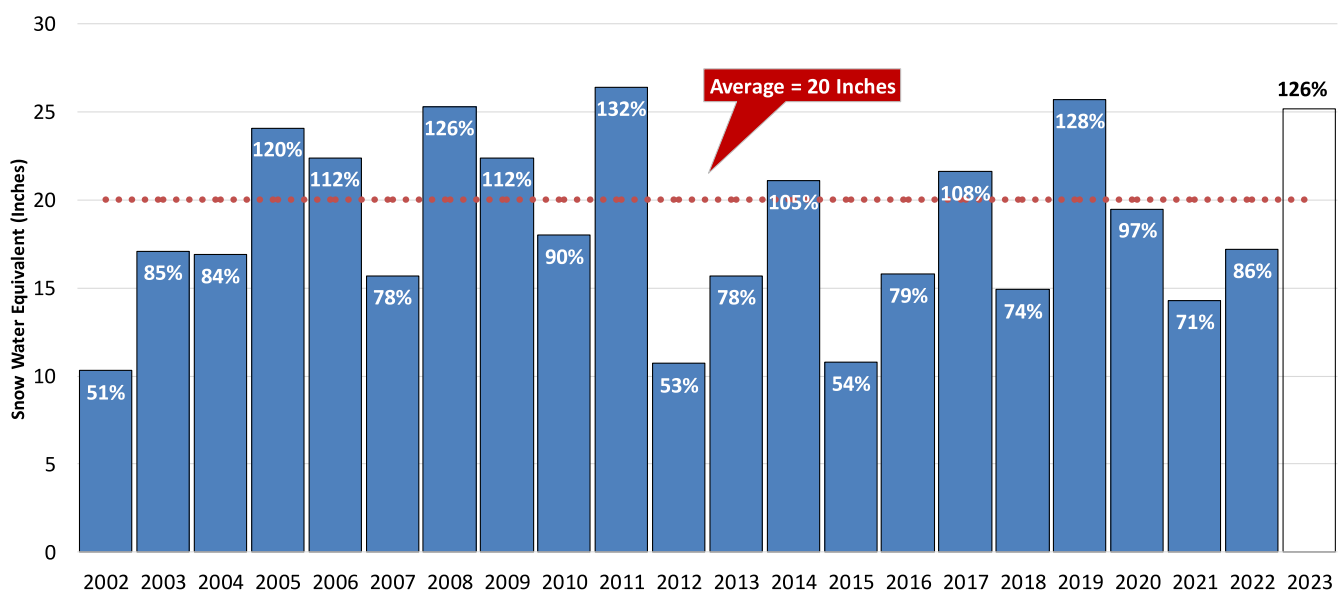
**Lake Powell Unregulated Historical Inflow**



## Colorado River Basin Snow Water Equivalent



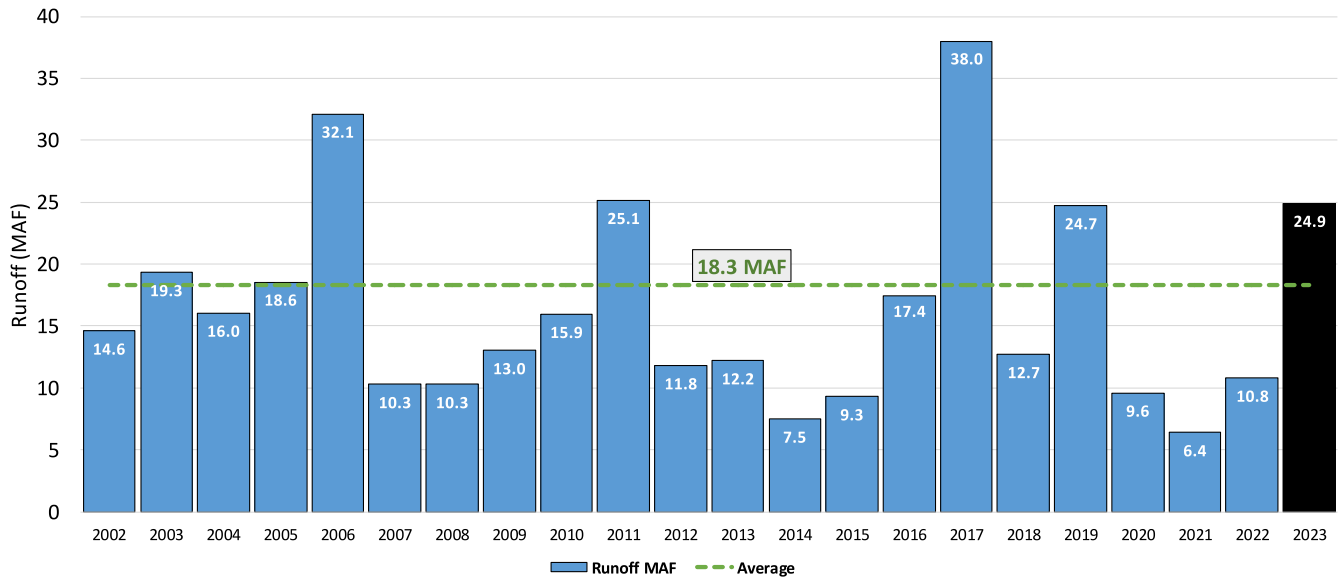
**Historical Colorado Basin April 15th Peak Snow Water Equivalent**





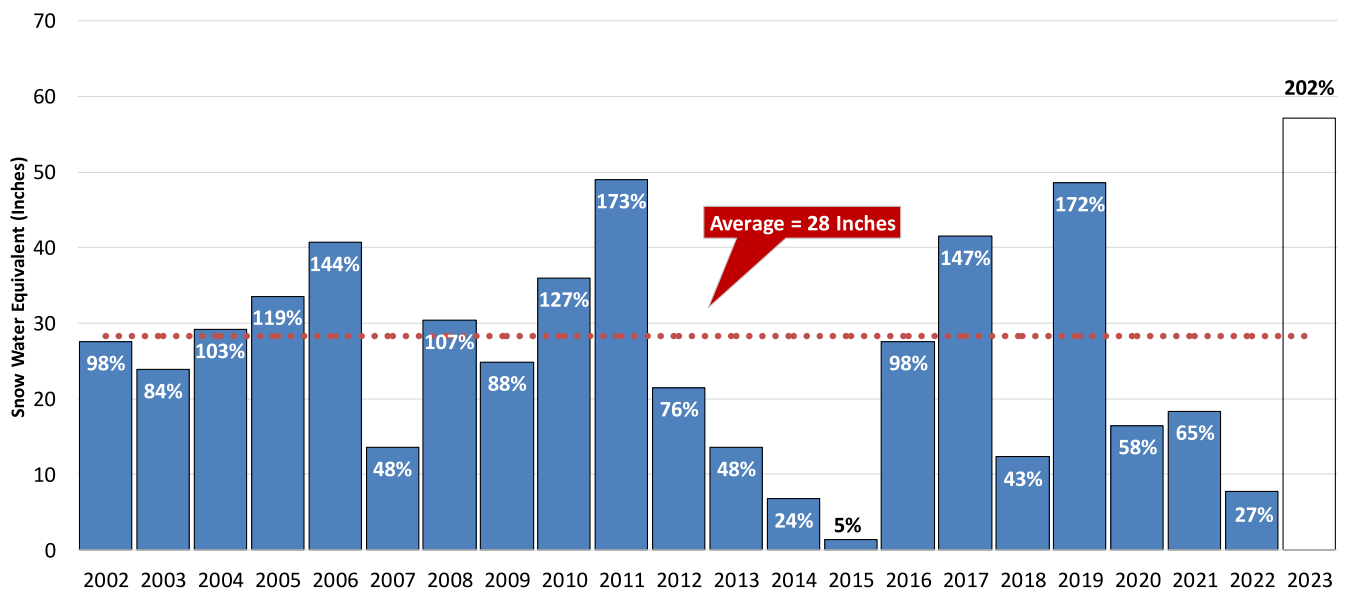
## Northern California Estimated Runoff

**4 River Index Historical Runoff**



## Northern California Snow Water Equivalent

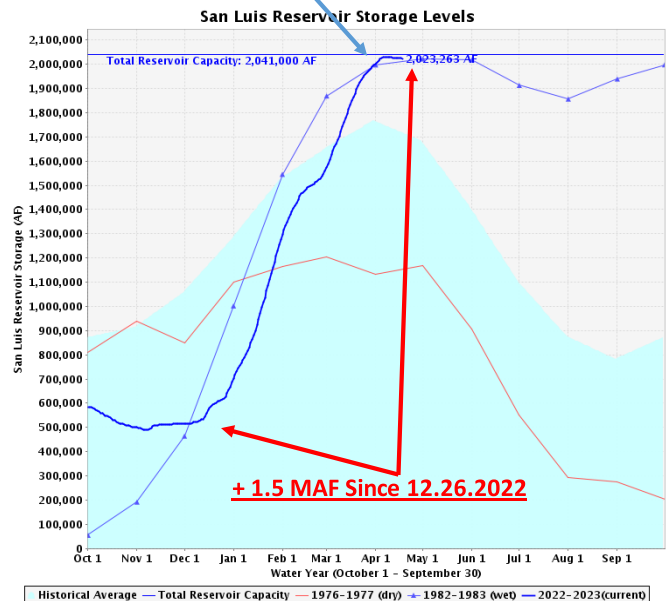
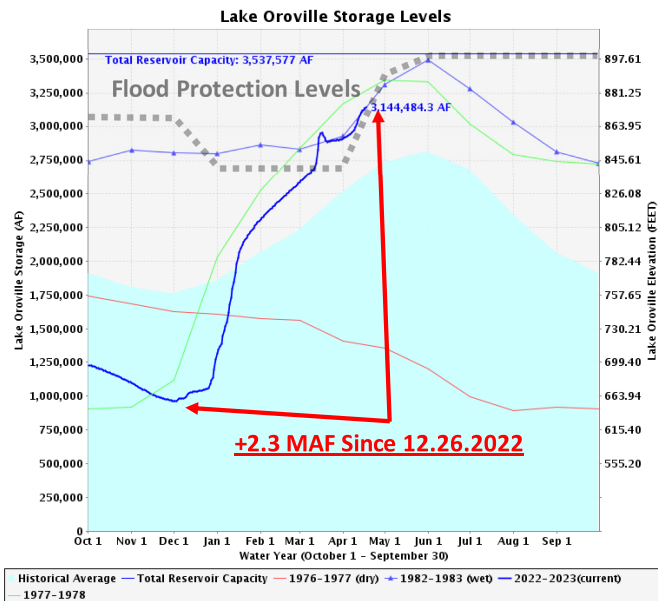
**Historical Northern California April 1st Peak Snow Water Equivalent**



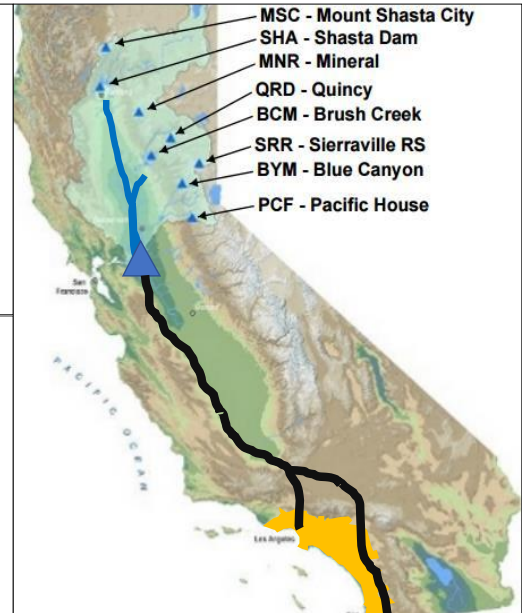
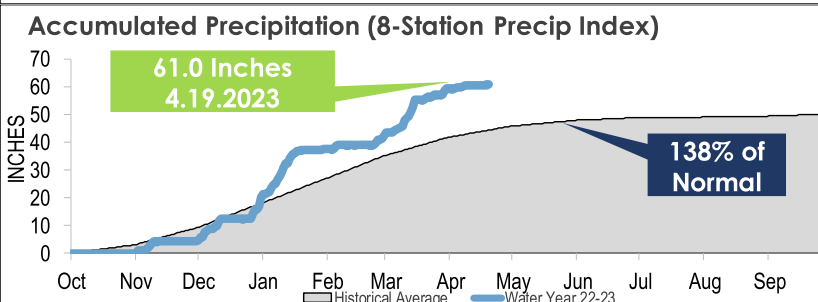
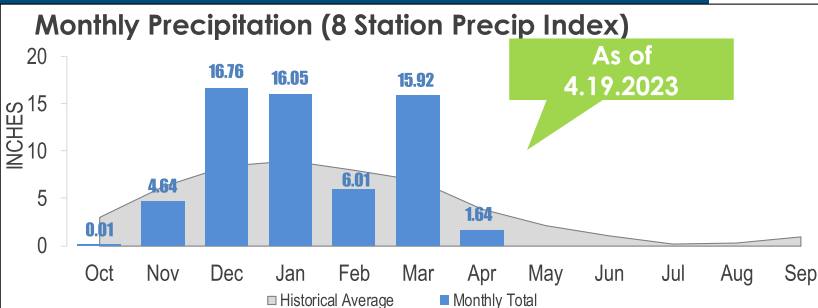
# Lake Oroville Storage and San Luis Storage



Article 21 Made Available 3.24.2023



## Northern California Accumulated Precipitation WY 2023



## **ISSUE BRIEF #C**

**SUBJECT: MET's Water Quality Update**

### **RECENT ACTIVITY**

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#### **Water System Operations**

Metropolitan member agency water deliveries were 61,200 acre-feet (AF) for March with an average of 2,000 AF per day, which was 150 AF per day lower than in February. Treated water deliveries decreased by 500 AF from February for a total of 37,000 AF, or 61 percent of total deliveries for the month. Early in the month, the Colorado River Aqueduct (CRA) transitioned from a four-pump flow to a five-pump flow, with a total of 70,000 AF pumped in March. State Water Project (SWP) imports averaged 1,100 AF per day, totaling about 33,700 AF for the month, which accounted for approximately 55 percent of Metropolitan's deliveries. The target SWP blend shifted to 100 percent for the Weymouth and Diemer plants in preparation for the Lake Mathews shutdown and management of Article 21 supplies. The SWP blend remained at zero percent for the Skinner plant.

#### **Water Treatment and Distribution**

The State Water Project (SWP) target blend entering the Weymouth and Diemer plants transitioned from zero to 100 percent in March to support the Lake Mathews shutdown and maximizing the delivery of Article 21 supplies. Weymouth and Diemer plants implemented operational changes to ensure a smooth transition to the change in source water blend. Also, the increased SWP allocation allowed the Mills plant to switch its source from Diamond Valley Lake to Silverwood Lake. The SWP target entering Lake Skinner remained at zero percent.

Flow-weighted running annual averages for total dissolved solids from January through December 2022 for Metropolitan's treatment plants capable of receiving a blend of supplies from the SWP and the Colorado River Aqueduct were 601, 606, and 603 mg/L for the Weymouth, Diemer, and Skinner plants, respectively.

This month, Metropolitan staff completed annual preventative maintenance for Ozone Contactor #4 and switched over to Ozone Contactor #3 at the Diemer plant. The work included removing quagga mussel shells, cleaning, and testing ozone diffusers. This work is critical to ensure proper functioning of the ozone feed system.

#### **Future Legislation and Regulation**

Metropolitan staff worked with the California-Nevada Section of the American Water Works Association and the California Municipal Utilities Association to provide comments on the Division of Drinking Water's (DDW) proposed revisions to the Notification Level (NL) and Response Level (RL) for manganese in treated drinking water, and the potential impacts to public water systems within Metropolitan's service area and throughout the state. In a March 21 meeting, DDW presented information supporting the revisions. Manganese is a

naturally occurring element and an essential trace nutrient for humans. However, there are concerns that ingestion of high levels can cause neurological effects.

The proposal reduces the existing NL from 500 micrograms per liter ( $\mu\text{g/L}$ ) to 20  $\mu\text{g/L}$  and the RL from 5,000  $\mu\text{g/L}$  to 200  $\mu\text{g/L}$ . The proposed NL of 20  $\mu\text{g/L}$  for manganese is below the U.S. Environmental Protection Agency's Health Advisory of 300  $\mu\text{g/L}$  and the current Secondary Maximum Contaminant Level of 50  $\mu\text{g/L}$  established in California. Based on the State Water Board's data, it is estimated that over 3,700 sources and over 1,900 Public Water Systems will be affected by the proposal. If the proposed values are finalized, Metropolitan will be affected because manganese in some plant effluents occasionally exceeds the proposed NL. Metropolitan staff will continue tracking updates to the manganese NL and RL and other future compliance and regulatory activities.

On March 3, Cal/OSHA released a 45-day Public Comment draft of the Proposed Amendments to Lead Standards in General Industry and Construction (Lead Standards). First proposed in 2011, the rule lowers the Action Level from 30 to 2  $\mu\text{g/m}^3$ , and the Permissible Exposure Limit (PEL) from 50 to 10  $\mu\text{g/m}^3$ . In addition, the standard lowers the threshold for more frequent Blood Level testing for when employees Blood Lead Levels (BLL) reaches 10  $\mu\text{g/dl}$ , as opposed to 40  $\mu\text{g/dl}$ ; and updates the annual medical examination and consultations requirements. Metropolitan complies with the requirements of the Construction Lead standard and has a Lead Management program for employees working with lead. Metropolitan staff are currently reviewing the proposed amendments and working with Phylmar Regulatory Roundtable to prepare comments due April 20, 2023.

On March 8, Metropolitan staff submitted a letter asking DDW to exempt the Eagle, Gene, and Iron Mountain pumping plants from the need to report under the Drought and Conservation Technical Reporting Order (Order No. DDW\_HQ\_Drought2023\_001) (Order). The letter pointed out that SB 552, passed in 2021, exempts Metropolitan's small water systems from the need to conduct drought reporting. DDW has verbally told Metropolitan staff that they will not be honoring this request; therefore, Metropolitan staff is gathering the requisite data to comply with the Order.

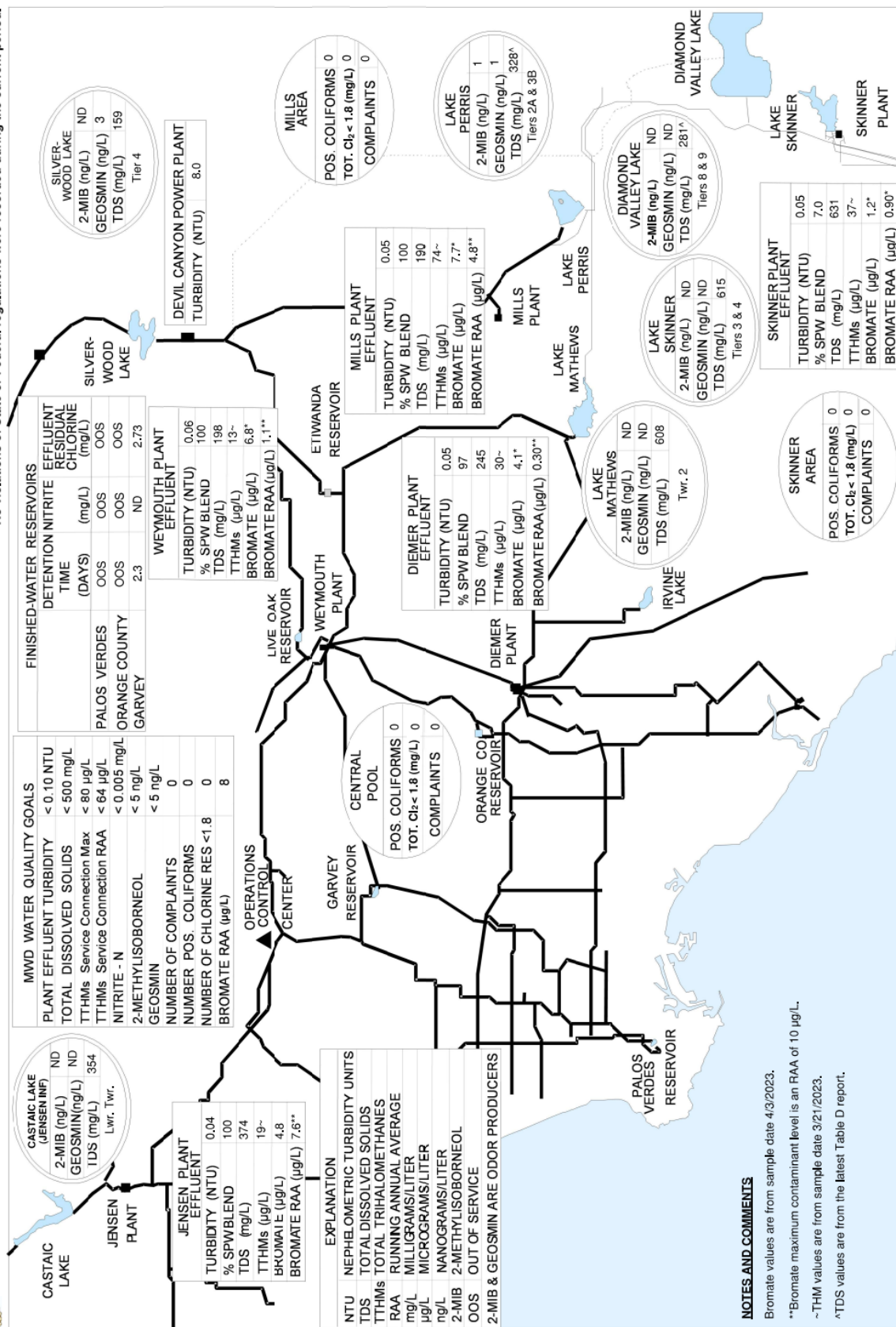
On March 14, the U. S. Environmental Protection Agency (EPA) released draft maximum contaminant levels (MCLs) for PFOA and PFAS at 4 parts per trillion (ppt) each—the detection limit of the EPA's testing method. The proposed rule also set maximum contaminant level goals (MCLGs) for both PFOA and PFOS to 0 ppt. Finally, the EPA proposed regulating PFNA, PFHxS, PFBS, and GenX as a mixture using a Hazard Index value of 1.0. The EPA hopes to finalize the regulation by early 2024 with a three-year compliance timeline from the rule's effective date. Once published in the Federal Register, the 60-day comment period will start. Metropolitan staff is evaluating the impact of the proposed rule on Metropolitan and its member agencies.

Wednesday, April 19, 2023

Generated On:4/19/2023 12:59:28 PM

## THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

No violations of State or Federal regulations were recorded during the current period.



**MWD water quality goals meet or exceed all State and Federal regulations.**

Page 6a

WATER QUALITY INFORMATION LINE: (800) 354-4420  
VISIT MWD ON THE WEB AT <http://www.mwdh2o.com>

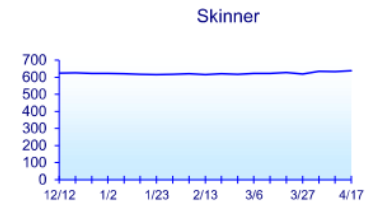
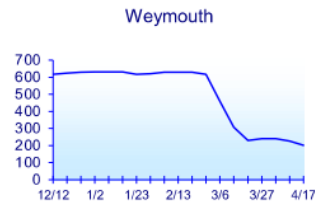
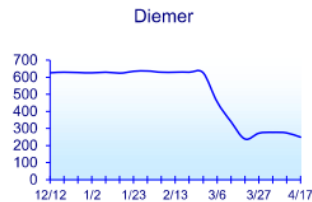
## Water Quality Section Weekly TDS Report

For the week of 4/16/2023

Percent SPW Needed to Achieve TDS Goal of 500 mg/L				Estimated TDS for Reservoirs		
Source Water TDS		SPW Required		Reservoir (Effluent)	Date	mg/L
Plant	CRW	SPW	Percent			
Weymouth	608	159	24%	Lake Havasu (Table D)	2/1/23	639
Diemer	608	159	24%	Lake Mathews (DFPI-LWRFR)	4/17/23	608
Skinner-Silverwood	0	159	314%	Lake Skinner (Outlet Structure)	4/17/23	615
Skinner-Perris	0	328	152%	Castaic Lake (JFP)	4/16/23	354
CRW for Diemer and Weymouth is Lake Mathews and San Jacinto - West Portal for Skinner.				Silverwood (Mills Inf)	4/17/23	159
				Lake Perris (Table D)	2/6/23	328
				DVL Outlet (Table D)	2/13/23	281

### SUNDAY COMPOSITE ESTIMATED TDS FOR 12/11/22 - 04/16/23

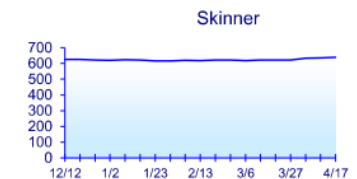
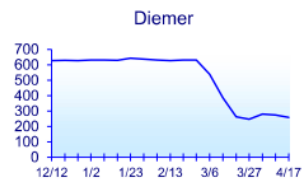
TDS For Week of 4/16	
Plant Eff.	mg/L
Diemer	249
Weymouth	202
Skinner	638
Jensen	374
*Mills	190



Sunday composite estimated TDS measured from plant effluent composite samples collected on Sunday and analyzed for hardness and electrical conductivity. \*Collected on Monday 4/17/2023

### WEEKLY COMPOSITE ESTIMATED TDS FOR 12/11/22 - 04/16/23

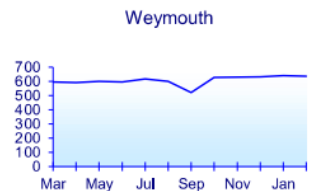
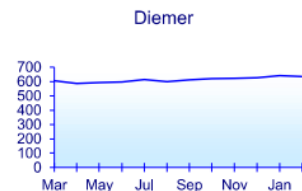
TDS For 4/10 - 4/16	
Plant Eff.	mg/L
Diemer	260
Weymouth	213
Skinner	639



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

### MONTHLY COMPOSITE CALCULATED TDS FOR March 2022 - February 2023

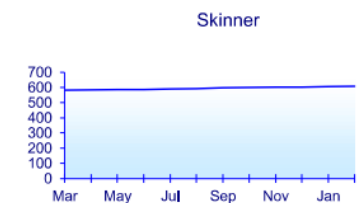
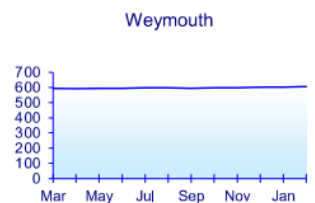
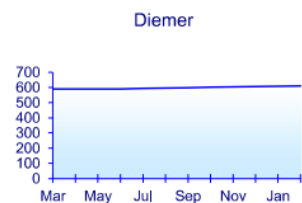
TDS For Feb 2023	
Plant Eff.	mg/L
Diemer	635
Weymouth	638
Skinner	636
Jensen	350
Mills	300



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

### FLOW WEIGHTED RAA TDS FOR March 2022 - February 2023

Flow-Weighted RAA TDS Mar 2022 - Feb 2023	
Plant	mg/L
Diemer	609
Weymouth	605
Skinner	608
Jensen	328
Mills	297



Seasonal flow weighted RAA TDS calculated from plant effluent monthly composite sample for total anions and cations. Results are based on average monthly flows.

## **ISSUE BRIEF #D**

**SUBJECT: Colorado River Issues**

### **RECENT ACTIVITY**

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#### **Reclamation Solicits Input for Phase 2 of the Lower Colorado River Basin System Conservation and Efficiency Programs**

In late 2023, Congress enacted the Inflation Reduction Act (IRA), which authorized \$4 billion for drought relief projects for the Western United States, primarily focused on the Colorado River. The Bureau of Reclamation (Reclamation) has been seeking water conservation projects that could be implemented with IRA funds. Last fall, Phase 1 of the process kicked off, which included funding for short-term conservation projects that could save Colorado River water through 2026. All the major agricultural agencies in California, as well as native American tribes, submitted conservation proposals. Reclamation is in the process of evaluating those proposals and is expected to begin implementing some of the conservation measures within the next few months. On March 23, Reclamation sent a pre-solicitation letter to interested parties seeking input on development of the next phase of its program, which is focused on longer-term system efficiency improvements that provide water savings beyond 2026. Comments are due to Reclamation by April 6. Metropolitan obtained input from its member agencies and will be working with other Lower Basin contractors to submit comments to Reclamation, which indicated that the formal solicitation for projects will be released later this spring. Metropolitan plans to submit projects for funding when that solicitation is released.

In addition to seeking projects for IRA funding, Reclamation anticipates releasing its draft Supplemental Environmental Impact Statement (SEIS) to modify the 2007 Interim Guidelines later in April 2023. When the draft SEIS is released, Metropolitan staff will provide a synopsis of the document and will be preparing comments. It is anticipated that comments would be due 45 days after the release of the draft SEIS. Reclamation is still on track to issue a Record of Decision in July 2023, which could affect Colorado River operations beginning in 2024. At the same time, Reclamation continues to work on the Draft EIS for the post-2026 Guidelines, with a draft EIS anticipated by the end of next year. Metropolitan staff will keep the Board informed as these critical activities move forward.

## **ISSUE BRIEF #E**

**SUBJECT: Delta Conveyance Activities and State Water Project Issues**

### **RECENT ACTIVITY**

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#### **Delta Conveyance**

The public comment period for the Delta Conveyance Project Draft Environmental Impact Report (EIR) closed on December 16, 2022. The Department of Water Resources (DWR) received more than 700 unique comment letters with over 6,000 individual comments. DWR is continuing efforts to organize the comments and develop responses. The Final EIR is expected at the end of 2023 and will include responses to all substantive comments on the Draft EIR as well as edits, as appropriate, to respond to the comments.

The U.S. Army Corps of Engineers (USACE), as part of its permitting review under the Clean Water Act and Rivers and Harbors Act, released a draft Environmental Impact Statement (EIS) to comply with the National Environmental Policy Act for a public review that ended on March 16. USACE is starting the initial organization of the comments received.

#### **Sites Reservoir**

In their March joint meetings, the Sites Project Authority Board (Authority Board) and the Sites Reservoir Committee (Reservoir Committee) authorized the submittal of the U.S. Environmental Protection Agency's (USEPA) Water Infrastructure Finance and Innovation Act (WIFIA) application. Although the application does not constitute commitment to a WIFIA loan, it does initiate an approximate 12-month negotiation process with the USEPA regarding the loan agreement. After receiving the application, USEPA WIFIA staff will begin an in-depth review of the project and the Sites Authority's credit.

The Reservoir Committee and Authority Board also approved the submittal of the California Independent System Operator (CAISO) interconnection request application. The Sites Reservoir Project will require power for day-to-day operations and will generate incidental power upon releases of water from the reservoir, which is expected to offset about half of the power needs. The proposed interconnection request would put the project into the long line of requests and initiate a lengthy study process that can take more than two years to complete. By interconnecting with CAISO directly, the project would have the ability to engage in the wholesale electrical energy market, which has the potential to be more cost-effective than going through Pacific Gas & Electric.

#### **Science Activities**

Metropolitan staff continued work with researchers from UC Davis to implement the second deployment of the Delta Smelt Pilot Propagation Study on Bouldin Island. The purpose of the study is to evaluate whether the impoundments on Metropolitan islands can be leveraged to



conduct Delta Smelt Supplementation Research. Metropolitan staff conducted field sampling of the Delta smelt in the study impoundments on Bouldin Island. The fish appear to be thriving with good survival and growth.

Metropolitan staff attended the 2023 Interagency Ecological Program Annual Workshop. The workshop included sessions on native fish species in the Delta, habitat restoration, water quality, food web, and invasive aquatic plants. The workshop included multiple presentations and posters reporting on collaborative science studies among Metropolitan and state and federal agencies, university researchers, and consulting experts. Metropolitan staff also attended the Cal-Neva American Fisheries Society Annual Meeting in Long Beach, CA. The meeting showcased some work from the Central Valley and the Santa Ana River watersheds addressing listed species and habitat restoration.

Metropolitan staff continued to work on Phase 3 of the Reorienting to Salmonid Recovery project. In this phase, participants will develop an agreed-upon suite of priorities for salmonid recovery. Metropolitan staff is organizing intensive workshops where participants work in groups using web applications developed to evaluate model output sensitivity to different salmonid management scenarios. These online tools will help participants better understand and address the tradeoffs associated with different suites of recovery actions and objectives to enable implementation. The first workshop took place in March, and two to four additional workshops will be held between May and December 2023.

### **Regulatory Activities**

Metropolitan staff continued to participate in the collaborative science groups set up to inform implementation of the 2019 Biological Opinions (BiOp) for the State Water Project (SWP) and Central Valley Project, and the 2020 Incidental Take Permit (ITP) for long-term operation of the SWP. In March, Metropolitan staff participated in Delta Coordination Group meetings with state and federal water contractors, resource agencies, and fisheries agencies to develop tentative recommendations on the implementation of Summer Fall Habitat Actions for Delta Smelt as mandated by the BiOp and ITP. Recommendations are tentative as water year designation is not yet official and the actions are contingent on water year type.

Metropolitan staff is participating on a Science Committee developing the Voluntary Agreement Science Plan. This plan provides the framework and specific approach for evaluating the outcomes of the flow and non-flow measures proposed as part of the Voluntary Agreements for the Sacramento River, Delta, and Tributary update to the San Francisco Bay/Sacramento-San Joaquin Delta Water Quality Control Plan. The science plan builds on an initial framework describing the metrics, monitoring, and outcomes for Voluntary Agreement commitment actions provided to the State Water Resources Control Board in October 2022, and provides additional detail on the hypotheses, metrics, existing monitoring programs, and the approach for analyses that will be leveraged for understanding outcomes of Voluntary Agreement actions.

**Delta Island Activities**

Metropolitan staff is working internally to coordinate submission of a full grant application to the Delta Conservancy's Nature Based Solutions: Wetland Restoration Grant Program for a \$20 million grant that will fund development of a mosaic of managed flooded wetlands and rice fields on Webb Tract to stop subsidence, reduce greenhouse gas emissions and generate income from carbon credits and lease agreements. Metropolitan staff plans to update the Board at the April BayDelta Subcommittee meeting. The Delta Conservancy Board will consider the Webb Tract grant application at their July Board meeting.

**Ecosystem Restoration**

The Delta Stewardship Council is working with diverse groups of interests to develop a draft Adaptation Strategy for the Delta Adapts Initiative, which is focused on understanding climate change risks in the Delta and developing adaptation strategies. Metropolitan staff participated in the Delta Adapts Ecosystem Focus Group #3 on March 13, which focused on presenting ecosystem adaptation scenarios and refining criteria that will be used to prioritize projects in the Delta region.

**Summary Report for  
The Metropolitan Water District of Southern California  
Board Meeting  
April 11, 2023**

**CONSENT CALENDAR ITEMS – ACTION**

Adopted CEQA determination that the proposed action was previously addressed in the Mitigated Negative Declaration and related CEQA actions, and (a) Awarded an \$8,656,568 contract to Granite Construction Company for construction of structural protection measures at 24 cut-and-cover conduit locations along the Colorado River Aqueduct; (b) Authorized an agreement with Environmental Science Associates in an amount not to exceed \$1,200,000 for biological surveys and environmental monitoring; and (c) Authorized an agreement with Deto, Inc. in an amount not to exceed \$325,000 for compensatory environmental mitigation credits. **(Agenda Item 7-1)**

Awarded a \$6,174,000 contract to West Valley Investment Group for seismic upgrades to the Foothill Hydroelectric Plant and Control Building. **(Agenda Item 7-2)**

(a) Authorized an agreement with Stantec Consulting Services, Inc., for a not-to-exceed amount of \$900,000, for detailed seismic analysis of the Lake Skinner outlet tower; and (b) Awarded a \$1,174,475 procurement contract to B&K Valves and Equipment, Inc. for the replacement of two valves at the Lake Skinner outlet tower. **(Agenda Item 7-3)**

Authorized an amendment to an existing agreement with Brown & Caldwell, for a \$475,000 increase to a new not-to-exceed amount of \$715,000, to investigate potential modifications to Metropolitan's existing East-West conveyance and distribution system. **(Agenda Item 7-4)**

Authorized an increase of \$5.4 million to an existing agreement with Arcadis U.S., Inc., for a new not-to-exceed total amount of \$6.35 million, for engineering design services to rehabilitate Garvey Reservoir. **(Agenda Item 7-5)**

Authorized an agreement with Canary Systems California, LLC, for an amount not to exceed \$1.95 million to upgrade the data acquisition systems at Diamond Valley Lake and Garvey Reservoir. **(Agenda Item 7-6)**

Authorize the General Manager to enter into an agreement with Western Municipal Water District, Rubidoux Community Services District, West Valley Water District, and San Bernardino Valley Municipal Water District to provide Rubidoux Community Services District assistance with water deliveries. **(Agenda Item 7-7) (DEFERRED 4/4/23)**

(a) Approved the draft of Appendix A (Attachment 1) attached to this board letter with a modification to page A-24 to delete the words, "and is owned by;" (b) Authorized the General Manager, or other designee of the Ad Hoc Committee, to finalize, with changes approved by the General Manager and General Counsel, Appendix A; and (c) Authorized distribution of Appendix A, finalized by the General Manager or other designee of the Ad Hoc Committee, in connection with the sale or remarketing of bonds. **(Agenda Item 7-8)**

Adopted resolutions fixing and adopting a Readiness-to-Serve Charge and a Capacity Charge for calendar year 2024. **(Agenda Item 7-9)**

Reviewed and considered the Lead Agency's adopted Mitigated Negative Declaration and Addendum and take related CEQA actions, and adopted resolution for the 112th Fringe Area Annexation concurrently to EMWD and Metropolitan. **(Agenda Item 7-10)**

Approved the awarded of a four-year contract for external audit services with Macias Gini O'Connell, LLP, for the not-to-exceed amount of \$1,600,090. **(Agenda Item 7-11)**

Approved proposed amendment to Administrative Code Section 6450 regarding individual Board member requests for audit assignments. **(Agenda Item 7-12)**

Authorized a credit of up to \$200,000 to Western Municipal Water District for treatment surcharge costs incurred due to the unexpected extension of a Metropolitan shutdown. **(Agenda Item 7-13)**

Authorized the General Manager to support if amended, and co-sponsor if amendments are made (AB 1572 (Friedman): Potable water: nonfunctional turf). **(Agenda Item 7-14)**

Adopted Policy Principles for Modernization of Water Rights Administration in California to Enhance Enforcement and Protect Supply Reliability. **(Agenda Item 7-15)**

Approved the nomination and naming of Metropolitan's Boardroom in honor of former Metropolitan Board Chair Phillip J. Pace. **(Agenda Item 7-16)**

#### **CONSENT CALENDAR OTHER ITEMS – ACTION**

There were no Committee Assignments. **(Agenda Item 5B)**

#### **OTHER MATTERS AND REPORTS**

Presentation of Commendatory Resolutions for Directors Phillip D. Hawkins and Robert Apodaca both representing Central Basin Municipal Water District; Randy Record representing Eastern Municipal Water District; Steve Blois representing Calleguas Municipal Water District; Satoru Tamaribuchi representing Municipal Water District of Orange County; and Harold C. Williams representing West Basin Municipal Water District for their service during their terms as Metropolitan's Board of Directors. **(Agenda Item 5G (MAILED))**

Presentation of 10-year Service Pin to Director Cynthia Kurtz, City of Pasadena. **(Agenda Item 5H)**

Presentation of 15-year Service Pin to Director Linda Ackerman, Municipal Water District of Orange County. **(Agenda Item 5H)**

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

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

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