

WORKSHOP MEETING OF THE
BOARD OF DIRECTORS WITH MET DIRECTORS
MUNICIPAL WATER DISTRICT OF ORANGE COUNTY
18700 Ward Street, Conference Room 101, Fountain Valley, California
November 1, 2023, 8:30 a.m.

This meeting will be held in person at 18700 Ward Street, Fountain Valley, California, 92708 (Conference Room 101). 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

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. 2143

PRESENTATION/DISCUSSION ITEMS

1. PRESENTATION BY METROPOLITAN STAFF ON THE 20TH ANNIVERSARY OF THE QUANTIFICATION SETTLEMENT AGREEMENT

Recommendation: Review and discuss the information presented.

2. LEGISLATIVE ACTIVITIES

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

INFORMATION ITEMS

4. 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 Issue
- b. MET’s Water Supply Condition Update
- c. MET’s Water Quality Update
- d. Colorado River Issues
- e. Delta Conveyance Activities and State Water Project Issues

Recommendation: Review and discuss the information presented.

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

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

Recommendation: Review and discuss the information presented.

ADJOURNMENT

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



DISCUSSION ITEM
November 1, 2023

TO: Board of Directors

FROM: Harvey De La Torre, Interim General Manager

Staff Contact: Melissa Baum-Haley

SUBJECT: PRESENTATION BY METROPOLITAN STAFF ON THE 20TH ANNIVERSARY OF THE QUANTIFICATION SETTLEMENT AGREEMENT

STAFF RECOMMENDATION

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

REPORT

In 2003, California took a significant step toward achieving sustainability in its use of Colorado River water by reducing its consumption to its basic apportionment of 4.4 million acre-feet of river water. Prior to this, California had been using more than its allocated share by relying on surplus water and unused water by neighboring states like Arizona and Nevada.

The 2003 Quantification Settlement Agreement (QSA) was a groundbreaking accord that played a pivotal role in addressing water management issues in the region. This agreement resolved longstanding disputes and facilitated the transfer of water from agricultural use to urban areas. It also provided funding for the lining of canals like the All-American and Coachella canals to reduce water seepage, which helps conserve water. The QSA also led to partnerships between California and Metropolitan.

As a result of the QSA and related agreements, new agricultural conservation measures were implemented in California. Through partnerships developed with agricultural agencies, Metropolitan pays participating farmers to conserve water while also ensuring the continued success of the agricultural economy. The water saved through these programs, which include partial land fallowing, crop rotation and irrigation improvements, is then made available to Metropolitan. These efforts provide Metropolitan greater flexibility to plan for and withstand times of shortage.

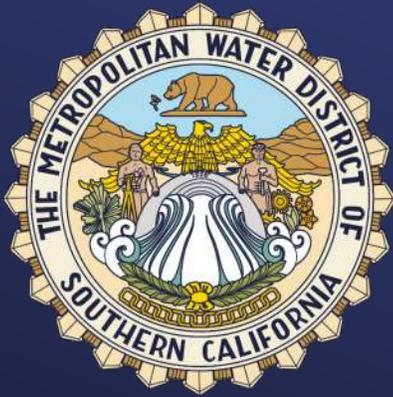
Budgeted (Y/N): N/A	Budgeted amount: None	Core <u>X</u>	Choice <u> </u>
Action item amount: N/A	Line item:		
Fiscal Impact (explain if unbudgeted):			

October 2023 marks the 20th anniversary of the QSA, which has been a critical milestone in a new era of collaboration among the states that rely on the Colorado River for their water supply. It reflects a shift toward more sustainable and equitable management of this important water source.

Metropolitan staff has been invited to provide a review of the QSA, how Metropolitan reduced Colorado River reliance by 800 TAF, storage in Lake Mead, and the continued adaptation of programs to augment our Colorado River supplies.

Attachments:

Attachment A – Presentation on 20th Anniversary of the QSA

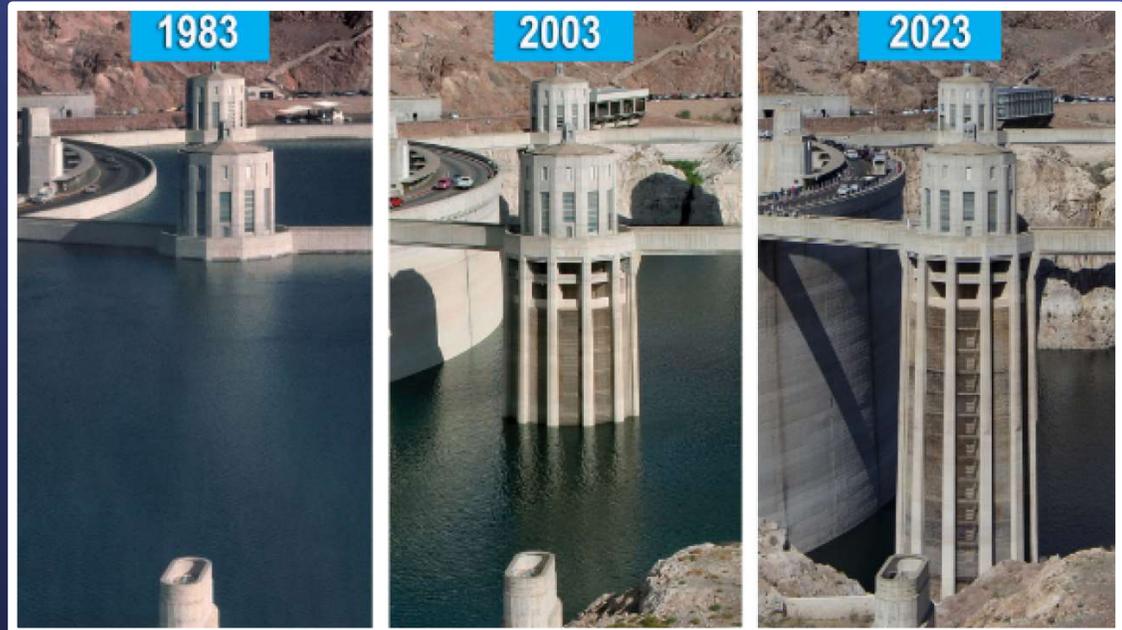


One Water and Stewardship Committee

The 20th Anniversary of the Quantification Settlement Agreement

Item 6a
October 9, 2023

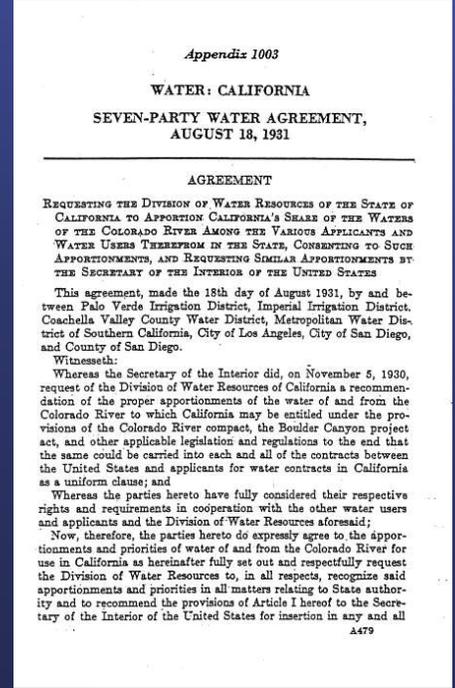
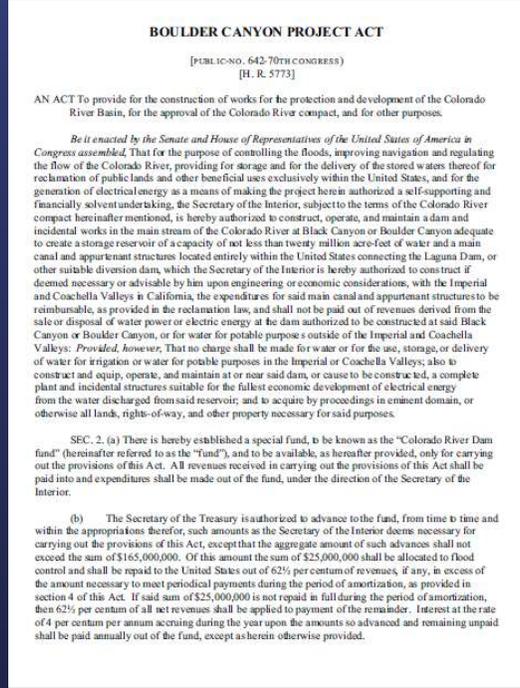
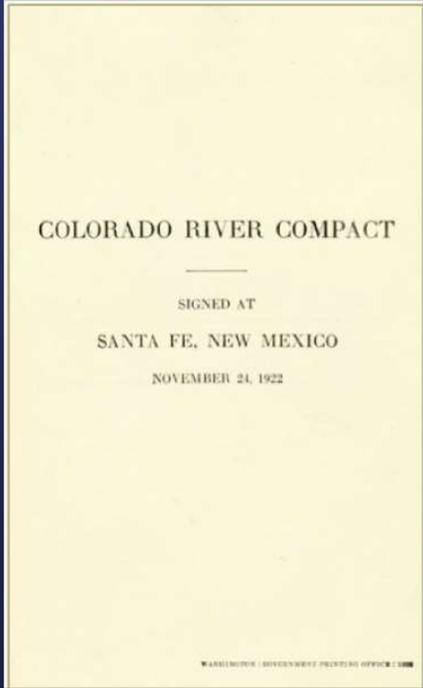
Changing
Conditions
Challenged the
Historic
Framework



1922 Colorado River Compact

1928 Boulder Canyon Project Act

1931 Seven Party Agreement



October 9, 2023

One Water and Stewardship Committee

Item 6a Slide 3

Metropolitan is the Junior Priority User in California With Access to Surplus, But Higher Priorities Were Unquantified

California Priority System (1931)

- 1. Palo Verde Irrigation District
 - 2. Yuma Project
 - 3. (a) Imperial Irrigation District
Coachella Valley Water District
(b) Palo Verde Irrigation District
 - 4. Metropolitan Water District
- Total CA Basic Apportionment 4.4 MAF**
- 5. Metropolitan Water District 0.662 MAF



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One Water and Stewardship Committee

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The 1988 Imperial Irrigation District – Metropolitan Water Transfer

Many Lessons Were Learned



- Demonstrated that transfers could help fill Colorado River Aqueduct
- Funded IID System Conservation (~105 TAFY)
- Unfortunately, MWD sometimes didn't get the benefit
- Quantification would provide greater certainty for future transfer programs

October 9, 2023

One Water and Stewardship Committee

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Highlights



Quantification Settlement Agreement

- All American and Coachella Canal Lining
- San Luis Rey Indian Rights Settlement
- Water Conservation, Banking and Transfers
 - IID to San Diego County Water Authority
 - IID to Coachella Valley Water District
- Mitigation of the Salton Sea
- **Quantification** of Coachella Valley Water District and Imperial Irrigation District, but not Palo Verde Irrigation District

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New Era of Cooperation

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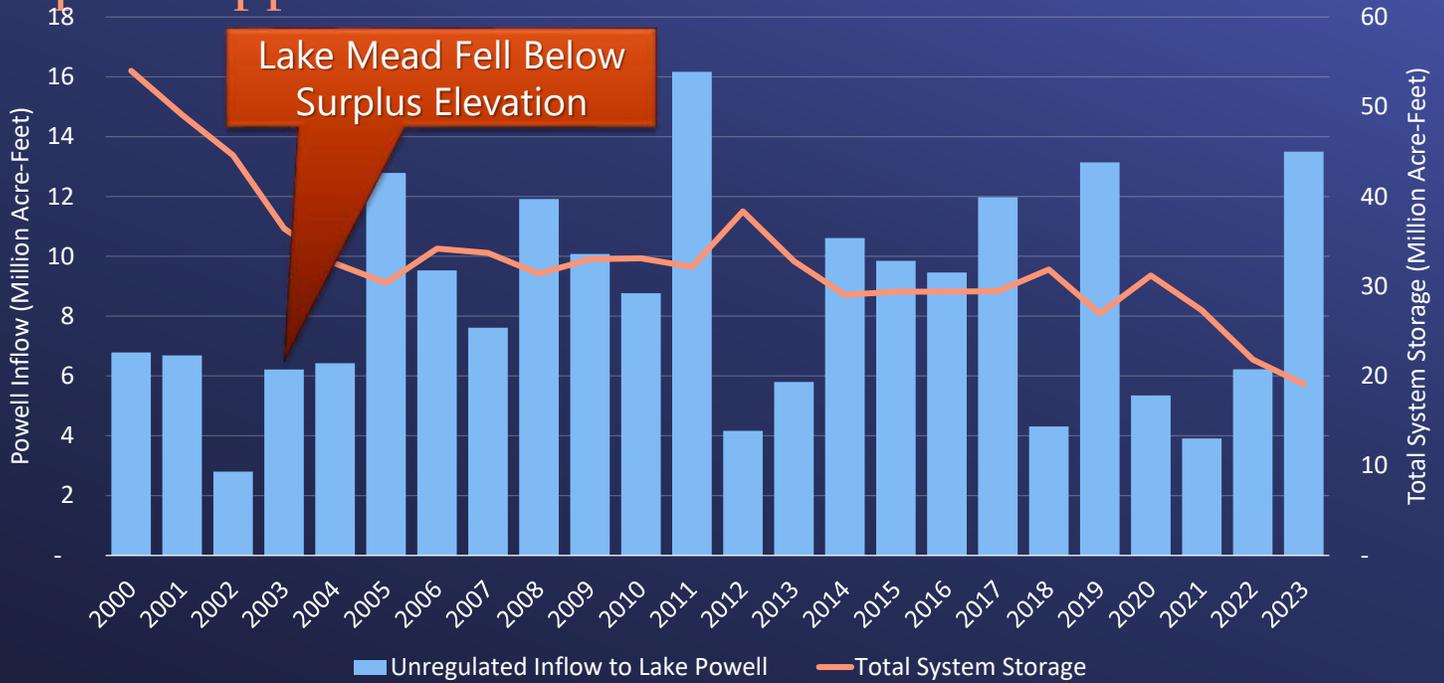
20 Years of California at 4.4 MAF

October 9, 2023

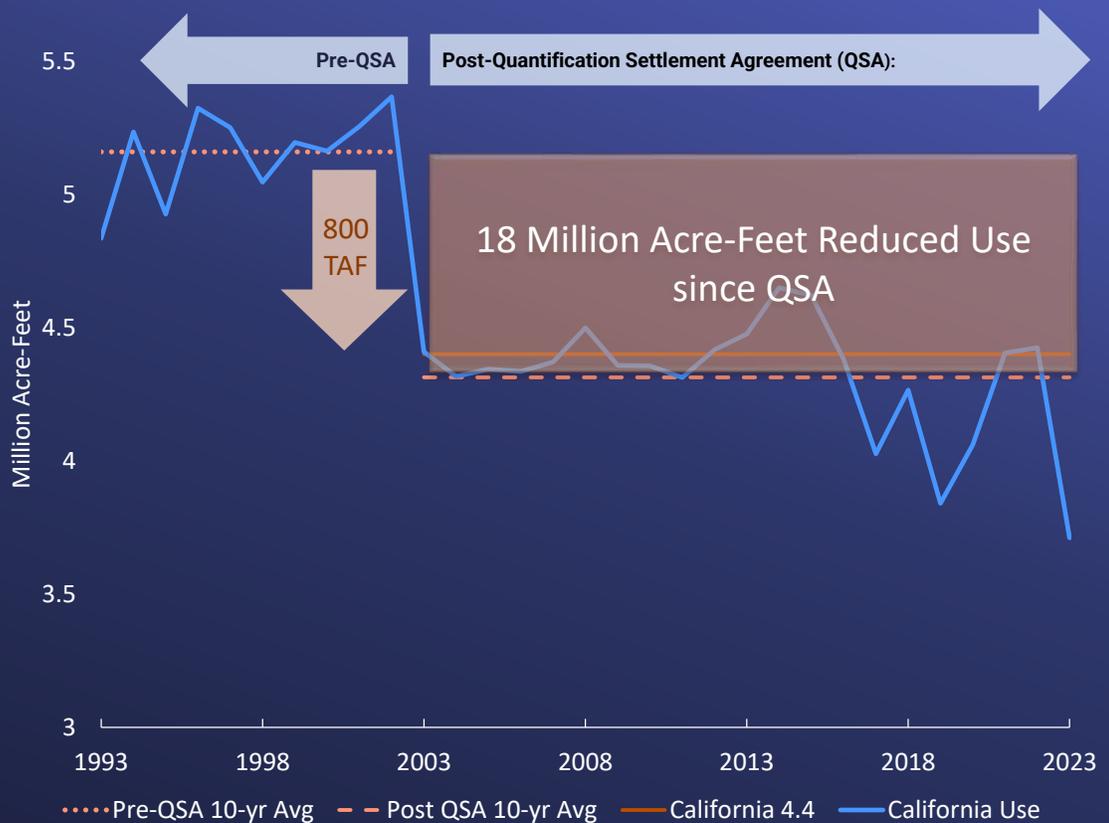
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5 Years of Low Runoff Reduced System Storage Surplus Supplies Did Not Materialize



Reduced Colorado River Reliance by 800,000 AF



Continued Adaptation 2003 - 2013

2004 Water Sharing Agreement with SNWA

2005 PVID Fallowing Program Quechan Settlement Agreement/Forbearance

2007 Storage in Lake Mead Lower Colorado Water Supply Project

2008 Brock Reservoir (MWD funds system efficiency)

2010 Yuma Desalting Plant Pilot run (MWD funds system efficiency)

2012 Minute 319 (MWD funds conservation in Mexico)

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Continued Adaptation 2014 - 2023

2014 Implementation of Water Sharing Agreement with IID

2016 Bard Seasonal Fallowing Pilot

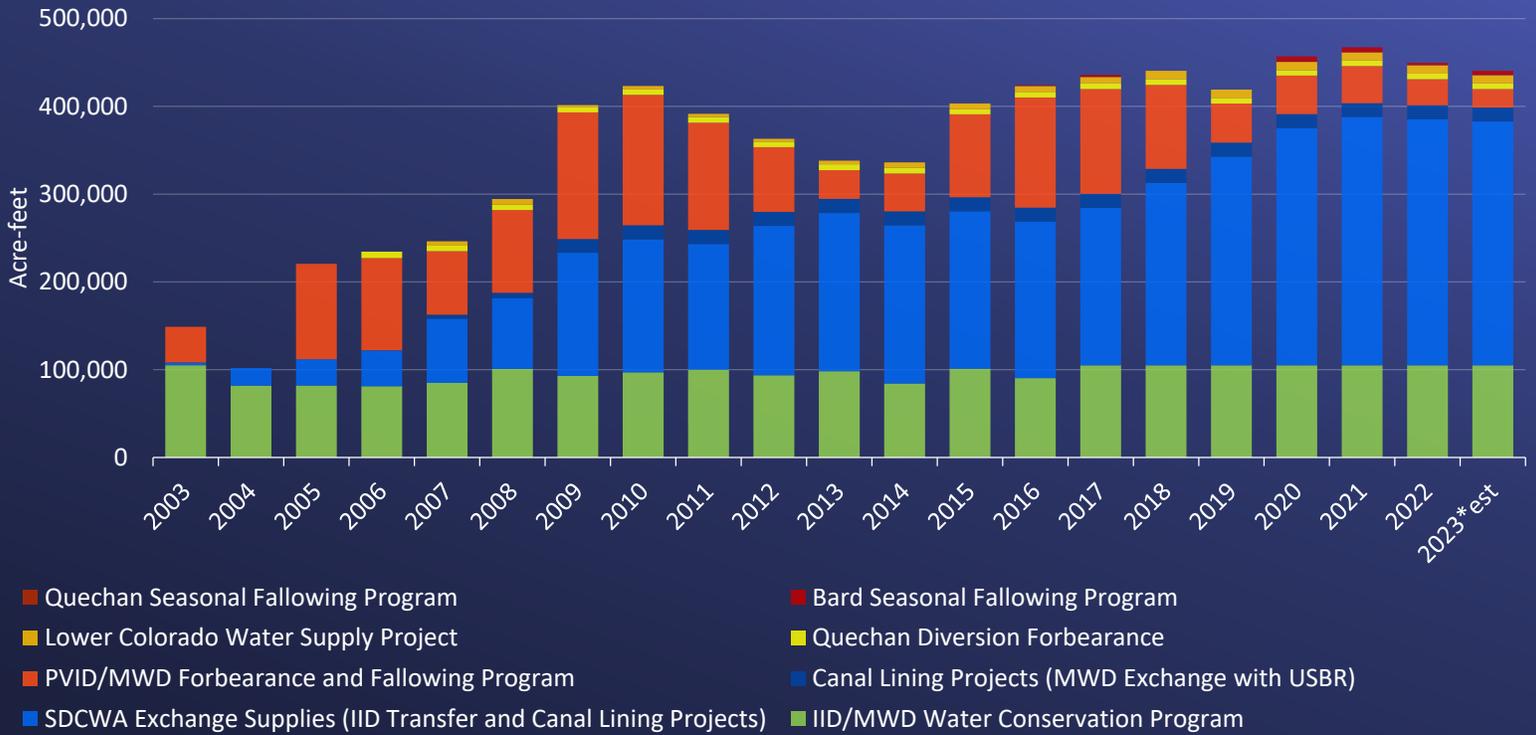
2017 Minute 323 (MWD funds conservation in Mexico)

2019 Drought Contingency Plan (guaranteed access to storage at lower Lake Mead elevations)

2022 Quechan Seasonal Fallowing Pilot

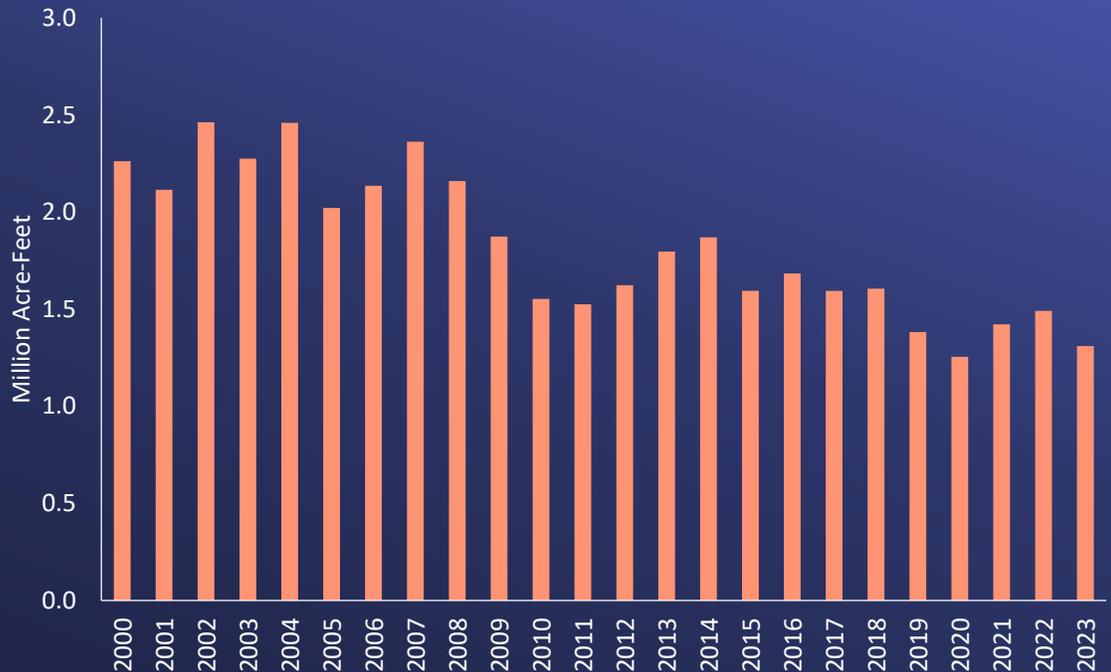
October 9, 2023 One Water and Stewardship Committee Item 6a Slide 12

Rebuilding A Base of Supplies Through Programs



Metropolitan
Has Worked
to Reduce
Demand for
Imports

Metropolitan Fiscal Year Sales

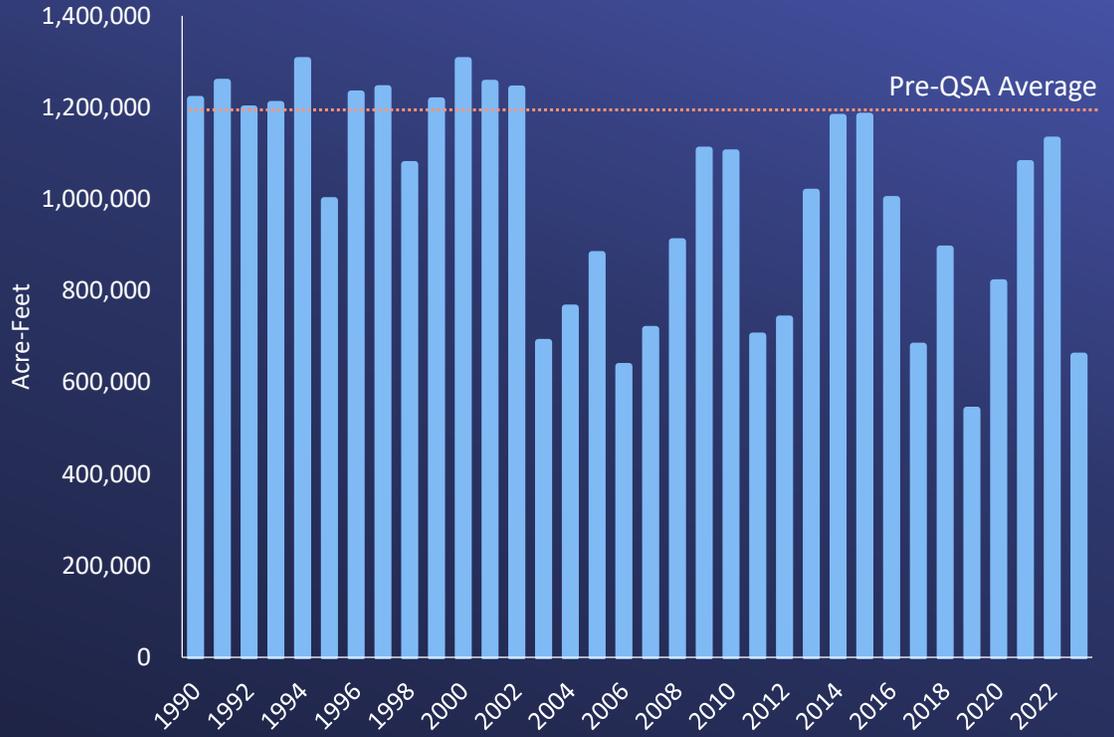


Full Aqueduct When Needed



October 9, 2023

Colorado River Aqueduct Flows



One Water and Stewardship Committee

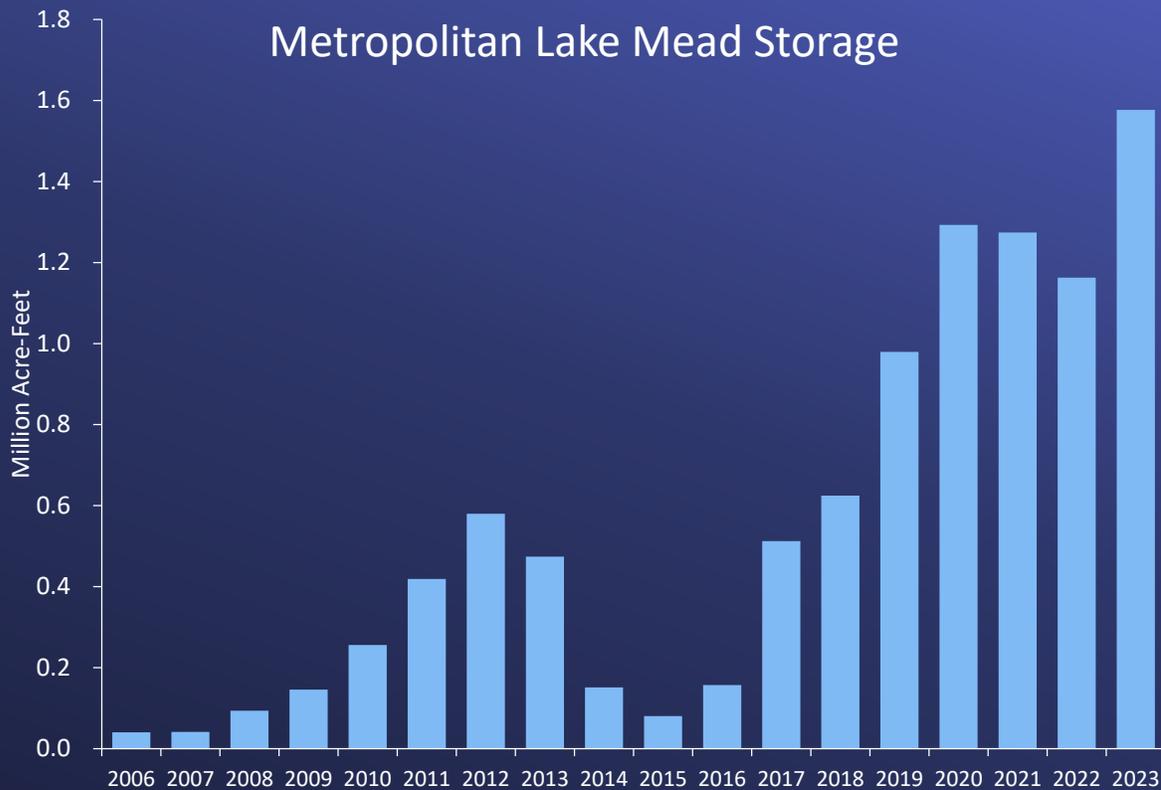
*2023 CRA flows are estimated

Lake Mead Storage Put a lot Take a Little



October 9, 2023

Metropolitan Lake Mead Storage



One Water and Stewardship Committee

Summary of Living without Surplus

- California permanently reduced its use of Colorado River water by 800,000 acre-feet per year
- QSA allowed programs to be developed that augment our Colorado River Supplies
- With storage in Lake Mead, we can fill the aqueduct when needed
- A framework others can learn from

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One Water and Stewardship Committee

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California continues to live within its 4.4 million acre-feet per year



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One Water and Stewardship Committee

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

Speaker of the House

On October 25th, House Republicans elected Mike Johnson (R-LA) as the new Speaker of the House, after Steve Scalise (R-LA), Jim Jordan (R-OH), and Tom Emmer (R-MN) all failed to garner enough support for the gavel over the last 22 days.

Prior to becoming Speaker, Johnson served as vice chair of the GOP conference — but was seen by hardline conservatives as somewhat outside the mainstream party leadership mentality that some of them faulted McCarthy for embodying. He sat on the House Armed Services and House Judiciary Committees. He is the first Speaker from Louisiana and is also the first Speaker since 2007 to win the speakership without serving as committee chair or in a top leadership position. Johnson is the first member of the House Judiciary Committee in modern times to win the gavel.

Appropriations

Shortly before being elected as Speaker, Congressman Johnson sent a letter to his Republican colleagues laying out his approach for the appropriations process. In that letter, he noted that his goal is for the House to pass all 12 appropriations bills between now and then end of the calendar year to strengthen its negotiating position with the Senate and White House. If the House is unable to accomplish this before the current Continuing Resolution (CR) expires on November 17th, Johnson supports another CR that would fund the government through January 15th or April 15th (whichever the conference prefers).

There is growing energy around attaching an extension of the Farm Bill to a future CR as well as security funding for Ukraine, Israel, Taiwan, and the U.S.-Mexico border. The inclusion of some or all of these components could complicate passage of a CR in which case they would likely be punted and dealt with on whatever government funding vehicle follows the next CR.

With the House's functional ability restored, Speaker Johnson has laid out his proposed agenda/timeline for the remainder of the appropriations process:

- Week of 10/23 – Energy and Water (this bill contains the text of Congressman Valadao's WATER for California Act)
- Week of 10/30 – Legislative Branch, Interior and Environment, Transportation
- Week of 11/6 – Commerce Justice Science, Financial Services
- Week of 11/13 – Labor/HHS, Agriculture

Colorado River

On October 19th, the Reclamation published the next step for Colorado River Basin operations post-2026. The document, which catalogues all of the public comments that Reclamation received for post-2026 operations, is essentially a framework for the seven basin states to begin negotiating operating guidelines. When finished, the new operating plan is expected to guide the next 20 years of water allocations.

The report also identified key elements of a new operation plan such as coordinated operations between Lake Powell and Lake Mead, guidelines for storage and delivery of water from those reservoirs, and conservation of water by all users using extraordinary measures.

This process will lead up to Reclamation publishing a draft environmental impact statement (EIS) in late 2024 with a record of decision to follow some time in 2025.

On October 25th, Reclamation also released a draft SEIS for Colorado River operations through 2026. Reclamation's press release is inserted below:

***WASHINGTON** — The Biden-Harris administration today announced next steps in the Administration's efforts to protect the stability and sustainability of the Colorado River System and strengthen water security in the West. The Department of the Interior's Bureau of Reclamation released a revised [draft Supplemental Environmental Impact Statement \(SEIS\)](#) as part of the ongoing, collaborative effort to update the current interim operating guidelines for the near-term operation of Glen Canyon and Hoover Dams to address the ongoing drought and impacts from the climate crisis.*

In order to protect Glen Canyon and Hoover Dam operations, system integrity, and public health and safety through 2026 – at which point the current interim guidelines expire – an initial draft SEIS was [released](#) in April 2023. Following a [historic consensus-based proposal](#) secured by the Biden-Harris administration in partnership with states – which committed to measures to conserve at least 3 million-acre-feet (maf) of system water through the end of 2026 enabled by funding from President Biden's Investing in America agenda – Reclamation temporarily withdrew the draft SEIS to allow for consideration of the new proposal.

Today's revised draft SEIS includes two key updates: the Lower Basin states' proposal as an action alternative, as well as improved hydrology and more recent hydrologic data. The release of the revised draft SEIS initiates a 45-day public comment period.

*“Throughout the past year, our partners in the seven Basin states have demonstrated leadership and unity of purpose in helping achieve the substantial water conservation necessary to sustain the Colorado River System through 2026,” said **Deputy Secretary Tommy Beaudreau**, who led negotiations on behalf of the Administration. “Thanks to their efforts and historic funding from President Biden's Investing in America agenda, we have staved off the immediate possibility of*

the System’s reservoirs from falling to critically low elevations that would threaten water deliveries and power production.”

*“The Colorado River Basin’s reservoirs, including its two largest storage reservoirs Lake Powell and Lake Mead, remain at historically low levels. Today’s advancement protects the system in the near-term while we continue to develop long-term, sustainable plans to combat the climate-driven realities facing the Basin,” said **Reclamation Commissioner Camille Calimlim Touton**. “As we move forward in this process, supported by historic investments from the President’s Investing in America agenda, we are also working to ensure we have long-term tools and strategies in place to help guide the next era of the Colorado River Basin.”*

*“Earlier this year, President Biden helped secure a historic agreement among seven Colorado River Basin states to protect the stability of the Colorado River System in the face of historic drought conditions, made worse by the climate crisis,” said **White House National Climate Advisor Ali Zaidi**. “Today, the Biden-Harris Administration is taking another key action to bolster water resilience in the Basin States, leveraging historic investments from the President’s Investing in America agenda to build a more sustainable and equitable future for communities across the West.”*

Key Components of Revised Draft SEIS

Reclamation conducted updated modeling analyses using June 2023 hydrology for the No Action Alternative, Action Alternatives 1 and 2 from the initial draft SEIS, and the Lower Division proposal. The results of that modeling indicate that the risk of reaching critical elevations at Lake Powell and Lake Mead has been reduced substantially. As a result of the commitment to record volumes of conservation in the Basin and recent hydrology, the chance of falling below critical elevations was reduced to eight percent at Lake Powell and four percent at Lake Mead through 2026. However, elevations in these reservoirs remain historically low, and conservation measures like those outlined by the Lower Division proposal will still be necessary to ensure continued water delivery to communities and to protect the long-term sustainability of the Colorado River System.

Based on these modeling results, Reclamation will continue the SEIS process with detailed consideration of the No Action Alternative and the Lower Division Proposal. The revised SEIS designates the Lower Division Proposal as the Proposed Action. Alternatives 1 and 2 from the initial SEIS were considered but eliminated from detailed analysis.

Historic Funding from Investing in America Agenda

President Biden’s [Investing in America agenda](#) is integral to the efforts to increase near-term water conservation, build long term system efficiency, and prevent the Colorado River System’s reservoirs from falling to critically low elevations that would threaten water deliveries and power production. Because of this funding, conservation efforts have already benefited the system this year.

This includes eight new [System Conservation Implementation Agreements](#) in Arizona that will commit water entities in the Tucson and Phoenix metro areas to conserve up to 140,000-acre feet of water in Lake Mead in 2023, and up to 393,000-acre feet through 2025. Reclamation is working with its partners to finalize additional agreements. These agreements are part of the 3 maf of system conservation commitments made by the Lower Basin states, 2.3 maf of which will

be compensated through funding from the Inflation Reduction Act, which invests a total of \$4.6 billion to address the historic drought across the West.

Through the [Bipartisan Infrastructure Law](#), Reclamation is also investing another \$8.3 billion over five years for water infrastructure projects, including water purification and reuse, water storage and conveyance, desalination and dam safety.

To date, the Interior Department has announced the following investments for Colorado River Basin states, which will yield hundreds of thousands of acre-feet of water savings each year once these projects are complete:

- *\$281 million for [21 water recycling projects](#) that are expected to increase annual water capacity by 127,000 acre-feet annually;*
- *Up to \$233 million in [water conservation funding](#) for the Gila River Indian Community, including \$83 million for a water pipeline project and an additional \$50 million from the Inflation Reduction Act through the [Lower Colorado River Basin System Conservation and Efficiency Program](#), which will also provide similar investments in 2024 and 2025;*
- *Over \$73 million for infrastructure repairs on water delivery systems; \$19.3 million in [fiscal year 2022](#) and another \$54 million [announced in April 2023](#);*
- *\$71 million for [32 drought resiliency projects](#) to expand access to water through groundwater storage, rainwater harvesting, aquifer recharge and water treatment;*
- *\$50 million over the next five years to [improve key water infrastructure](#) and enhance drought-related data collection across the Upper Colorado River Basin; and*
- *\$20 million in new [small surface and groundwater storage](#)*

The process announced today is separate from the recently announced efforts to protect the Colorado River Basin starting in 2027. The revised draft SEIS released today would inform Reclamation's ongoing efforts to set interim guidelines through the end of 2026; the post-2026 planning process [advanced last week](#) will develop guidelines for when the current interim guidelines expire



To:	MWDOC Workshop
From:	Syrus Devers Advocacy LLC
Date:	November 1st, 2023
Re:	End of Session Report

Final Report on the 2023 Legislative Session

Governor Newsom had until midnight on October 14th to act on legislation but he wrapped up the session on the 13th. 1,046 bills made it to his desk; the final tally was 890 bills signed, and 156 vetoed. The most common reason cited in veto messages was the looming budget deficit. This report will attempt to briefly summarize the legislative outcomes across the major issue areas for the year, but first a few procedural details.

Recall that 2023 is the first year of the two-year session, and no bill really dies in the first year. Where a bill is stopped in the process, however, has a major impact on its future prospects.

Bills held in their first policy committee have an almost impossible task. The Legislature comes back into session on January 3rd, and any legislation that failed its first vote must pass out of committee by January 12th—barely over a week later. Unless the committee chair is involved, there may not even be an opportunity to hold a hearing, much less get the needed votes. Bills that got out of the first policy committee but were held on the infamous Appropriations “Suspense File” do not have it much better. Any committee, including Appropriations, must pass all bills to the respective Floors by January 19th—a mere extra week of life for bills held on Suspense. Finally, any bill introduced in 2023 must pass out of the house of origin by January 31st.

Any bill that fails any of these deadlines is completely dead. Technically, no legislator may introduce a new bill on the same subject as a bill that failed any of these deadlines, but that rule is easily evaded. This is why there is so much emphasis on getting a bill out of the first house; once that hurdle is cleared, a bill from the previous year is under the same deadlines as newly introduced legislation.

Legislative Outcomes

The final word on water:

Last month’s report highlighted the major water-related bills that were the focus of advocacy in Sacramento. With one very minor exception, any water policy bill that made it to the Governor got a signature. In other words, there were zero surprises. Last July was like a legislative bonfire that saw most of the controversial water bills go up in flames in one 10-day period. The upside is that no opposed

water-related legislation made it into law; the downside is that important sponsored legislation also failed. Stopping bad bills is always the priority, but California's water supply challenges will not get fixed by killing legislation.

The Biggest Winner of 2023–Housing:

This is probably the only issue area where the activists can claim total victory. Not only did major housing legislation that was killed in past years make it to the Governor's desk, he signed every major piece of housing legislation. Senator Scott Weiner from San Francisco has tried multiple times to take discretion away from local government for approval of new housing and he finally got his way. SB 423 and SB 4 virtually require approval of new housing permits if they meet certain thresholds for affordable housing.

Newsom's Major Issue–Climate Change:

Arguably, Newsom has done more to associate himself with climate change than any other issue, but that did not stop him from vetoing some significant legislation. Clean power is of no use without the infrastructure to deliver it, but Newsom vetoed two bills, SB 619 and SB 420, to streamline permits for new transmission lines. But overall climate change activists were pleased with their victories. AB 1373 will allow the Department of Water Resources, one of the largest purchasers of power in the state, to buy electricity from renewable resources, and SB 253 requires very large corporations to publicly report on their greenhouse gas emissions. Beyond legislation, Newsom has worked to insert consideration of climate change into a wide range of state programs.

The Biggest Controversy–Labor:

Labor bills were the main event of 2023. Newsom may be the most progressive governor in a generation, but it looks like he is trying to rebrand himself as more moderate. As far as the Legislature was concerned, it was Christmas all year for labor interests and a raft of labor-sponsored legislation sailed through the process. Newsom did sign two major labor bills: SB 525 will raise the minimum wage to \$25/hr over the next decade, and workers will get an additional two days of paid sick leave thanks to SB 616. A major win for two of labor's top priorities, but it was downhill for labor issues from there.

Newsom's first arrow was SB 799, which would have extended unemployment benefits to striking workers; a law already passed by two other states including New York. He vetoed it a full two weeks before the deadline, which signaled more to come. The rest of the labor bill package fell in turn: AB 1356, which would have required more advanced notice for pending layoffs–vetoed; SB 731, which required 30-day notice before requiring employees to give up remote work–vetoed; SB 686, which required workplace safety rules for domestic workers–vetoed.

Newsom played labor interests by issuing the major vetoes early, and then making a big show of signing the minimum wage bill on the last day. That forced labor to end the year saying nice things about Newsom while still cursing under their breath for their string of losses.

Final observation: it would appear that Newsom wants to position himself slightly to the right of Democrats in the State Legislature. An unsurprising tack if he is thinking of a political career after California.

ACKERMAN CONSULTING

Legal and Regulatory

November 1, 2023

- India's Groundwater Problem:** The University of Michigan has completed a study of the groundwater problems in India. As you know, India is the largest country in the world with a population of 1.4 billion folks. They are the second largest producer of rice and wheat in the world. They are also experiencing drought conditions, warming temperatures and increase demand for water, particularly for agricultural uses. India is also the largest user of groundwater in the world. It is no surprise that this study shows that by 2080, their groundwater loss could triple. It is recommended that they make serious changes to their irrigation practices. The impacted areas are south and central India. If changes are not made now, it is predicted that their agricultural output will be reduced by 20% by 2050. This will not only impact the economy of India but also the rest of the world.
- Dam Maintenance:** Maintenance on the Oroville Dam spillway is presently underway. Deteriorated concrete and sealant have been found. While the repair area is less than 1% of the overall spillways surface, it is critical and not unexpected. Temperature variation, sunlight and water releases take its toll. This year alone, 2,370,000-acre feet of water has been released and gone down the spillway. This is equivalent to 67% of the total capacity of Lake Oroville. They are trying to use longer lasting materials, but the spillway is exposed to heavy pressures.
- Drought Dinosaur Tracks:** Drought conditions in and around Dinosaur Valley State Park near Dallas Texas have revealed more dinosaur tracks which are 110 million years old. An extreme drought in the area and little rain has exposed these footprints. They are identified as variations of the general dinosaur, *Acrocanthosaurus* weighing at 7 tons and *Sauropodseiden* weighing in at 40+ tons. The paleontologists are loving the drought!!
- Tahoe Snails:** Lake Tahoe is having its share of problems of late, as we will discuss later in this report. Now, an invasive species of snail has been discovered, the New Zealand Mud Snail. This snail first came to American in 1987 via the Snake River in Idaho and was found in the Owens River in California in 2000. It initially was brought here by shipments of live sportfish but now is being transported by recreational

activities. The problem with this snail is that it reproduces fast. One snail and its clan can produce over 2.7 billion snails within four years. The food chain is disrupted in that these snails eat up all food the native species would eat, thus reducing the native count. This in turn, reduces the trout and salmon populations which feed on the natives. Currently, the Department of Fish and Wildlife is developing a plan to combat these critters and stop their spread to other venues.

5. **Mines vs Water:** A new battleground is developing in the US and the rest of the world between new mining ventures and groundwater depletion. We have previously reported on this but now things are starting to accelerate. The Resolution Copper mine near Phoenix, Arizona is one many mining operations engaged in the processing of copper, lithium, and manganese. All these elements are foundational for batteries, solar panels, electric vehicles, and other energy transition products. The problem is the amount of water used in the process and the groundwater removed for mining purposes. These mines are usually very deep. Resolution shaft is almost 7000 feet deep. They pump about 600 gallons of water per minute continuously so the mining operation can operate. This water removal impacts the entire groundwater aquifer as the mine operates below the water table. The mine is giving the water to surrounding farmers at not cost. So far, they have transferred over 6 billion gallons. It is estimated that Resolution will produce about 25% of US copper needs. Currently, California, Arizona, Nevada, and Utah are looking at similar projects which will involve groundwater use. These projects are being fast tracked by the federal government. Another consequence of the Resolution mine will be subsidence. We are familiar with the subsidence caused by over drafting groundwater in our Central Valley. This mine will cause subsidence from the removal of the copper underground. It can be expected that a crater will be created, 2 miles wide and 1000 feet deep, with the copper removal. This will also impact the groundwater aquifer in the area. Many concerns are being raised by this project beside the water including wastewater treatment, storage of mine waste, Tribal impacts, and other environmental concerns. Currently, mining operations are exempt from many laws relating to the above issues.

6. **Carrot Battle:** A groundwater battle with lawsuit is going on in New Cuyama, California. This small, dry farming town near Taft in the Central Valley is fighting over groundwater and the efficacy of the state's groundwater control act. Many of the local farmers are trying to comply with the act but two of the US's largest carrot farmers, Grimmway and Bolthouse, are suing over the rights of each to pump groundwater. New Cuyama is on top of one of the most overdrated aquifers in the Valley. A management plan was submitted to the state. But it is being challenged by

the carrot folks in court. This suit is not alone. Oxnard, Pleasant Valley and San Diego water district have also engaged the court. Many of the plaintiffs are not happy with the plans submitted and think they will get a better deal in the courts. A main basis for the carrot farmers is they claim that region is the best place anywhere to grow carrots. Most of the carrots in the US are grown in California and the estimated yearly sales exceed \$1.1 billion. While carrots use a fair amount of water, it is much less than alfalfa.

7. **Tulare Lake Battles:** Who controls the Tulare basin is becoming a hot topic after the recent rain and flood conditions. The basin has an exemption from the state requirement for local flood control plans. It is the only part of the Central Valley that has such an exemption. JG Boswell Co is a mega farmer and owns almost one half of the basin land. During the flood conditions, they were accused of moving dirt and building levees to protect their land and move the runoff to another farmland. For the last 100 years, Boswell has been allowed by local authorities to manage this type of problem. Along with over drafting the groundwater aquifer which has caused subsidence, Boswell moved dirt at will to change runoff during wet conditions. When the Governor was confronted with this problem, he stated “it is complicated.” Indeed, it is. Local government has basically let the large farmers and landowners manage these conditions themselves. Now, other landowners and farmers are starting to object and expecting city, county, and state government to do something. This will definitely be a battle to follow.
8. **Titanium Cleans Water:** Drexel University has discovered a process to remove dyes from wastewater. Discharge is created from textile, cosmetic, ink, paper and other businesses using dyes. This can cause toxic conditions and treatment is difficult and expensive. Drexel has found a titanium oxide catalyst using light treatment that can set up a natural process to degrade the dyes. The byproduct is carbon dioxide and water. Again, as we have seen in other studies, they are using natural processes to cure major toxic conditions. This also uses less energy and does not use toxins to battle toxins. Commercialization tests are underway.
9. **More Tahoe News:** The more the trash problem is looked at in Lake Tahoe, the more problems are discovered. A robot is now being used which operate up to 500 down to investigate the trash and work toward removal. Their discoveries include: one ton of alcohol bottles, action camera, 5 tons of hazardous materials, drones, lithium batteries, and a 16,000-pound electric boat. The batteries are becoming a huge problem increasing the lead levels in the Lake over 2500 times the EPA limit. This potentially causing harm to fish, people, and the entire Lake. Removing the stuff is

the major concern of authorities at this time. When the boat was removed it was hot and very toxic due to batteries.



WHITTINGHAM
PUBLIC AFFAIRS ADVISORS

November 1, 2023

TO: MWDOC Board of Directors

FROM: Peter Whittingham

SUBJECT: October 2023 Report

Consistent with much of 2023, the month of October brought more seasonally-atypical rainfall, coinciding with forecasts of an extremely wet El Niño winter for Orange County and the region. Following are a few of the more notable developments and issues of the month:

- The US Army Corps of Engineers' Chicago District is seeking to remove trees and other vegetation adjacent to a portion of Santiago Creek in Santa Ana. The Corps plans to build a 6,400-foot-long flood control channel lined with riprap in the Creek as the final segment of a regional flood control project originally authorized and designed in the 1980's. The project is devoted solely to moving water to the ocean and currently does not include stormwater capture/reuse.
- Fiona Sanchez (IRWD), Drew Atwater (MNWD) and Nate Adams (SMWD) all participated in a State Water Resources Control Board public hearing entitled, "Making Conservation a California Way of Life." The result of AB 1668 and SB 606 that directed the State Water Board to adopt long-term standards for efficient water use, the proposed regulation will establish standards, variances, and methodologies for calculating the urban water use objectives, along with performance measures and reporting requirements. The public hearing included a discussion of the proposed regulation, regulatory timeline, and process, and is projected to cost water suppliers roughly \$13.5 billion from 2025 to 2040 — more than 40% of which would fund rebate programs and other efforts to reduce residential water use, per the State Water Board's analysis.
- This summer's poisonous algae bloom that sickened and killed hundreds of sea lions and dolphins off the coast of southern California left behind dozens of sea lion pups at local marine mammal rescue centers, including the Pacific Marine Mammal Center in Laguna Beach. Three pups born to mothers poisoned in the algae bloom and raised at PMMC since June have been transferred to San Diego SeaWorld in preparation for their release to the ocean.

- Using sediment taken from the Santa Ana River, a rebuild of the shrinking Capistrano Beach in Dana Point was completed in early October, 14 weeks after the first truckload was delivered. The \$800,000 project included sand screening and the loading and hauling of 3,750 trucks. The County of Orange is pursuing grant funding to create a “living shoreline” at Capistrano Beach, mimicking the condition of the waterfront prior to coastal development.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Whittingham". The signature is fluid and cursive, with a large initial "P" and a long, sweeping tail.

Peter Whittingham

Bill Matrix – Final 2023

A. Priority Support/Oppose

AB 334 (**Rubio, Blanca D**) **Public contracts: conflicts of interest.**

Status: 9/30/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 263, Statutes of 2023.

Summary: Current law prohibits members of the Legislature and state, county, district, judicial district, and city officers or employees from being financially interested in any contract made by them in their official capacity, or by any body or board of which they are members. Current law authorizes the Fair Political Practices Commission to commence an administrative or civil action against persons who violate this prohibition, as prescribed, and includes provisions for the collection of penalties after the time for judicial review of a commission order or decision has lapsed, or if all means of judicial review of the order or decision have been exhausted. Current law identifies certain remote interests in contracts that are not subject to this prohibition and other situations in which an official is not deemed to be financially interested in a contract. Current law makes a willful violation of this prohibition a crime. This bill would establish that an independent contractor, who meets specified requirements, is not an officer for purposes of being subject to the prohibition on being financially interested in a contract. The bill would authorize a public agency to enter into a contract with an independent contractor who is an officer for a later phase of the same project if the independent contractor did not engage in or advise on, as specified, the making of the subsequent contract. This bill would establish that a person who acts in good faith reliance on these provisions is not in violation of the above-described conflict-of-interest prohibitions and would prohibit them from being subject to criminal, civil, or administrative enforcement under those prohibitions if the initial contract includes specified language and the independent contractor is not in breach of those terms.

Position	Priority
Support	A. Priority Support/Oppose

Notes 1: Support position adopted June 7th

AB 460 (**Bauer-Kahan D**) **State Water Resources Control Board: water rights and usage: interim relief: procedures.**

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/7/2023)(May be acted upon Jan 2024)

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: 10/8/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 534, Statutes of 2023.

Summary: The Ralph M. Brown Act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each

teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. Current law, until January 1, 2024, authorizes the legislative body of a local agency to use teleconferencing without complying with those specified teleconferencing requirements in specified circumstances when a declared state of emergency is in effect. Those circumstances are that (1) state or local officials have imposed or recommended measures to promote social distancing, (2) the legislative body is meeting for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees, or (3) the legislative body has previously made that determination. 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. This bill would revise the authority of a legislative body to hold a teleconference meeting under those abbreviated teleconferencing procedures when a declared state of emergency is in effect.

Position	Priority
Support	A. Priority Support/Oppose

Notes 1: Support adopted April 5th

AB 735

(Berman D) Workforce development: utility careers.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)

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

Notes 1: Support adopted April 5th

AB 755

(Papan D) Water: public entity: water usage demand analysis.

Status: 10/8/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 542, Statutes of 2023.

Summary: Current 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, to conduct a water usage demand analysis, as defined, prior to completing, or as part of, a cost-of-service analysis conducted to set fees and charges for water service that are consistent with applicable law. The bill would require a public entity to identify, within the water usage demand analysis, the costs of water service for the highest users, as defined, incurred by the public entity, and the average annual volume of water delivered to high water users.

Position	Priority
Watch	A. Priority Support/Oppose

Notes 1: Oppose position adopted May 3rd. Amended in the Senate. ACWA neutral on final version.

AB 838

(Connolly D) California Water Affordability and Infrastructure Transparency Act of 2023.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

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
Opposition	A. Priority Support/Oppose

AB 1337

(Wicks D) State Water Resources Control Board: water diversion curtailment.

Status: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/7/2023)(May be acted upon Jan 2024)

Summary: Under existing 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. This bill contains other related provisions and other existing laws.

Position	Priority
Opposition	A. Priority Support/Oppose

Notes 1: Oppose adopted April 5th

AB 1572

(Friedman D) Potable water: nonfunctional turf.

Status: 10/13/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 849, Statutes of 2023.

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. This bill contains other related provisions and other existing laws.

Position	Priority
Oppose unless amended	A. Priority Support/Oppose

Notes 1: OUA adopted April 5th

AB 1594

(Garcia D) Medium- and heavy-duty zero-emission vehicles: public agency utilities.

Status: 10/8/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 585, Statutes of 2023.

Summary: Current law establishes the Air Quality Improvement Program that is administered by the State Air Resources 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 to 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 severe weather, wildfires, natural disasters, and physical attacks, as specified. The bill would define a public agency utility to include a local publicly owned electric utility, a community water system, a water district, and a wastewater treatment provider, as specified.

Position	Priority
Support	A. Priority Support/Oppose

Notes 1: Support adopted May 3rd

SB 23

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

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be acted upon Jan 2024)

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: 7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was W.,P. & W. on 6/8/2023)(May be acted upon Jan 2024)

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 revise and recast certain provisions regarding The California Water Plan to, among other things, require the department to instead establish a stakeholder advisory committee and to expand the membership of the committee to include tribes, labor, and environmental justice interests. The bill would require the department to coordinate 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 long-term water supply targets established by the bill for purposes of The California Water Plan. The bill would require the plan to provide recommendations and strategies to ensure enough water supply for all beneficial uses.

Position Priority
Support A. Priority
 Support/Oppose

SB 389

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

Status: 10/8/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 486, Statutes of 2023.

Summary: Current law provides generally for the appropriation of water. Existing law authorizes the State Water Resources Control Board to investigate bodies of water, to take testimony in regard to the rights to water or the use of water, and to ascertain whether or not water is appropriated lawfully, as provided. 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 instead authorize the board to investigate and ascertain whether or not a water right is valid. The bill would authorize the board to issue an information order in furtherance of an investigation, as executed by the executive director of the board, as specified. The bill would authorize a diversion or use of water ascertained to be unauthorized to be enforced as a trespass, as specified.

Position Priority
Watch A. Priority
 Support/Oppose

Notes 1: Oppose adopted April 5th. Amended in the Assembly. ACWA and CMUA moved to a WATCH on the final version.

SB 687

(Eggman D) Water Quality Control Plan: Delta Conveyance Project.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/8/2023)(May be acted upon Jan 2024)

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 Project or any other project that includes isolated Delta conveyance facilities, and do not reduce any statutory or other regulatory conditions or permit requirements for Delta conveyance projects.

Position Priority
Opposition A. Priority
 Support/Oppose

Notes 1: Oppose adopted per Policy Principles.

B. Watch

[AB 30](#)

(Ward D) Atmospheric rivers: research: reservoir operations.

Status: 9/1/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 134, Statutes of 2023.

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: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)

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: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)

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.

Status: 10/8/2023-Vetoed by Governor.

Summary: Existing law, 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. The act requires the state board to establish a grant program, in consultation with the State Department of Education, to award grants to local educational agencies for the purposes of improving access to, and the quality of, drinking water in public schools serving kindergarten or any of grades 1 to 12, inclusive, and preschools and child daycare facilities located on public school property. This bill 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 as provided. This bill contains other related

provisions and other existing laws.

Position Priority
Watch B. Watch

AB 277

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

Status: 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/21/2023)(May be acted upon Jan 2024)

Summary: Current law establishes the Atmospheric Rivers: Research, Mitigation, and Climate Forecasting Program within the department 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.

Position Priority
Watch B. Watch

AB 305

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

Status: 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

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) Fuel reduction work.

Status: 10/8/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 428, Statutes of 2023.

Summary: Existing law establishes the Department of Forestry and Fire Protection in the Natural Resources Agency and establishes the State Board of Forestry and Fire Protection within the department. Existing law requires the department to administer fire prevention programs and activities and requires the state board to adopt regulations implementing minimum fire safety standards. This bill would, commencing July 1, 2026, require fuel reduction work, done under contract and paid for in whole or in part out of public funds, as specified, to meet several standards, including that all workers performing work within an apprenticeable occupation in the building and construction trades be paid at least the general prevailing rate of per diem wages. The bill would authorize the Labor Commissioner to enforce the requirement to pay prevailing wages. The bill would exempt from these requirements, among other things, contracts in the amount of \$500,000 or less. This bill contains other related provisions and other existing laws.

Position Priority
Watch B. Watch

AB 340

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

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 2/9/2023)(May be acted upon Jan 2024)

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: 10/8/2023-Vetoed by Governor.

Summary: Would specify that the use of water for domestic purposes includes water use for human consumption, cooking, sanitary purposes, care of household livestock, animals, and gardens, fire suppression and other safety purposes, and a purpose determined to be a domestic purpose as established by the common law.

Position	Priority
Watch	B. Watch

[AB 1072](#)

(Wicks D) Water conservation and efficiency: low-income residential customers.

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/17/2023)(May be acted upon Jan 2024)

Summary: Would declare the policy of the state that all residents have access to water conservation and efficiency programs. 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: 9/14/2023-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/11/2023)(May be acted upon Jan 2024)

Summary: Current law declares that, because of the conditions prevailing in this state, the general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of the water is to be exercised with a view to the reasonable and beneficial use of the water in the interest of the people and for the public welfare. This bill would require the State Water Resources Control Board to, on or before January 1, 2027, conduct a study and report to the Legislature and appropriate policy committees on the existence of speculation or profiteering by an investment fund in the sale, transfer, or lease of an interest in any surface water right or groundwater right previously put to beneficial use on agricultural lands, as specified. The bill would repeal this provision on January 1, 2031.

Position	Priority
Watch	B. Watch

[AB 1567](#)

(Garcia D) Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.

Status: 6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.

Summary: Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,995,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.

Position	Priority
Watch	B. Watch

[AB 1573](#)

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

Status: 9/14/2023-Failed Deadline pursuant to Rule 61(a)(14). (Last location was INACTIVE FILE on 9/7/2023)(May be acted upon Jan 2024)

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 a culturally specific project, as defined, 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. The bill would require the updated model ordinance to include provisions that, among other changes, prohibit the use of traditional overhead sprinklers on all new and rehabilitated landscapes and require that new and rehabilitated landscapes use only water efficient irrigation devices.

Position Priority
Watch B. Watch

[AB 1637](#)

(Irwin D) Local government: internet websites and email addresses.

Status: 10/8/2023-Approved by the Governor. Chaptered by Secretary of State - Chapter 586, Statutes of 2023.

Summary: Would, no later than January 1, 2029, 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, 2029, 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 B. Watch

Notes 1: No longer applies to special districts

[AB 1648](#)

(Bains D) Water: Colorado River conservation.

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/16/2023)(May be acted upon Jan 2024)

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: covered water system.

Status: 10/13/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 855, Statutes of 2023.

Summary: Current law establishes the Safe Drinking Water Account to be available to the State Water Resources Control Board, upon appropriation by the Legislature, for the purpose of providing funds necessary to administer the California Safe Drinking Water Act. This bill would expand the use of available funds in the account to be used by the state board, upon appropriation by the Legislature, to include the administration of the Water Shutoff Protection Act. The bill would, subject to the availability of funding, require the state board to make funds available for providing training statewide to community water systems with between 15 and 200 service connections to assist in compliance with the Water Shutoff Protection Act. This bill contains other related provisions and other existing laws.

Position Priority
Out for Analysis B. Watch

[SB 48](#)

(Becker D) Building Energy Savings Act.

Status: 10/7/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 378, Statutes of 2023.

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: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E. U., & C. on 3/22/2023)(May be acted upon Jan 2024)

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
Watch	B. Watch

SB 66 **(Hurtado D) Water Quality, Supply, and Infrastructure Improvement Act of 2014: Drinking Water Capital Reserve Fund: administration.**

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was E.Q. on 3/29/2023)(May be acted upon Jan 2024)

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	Priority
Watch	B. Watch

SB 69 **(Cortese D) California Environmental Quality Act: local agencies: filing of notices of determination or exemption.**

Status: 10/13/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 860, Statutes of 2023.

Summary: Would require a local agency to file a notice of determination with the State Clearinghouse in the Office of Planning and Research in addition to the county clerk of each county in which the project will be located. The bill would authorize a local agency to file a notice of exemption with the State Clearinghouse in the Office of Planning and Research in addition to the county clerk of each county in which the project will be located. The bill would require the notice, including any subsequent or amended notice, to be posted both in the office and on the internet website of the county clerk and by the Office of Planning and Research on the State Clearinghouse internet website within 24 hours of receipt. The bill would specify that the posting of the notice by the Office of Planning and Research would not affect the applicable time periods to challenge an act or decision of a local agency, as described above. By imposing duties on local agencies, the bill would create a state-mandated local program.

Position	Priority
Watch	B. Watch

SB 231

(Hurtado D) Department of Water Resources: water supply forecasting.

Status: 9/1/2023-Failed Deadline pursuant to Rule 61(a)(11). (Last location was APPR. SUSPENSE FILE on 8/23/2023)(May be acted upon Jan 2024)

Summary: Would require the Department of Water Resources, on or before December 31, 2025, to establish a formal process for annually evaluating and improving the accuracy of its water supply forecasts, adopt a new water supply forecasting model that better addresses the effects of climate change, and implement a formal policy and procedures for documenting its operational plans for the state’s water supply and its rationale for its operating procedures. The bill would require the department, by December 1, 2024, to prepare, and submit to the Legislature, a report on its progress toward meeting these requirements.

Position Priority
Watch B. Watch

SB 272

(Laird D) Sea level rise: planning and adaptation.

Status: 10/7/2023-Approved by the Governor. Chaptered by Secretary of State. Chapter 384, Statutes of 2023.

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 develop a sea level rise plan as part of either a local coastal program, as defined, that is subject to approval by the California Coastal Commission, or a subregional San Francisco Bay shoreline resiliency plan that is subject to approval by the San Francisco Bay Conservation and Development Commission, as applicable, on or before January 1, 2034, as provided. 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 a sea level rise plan to be prioritized for funding, upon appropriation by the Legislature, for the implementation of sea level rise adaptation strategies and recommended projects in the local government’s approved sea level rise plan. The bill would require, on or before December 31, 2024, the California Coastal 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 the sea level rise plan. The bill would also require, on or before December 31, 2024, the San Francisco Bay Conservation and Development Commission, in close coordination with the California Coastal Commission, the Ocean Protection Council, and the California Sea Level Rise State and Regional Support Collaborative, to establish guidelines for the preparation of the sea level rise plan. 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. This bill contains other related provisions and other existing laws.

Position Priority
Watch B. Watch

SB 315

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

Status: 5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)

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 865

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

Status: 4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was GOV. & F. on 3/1/2023)(May be acted upon Jan 2024)

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: 7/6/2023-July 10 hearing postponed by committee.

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

Total Measures: 40

Total Tracking Forms: 40



DISCUSSION ITEM
November 1, 2023

TO: Board of Directors

FROM: Harvey De La Torre, Interim General Manager

Staff Contact: Melissa Baum-Haley
Alex Heide
Kevin Hostert

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

STAFF RECOMMENDATION

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

DETAILED REPORT

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

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

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

Water Transactions for August 2023 (for water delivered in June 2023) totaled 94.3 thousand acre-feet (TAF), which was 38.4 TAF lower than the budget of 132.7 TAF and translates to \$87.7 million in receipts for August 2023, which was \$59.1 million lower than the budget of \$146.8 million.

Year-to-date water transactions through August 2023 (for water delivered in May 2023 through June 2023) were 187.6 TAF, which was 69.8 TAF lower than the budget of 257.4 TAF. Year-to-date water receipts through August 2023 were \$194.1 million, which was \$75.5 million lower than the budget of \$269.6 million. The July 2023 receipt was adjusted from \$95.4 million to \$106.4 million to recognize \$11.0 million of Coachella Valley Water District receipts.

In August 2023, the Board was presented, for their review, the draft 2023 Long-Range Finance Plan Needs Assessment (LRFP-NA) document. The LRFP-NA is the first phase of a two-phase process to provide the Board with a finance plan for funding new capital investments over the next decade. The LRFP-NA will outline the capital investment requirements and water rate increases associated with four demand-and-supply scenarios. The second phase will result in the production of a final Long-Range Finance Plan (LRFP) document that will provide a tailored financial analysis based on board feedback on the LRFP-NA and the Board's approval of specific capital projects. The second phase of the LRFP is expected to be completed in fiscal year 2024/25.

ISSUE BRIEF #B**SUBJECT: MET's Water Supply Condition Update****RECENT ACTIVITY**

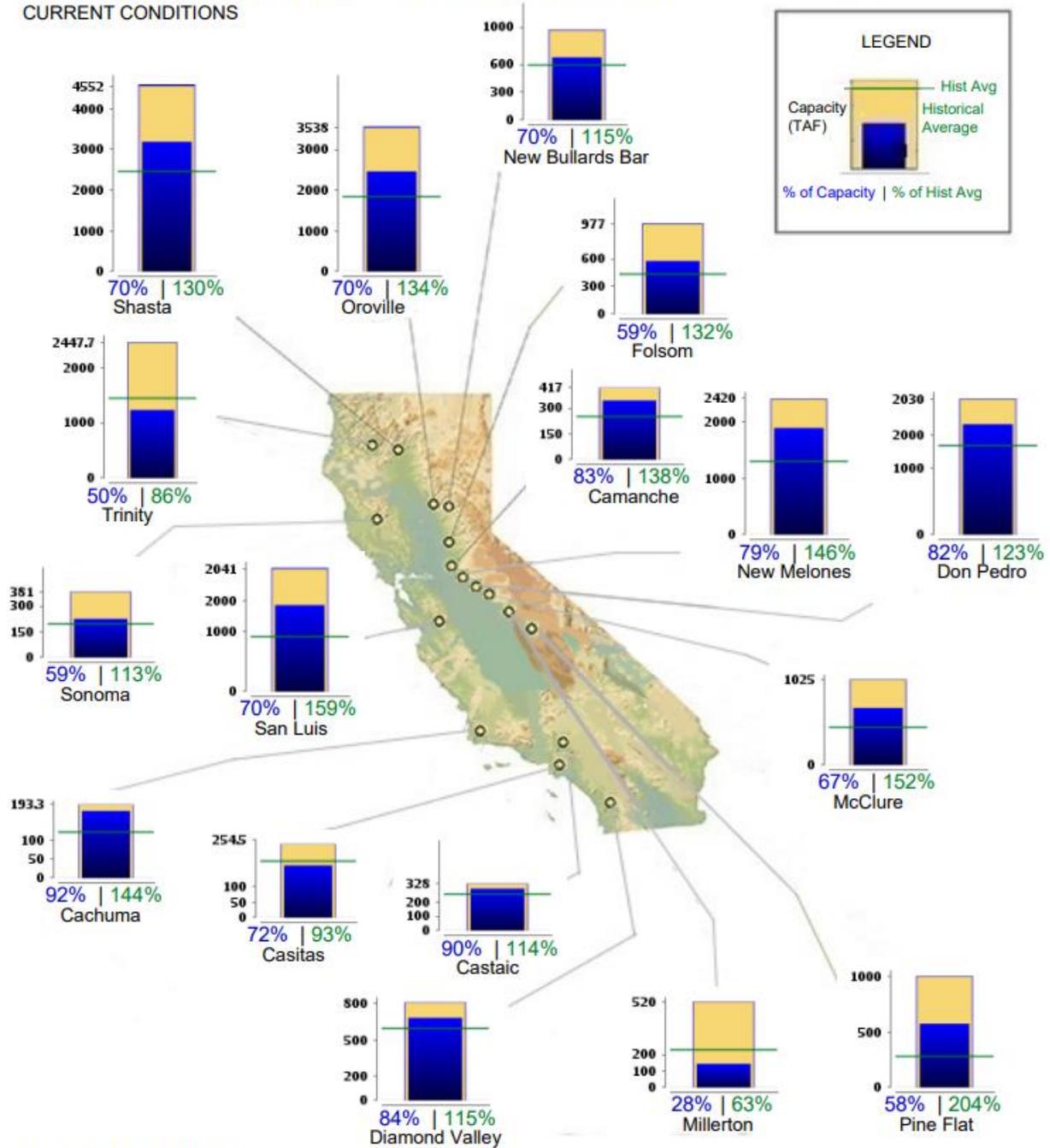
The 2023-24 Water Year (2023-24 WY) officially started on October 1, 2023. Thus far, Northern California accumulated precipitation (8-Station Index) reported **0.63 inches or 26% of normal** as of October 25th. The Northern Sierra Snow Water Equivalent was **0.0 inches on October 25th**, which is **0% of normal** for that day. The Department of Water Resources (DWR) has not set the State Water Project (SWP) initial **"Table A" allocation for WY 2023-24**.

The Upper Colorado River Basin accumulated precipitation is reporting **1.4 inches or 87% of normal as of October 25th**. On the Colorado River system, snowpack is measured across four states in the Upper Colorado River Basin. The Upper Colorado River Basin Snow Water Equivalent was **0.2 inches as of October 25th**, which is **13% 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 October 2023, **there is a 100% chance of shortage continuing in CY 2024, a 93% chance in CY 2025 and a 77% chance in CY 2026**.

As of October 24th Lake Oroville storage is at **70% of total capacity and 134% of normal**. As of October 24th San Luis Reservoir has a current volume of **70% of the reservoir's total capacity and is 159% of normal**.

CALIFORNIA MAJOR WATER SUPPLY RESERVOIRS
CURRENT CONDITIONS

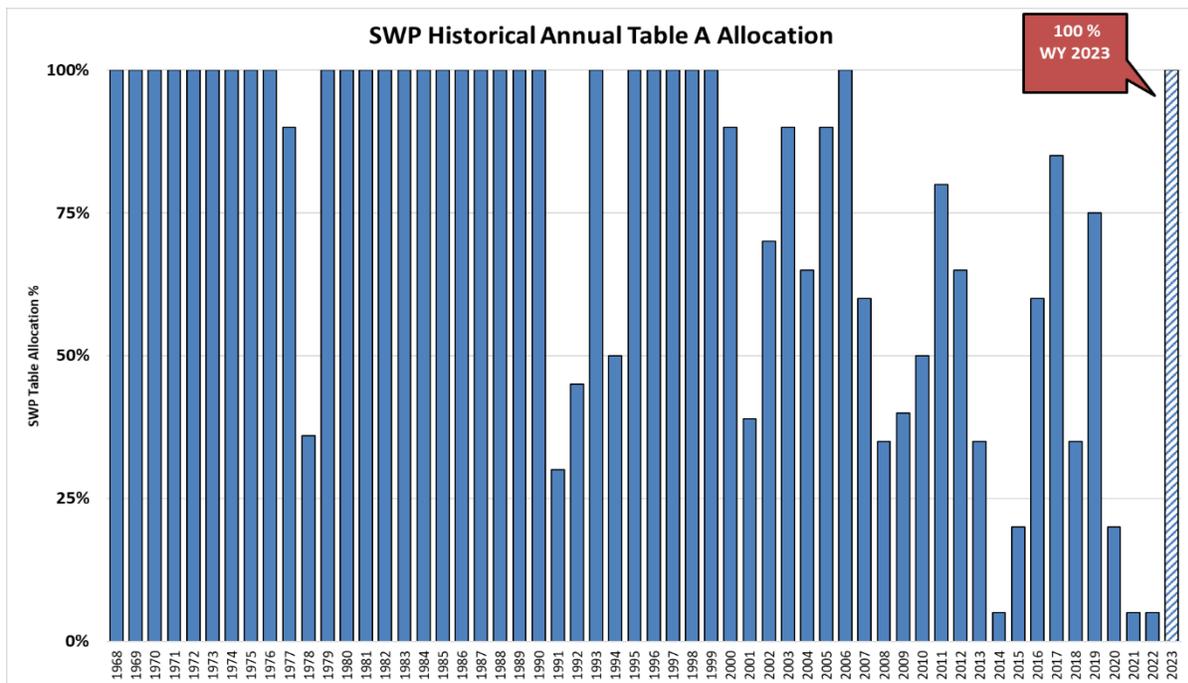
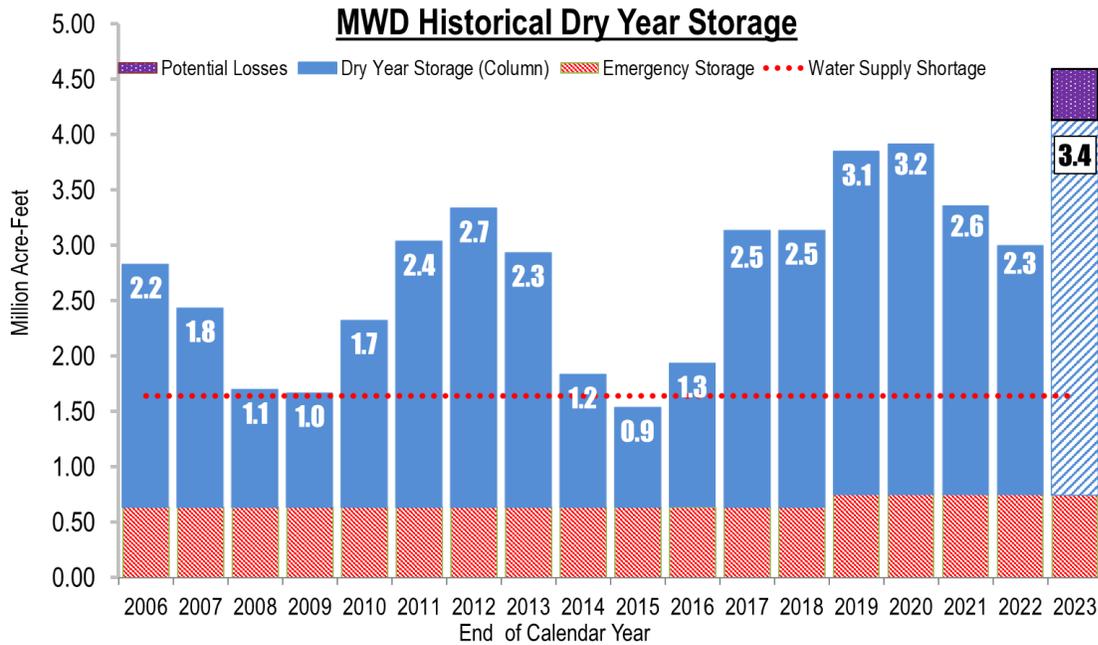
Midnight - October 24, 2023



With Calendar Year (CY) 2023 estimated total demands and losses of 1.54 million acre-feet (MAF) and with a 100% SWP Table A Allocation, Metropolitan is projecting that supplies will exceed demands levels in CY 2023. Based on this, estimated total dry-year storage for Metropolitan at the end of **CY 2023 will increase to approximately 3.4 MAF.**

A projected dry-year storage supply of **3.4 MAF would be the highest level in MWD History. Unfortunately, due to the 100% SWP Table A Allocation, there is potential that MWD will not be able to store approximately 457 TAF.** A large factor in maintaining

a high water storage level are lower than expected water demands. We are seeing regional water demands reaching a 40-year low. **However, with a majority of MWD's water supplies stored in Lake Mead and with still a 5-year shortage projection at Lake Mead, there remains a lot of uncertainty to where supply balances will be in the future.**



ISSUE BRIEF #C

SUBJECT: MET's Water Quality Update

RECENT ACTIVITY

Water System Operations

Metropolitan member agency water deliveries were 140,012 acre-feet (AF) for September with an average of 4,667 AF per day, which was 665 AF per day lower than in August. Some of the decreased water demands in September can be attributed to the conservation achieved within the greater Los Angeles County area as a result of the urgent call for conservation during the Upper Feeder shutdown. Treated water deliveries decreased by 14,331 AF from August for a total of 67,869 AF, or 48 percent of total deliveries for the month. The Colorado River Aqueduct (CRA) continued operating at an eight-pump flow with a total of 116,000 AF pumped for the month. State Water Project (SWP) imports averaged 1,485 AF per day, totaling about 44,565 AF for the month which accounted for approximately 32 percent of Metropolitan's deliveries. The target SWP blend remained at zero percent for Diemer and Skinner plants. The Weymouth plant transitioned back to 100 percent Colorado River water on September 19 following the successful completion of the Upper Feeder shutdown.

Water Treatment and Distribution

To support the Upper Feeder shutdown in September, the Weymouth plant's source water was temporarily switched to Silverwood Lake. The State Water Project (SWP) target blend entering the Weymouth plant was increased to 100 percent before the shutdown and then decreased to zero percent on September 19 at the end of the shutdown. The SWP target blend entering the Diemer plant and Lake Skinner was zero percent in September.

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

Of Metropolitan's five water treatment plants, the Mills plant is the only one that does not have washwater reclamation facilities. Solids from the sedimentation and filtration processes are sent to cement-lined lagoons. The solids drying time depends on weather and typically takes up to three months to reduce water content to less than 15 percent. To minimize drying time, Metropolitan staff have driven through the solids with a tractor that pushes an aerating device called a Brown Bear. Although this has improved the solids handling process, the device has frequently needed repair, including adding wear and tear on the tractor. The Mills plant recently began using a new disk attachment for the tractor that allows it to travel forward, as opposed to reverse, when using the Brown Bear, which is expected to result in less maintenance and overall improved performance.

Future Legislation and Regulation

On August 25, the California Air Resources Board (CARB) adopted the Advanced Clean Cars II (ACC II) Regulation, which increases emissions standards for new vehicles sold between 2026 and 2035 and mandates the transition to 100 percent sales of new light-duty passenger vehicles and trucks to be zero emission by 2035. The ACC II regulation does not require fleets to transition their existing traditional gasoline and/or diesel vehicles but rather only increases the availability of cleaner engines and zero-emission vehicles available for sale in California.

On August 30, CARB released the 45-day rulemaking draft of the Proposed Advanced Clean Fleets (ACF) Regulations. The main goal of the ACF is to transition medium- to heavy-duty vehicles weighing more than 8,500 pounds away from internal combustion engines to cleaner zero-emission technologies. Beginning in 2024, 50 percent of Metropolitan's new fleet purchases would need to be zero emission and 100 percent in 2027. Metropolitan staff is drafting a comment letter to CARB over concerns with the purchasing deadlines and exemption process (e.g., infrastructure delay, vehicle unavailability, and daily usage requirements). Comments are due October 17, 2022, and the ACF is set for final adoption in early 2023.

On August 31, the Environmental Protection Agency (EPA) released its proposed revisions to the Risk Management Program (RMP) rule under the Clean Air Act. Metropolitan's chlorine facilities are regulated by the RMP. EPA is seeking to reinstate multiple provisions of the 2017 Obama-era rule that were rescinded by the 2019 Trump-era rule, as well as adding considerations for climate change and environmental justice. Metropolitan staff is working with AWWA to review the proposed rule. The comment period closes October 31, 2022, and EPA anticipates promulgating the rule in August 2023. On September 6, the EPA released its proposal to list perfluorooctanoic acid (PFOA) and perfluorooctane sulfonic acid (PFOS) as hazardous substances under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Metropolitan staff is working with several industry organizations on comment letters seeking an exemption under CERCLA for PFAS from third-party sources that end up in the water storage, transportation, and/or treatment system, and help with disposal options and costs. Comments to EPA are due November 7, 2022.

On September 7, the State Water Resources Control Board (SWRCB) adopted a "Policy Handbook Establishing a Standard Method of Testing and Reporting Microplastics in Drinking Water." Under the program, the SWRCB will issue orders to public water systems or wholesalers or both to monitor microplastics in source waters and treated drinking water. Seasonal source water sampling will take place over two years beginning fall 2023. By mid-2026, testing will be expanded to treated water. SWRCB anticipates holding a public workshop on microplastics monitoring in late 2022. Metropolitan Staff is developing microplastics monitoring methods for Metropolitan's source and treated waters.

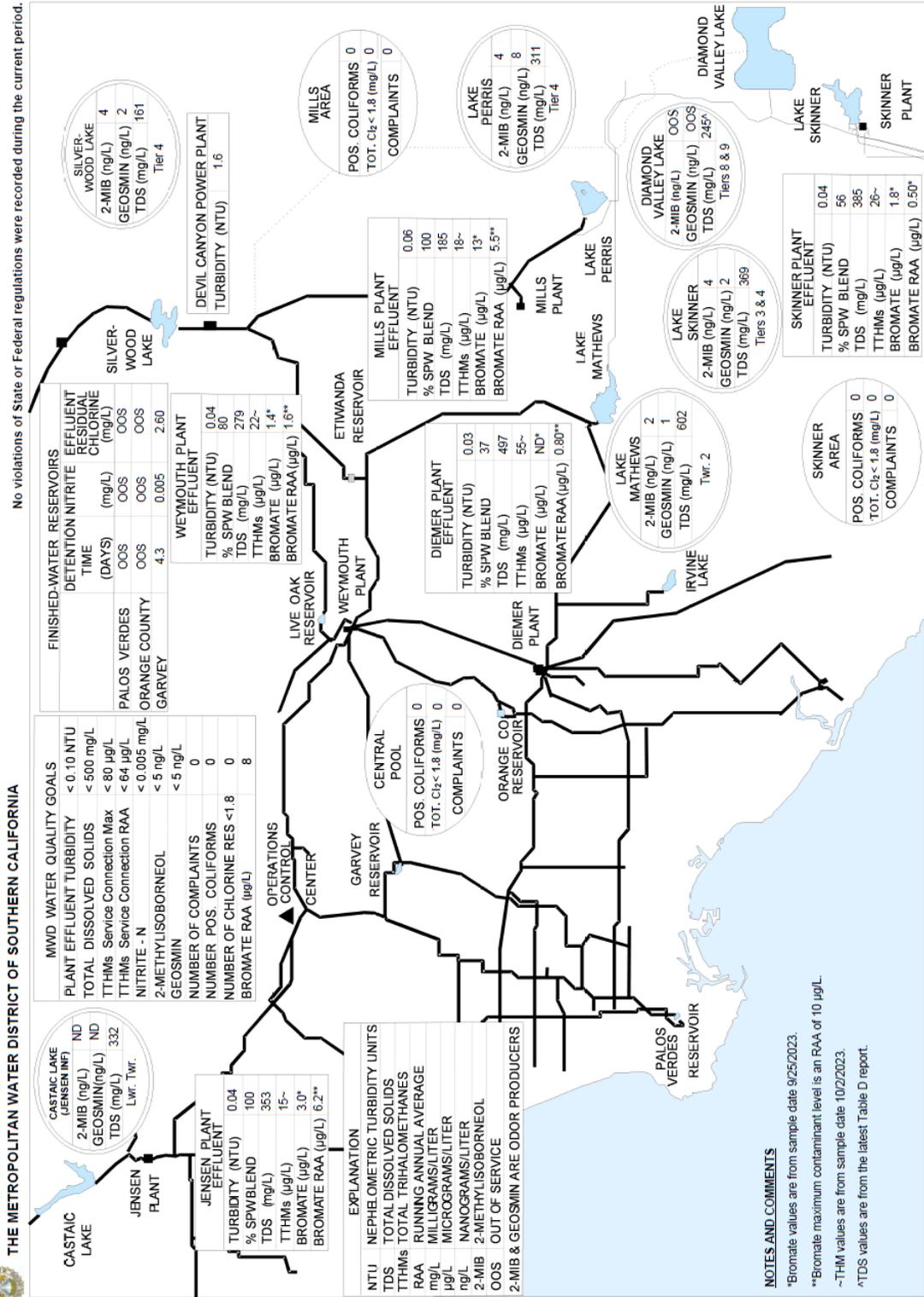
On September 8, the SWRCB adopted a new Construction General Permit (CGP). The CGP requires the development of a Storm Water Pollution Prevention Plan (SWPPP) for construction sites disturbing one or more acres of soil. Effective September 2023, the new CGP provides procedural updates, introduces the need to comply with total maximum daily loads (TMDLs) and passive treatment technology for turbidity control, and revises monitoring

and reporting requirements. Metropolitan staff will ensure that the new CGP requirements are implemented on new projects.

Weekly Water Quality System Status

Wednesday, October 18, 2023

Generated On: 10/18/2023 4:52:02 PM



The Metropolitan Water District of Southern California

Weekly Operations Plan for 10/19/2023 – 10/26/2023

For additional information, please contact James Bodnar at (213) 217-6099

1. **COLORADO RIVER AQUEDUCT:** The CRA is at a 3-pump flow.
2. **EAST BRANCH SPW:** Rialto Pipeline will average a flow between 1,300 and 1,500 AF/day. Santa Ana Valley Pipeline will be at 800 – 1,000 AF/day. Inland Feeder flow will be at 1,250 – 1,500 AF/day.
3. **WEST BRANCH SPW:** The flow from Castaic Lake will range between 1,200 and 1,600 AF/day. Flow to SCVWA (formerly CLWA) is currently at 90 AF/day.
4. **TERMINAL RESERVOIRS:**

Reservoir	Current Storage* (AF)	Percent of Capacity
Lake Mathews	165,400	91%
Lake Skinner	37,700	86%
DVL	677,800	84%

*as of 10/18/2023

5. **WATER QUALITY:**

Plant	Targeted Blend (% SPW)	TDS (mg/L)	TTHMs (µg/L)
	As of 10/18/2023	As of 10/18/2023	As of 10/2/2023
Weymouth	80	279	22
Diemer	35	497	55
Skinner	60	385	26
Jensen	100	353	15
Mills	100	185	18

6. **WATER DELIVERIES:** October deliveries are forecasted to be about 126 TAF. As of October 18, 2023, total system demands are about 4,400 AF/day, an increase of 300 AF/day from last week.
7. **HYDROELECTRIC GENERATION:** As of October 18, 2023, the total daily average generation for the week was about 30.0 MW, with 7 of 15 hydroelectric plants in operation.

ISSUE BRIEF #D

SUBJECT: Colorado River Issues

RECENT ACTIVITY

Work Continues on Post-2026 Colorado River Guidelines Process

On June 16, Reclamation initiated the process for developing the post-2026 Colorado River Guidelines. They laid out a schedule in which a Draft Environmental Impact Statement would be prepared by the end of 2024, followed by a Final Environmental Impact Statement (EIS) and Record of Decision in time for the 2027 operating year. In August, Metropolitan submitted scoping comments along with Southern Nevada Water Authority and Central Arizona Project. Those comments included protection of Human Health and Safety supplies and protection of water stored in Lake Mead by the urban agencies. In September, the Colorado River Board of California has been working with staff from its member agencies to develop an initial California position for the new Guidelines. Topics under discussion include under what conditions California might accept reduced deliveries and what tools would be needed in the future, including water storage options for Lake Mead, and participating in interstate augmentation opportunities, such as Pure Water Southern California. The California proposal continues to evolve and will be presented to other Basin States for further discussion and revision. The overall goal is to reach a seven-state consensus alternative that can be included in the Draft EIS for the new Colorado River Guidelines. Reclamation has stated that they need a consensus alternative developed by the end of March 2024, to be included in the Draft EIS. To date, the discussions have not included water reductions to any individual agency, but in general, they include the amount of reductions that would be needed by the Basin States to protect Lake Mead and Lake Powell from reaching critical elevations. In December 2023, Metropolitan staff will participate in a Colorado River Board workshop to update the Board on the discussions and get direction on the key priorities for Metropolitan as it moves through this multi-year long process.

ISSUE BRIEF #E

SUBJECT: Delta Conveyance Activities and State Water Project Issues

RECENT ACTIVITY

Delta Conveyance

The California Department of Water Resources (DWR) released a draft Environmental Impact Report (EIR) to comply with the California Environmental Quality Act (CEQA) for a public review that ended on December 16, 2022. DWR recently announced an expected late 2023 release date for the proposed project Final EIR. The Final EIR will describe potential environmental impacts, identify mitigation measures that would help avoid or minimize impacts, and provide responses to all substantive comments received on the Draft EIR. More information on the CEQA process for the proposed Delta Conveyance Project and other environmental compliance and permitting processes can be found on the project's permit portal [website](#).

This month, DWR also released new materials related to Delta Conveyance including fact sheets on [public outreach](#) and [project stats](#), as well as an [article](#) describing the importance of infrastructure updates in the face of climate driven weather extremes.

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, 2023. USACE is in the process of developing responses to the comments received.

Delta Conveyance related Joint Powers Authorities

A September 21 special meeting of the Delta Conveyance Finance Authority was held to hear updates and approve minutes.

Sites Reservoir

At the joint Sites Project Authority Board and Sites Reservoir Committee Meeting on September 22, the Reservoir Committee and Authority Board adopted Board Resolution #2023-01, which establishes guidelines for the Sites Project's use of the Lower Colusa Basin Drain (CBD) and Knights Landing Ridge Cut (collectively called the Lower CBD System). These guidelines provide a framework for Sites Authority staff in communicating with multiple partner agencies and individuals along the Lower CBD System and help guide the drafting of land use, operations and maintenance, and other agreements required for the integration of the Lower CBD System and the Sites Project. The guidelines address existing operations in the Lower CBD System, collaboration with local partners, water rights and water accounting, and maintenance and capital improvements.

Science Activities

Metropolitan staff submitted a \$1.6 million Proposition 1 grant proposal to the California Department of Fish and Wildlife to continue the successful work on the Delta Smelt and Native Species Preservation Project. The proposal is to develop two experimental tools, floating wetlands, and Delta smelt impoundment culture. The Floating Wetlands would be propagated into existing Bouldin Island ponds to evaluate the ability to affect carbon budgets in the foodweb to support fish and carbon sequestration. In addition, the Delta smelt impoundment culture information from the study would be used to inform the USBR and DWR joint facilities improvement efforts for the Delta Smelt culture facility.

At the Northern California Society of Environmental Toxicology and Chemistry (SETAC) Annual Meeting, Metropolitan staff presented on the multi-institution effort to develop decision support tools that include contaminant modeling in ecosystem and water project management. Two efforts were showcased in which Metropolitan is an active participant: the Collaborative Adaptive Management Team (CAMT) Delta Smelt Structured Decision Making and the Delta Coordination Group Structured Decision Making. Both efforts led to improved understanding of how contaminants and their effects can affect decision making.

Metropolitan staff continues to participate in the planning committees for the Interagency Ecological Program (IEP) Annual Workshop 2024 and the Bay-Delta Science Conference 2024. Both forums showcase developing and emerging science on the management of the water projects and listed species in the San Francisco Estuary and its watershed. The IEP Annual Workshop is scheduled for March of 2024 and the Bay-Delta Science Conference is scheduled for October 2024.

Metropolitan staff presented findings from the CAMT Salmonid Technical Workgroup report to the Collaborative Science Adaptive Management Program (CSAMP) policy group, which answered five specific charge questions that were directed by CSAMP. The five questions focused on how exports influence San Joaquin salmonid survival through the Delta, the effect of exports relative to other factors, how exports affect juvenile fish in different water year types, and how new information can be built into the existing modeling tools. A final report developed by the Salmonid Scoping Team will be available by the end of the year.

Delta Island Activities

The State Water Resources Control Board (State Water Board) released a Bay-Delta Water Quality Control Plan Draft Staff Report and Substitute Environmental Document on September 28, 2023. This report will be open for public comment and evaluates the impacts of the different Bay-Delta Plan update alternatives, including the State Water Board's unimpaired flow-based 2018 Framework staff proposal and the Agreements to Support Healthy Rivers and Landscapes (also known as Voluntary Agreements). Metropolitan staff is reviewing this document and plans to present an update to Metropolitan's Board in November 2023.

**Summary Report for
The Metropolitan Water District of Southern California
Board Meeting
October 10, 2023**

CONSENT CALENDAR OTHER ITEMS - ACTION

Approve Committee Assignments. **(Agenda Item 6B)**

Director Sutley was removed from Legal and Claims Committee

Director M. Petersen was removed from One Water and Stewardship Committee

Director Quinn was removed from Engineering, Operations, and Technology Committee

Director McMillian is appointed to the Finance, Audit, Insurance, and Real Property and the Subcommittee on Long-Term Regional Planning Processes and Business Modeling

Director Chacon was elected as a nonofficer member of the Executive Committee for the remaining two-year term effective October 10, 2023 and ending at the January 2025 Board Meeting. **(Agenda Item 6C)**

CONSENT CALENDAR ITEMS – ACTION

Amended the Capital Investment Plan for fiscal years 2022/23 and 2023/24 to include development of a multi-benefit landscape project on Webb Tract and authorized professional service agreements with: (1) GEI Consultants Inc. in an amount not to exceed \$1.5 million; and (2) Environmental Science Associates in an amount not to exceed \$980,000. **(Agenda Item 7-1)**

Authorized an agreement with Black & Veatch in an amount not to exceed \$750,000 for design services for access platform improvements to facilitate maintenance activities on the main pumps at the five CRA pumping plants. **(Agenda Item 7-2)**

Awarded a \$4,400,000 contract to Bosco Constructors Inc. to rehabilitate the San Diego Canal at three locations. **(Agenda Item 7-3)**

Authorized up to \$6 million in additional funding for member agency studies and research under the Future Supply Actions Funding Program. **(Agenda Item 7-4)**

Authorized a 3 percent Cost-of-Living Adjustment for the General Auditor effective June 25, 2023. **(Agenda Item 7-5)**

OTHER BOARD ITEMS – ACTION

Authorized an increase in the maximum amount payable under two contracts for legal services with Seyfarth Shaw LLP as follows: Agreement No. 201897 by \$150,000 to an amount not to exceed \$350,000, and Agreement No. 203454 by \$50,000 to an amount not to exceed \$210,000. **(Agenda Item 8-1)**

Authorized an increase in the maximum amount payable under a contract for legal services with Seyfarth Shaw LLP in the *Reese v. Metropolitan* lawsuit in the amount of \$350,000 for a total amount not to exceed \$750,000. **(Agenda Item 8-2)**

L&C Committee Chair Luna reported that the committee discussed and conferred with its legal counsel and no action was taken in closed session. No action was necessary for the Board at this time. There will be a follow-up item in November. **(Agenda Item 8-3)**
(Report only, No Action Taken)

Expressed support for the goals of the Climate Mayors Colorado River Conservation Working Group and, by a two-thirds vote, approved a financial sponsorship of \$50,000. **(Agenda Item 8-4)**

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>

The Metropolitan Water District of Southern California

Agenda

The mission of the Metropolitan Water District of Southern California is to provide its service area with adequate and reliable supplies of high-quality water to meet present and future needs in an environmentally and economically responsible way.

Board of Directors - Hidden

November 14, 2023

3:00 PM

Tuesday, November 14, 2023
Meeting Schedule

08:30 a.m. LC
10:30 a.m. FAIRP
12:30 p.m. Break
01:00 p.m. LRAC
03:00 p.m. BOD

Agendas, live streaming, meeting schedules, and other board materials are available here: <https://mwdh2o.legistar.com/Calendar.aspx>. A listen-only phone line is available at 1-877-853-5257; enter meeting ID: 891 1613 4145. Members of the public may present their comments to the Board on matters within their jurisdiction as listed on the agenda via in-person or teleconference. To participate via teleconference 1-833-548-0276 and enter meeting ID: 815 2066 4276 or click <https://us06web.zoom.us/j/81520664276pwd=a1RTQWh6V3h3ckFhNmDsUWpKR1c2Zz09>

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1. **Call to Order**
 - a. Invocation: TBD
 - b. Pledge of Allegiance: Director Cynthia Kurtz, City of Pasadena
2. **Roll Call**
3. **Determination of a Quorum**
4. **Opportunity for members of the public to address the Board on matters within the Board's jurisdiction. (As required by Gov. Code §54954.3(a))**
5. **OTHER MATTERS AND REPORTS**
 - A. Report on Directors' Events Attended at Metropolitan's Expense [21-2756](#)
 - B. Chair's Monthly Activity Report [21-2757](#)
 - C. General Manager's summary of activities [21-2758](#)
 - D. General Counsel's summary of activities [21-2759](#)

- E. General Auditor's summary of activities [21-2760](#)
- F. Ethics Officer's summary of activities [21-2761](#)
- G. Presentation of Advanced Water Treatment Champions Award to Metropolitan by California-Nevada American Water Works Association and California Water Environment Association [21-2777](#)

**** CONSENT CALENDAR ITEMS -- ACTION ****

6. CONSENT CALENDAR OTHER ITEMS - ACTION

- A. Approval of the Minutes of the Board of Directors Meeting for October 10, 2023 (Copies have been submitted to each Director, any additions, corrections, or omissions) [21-2762](#)
- B. Approve Committee Assignments

7. CONSENT CALENDAR ITEMS - ACTION

- 7-1 Authorize professional services agreements with AECOM Technical Services Inc. and CDM Smith Inc. in a total amount not to exceed \$1,200,000 for desalination technologies for potential water supply augmentation; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) [21-2763](#)
- 7-2 Authorize an agreement with General Networks Corporation in an amount not to exceed \$6,609,900 for the implementation of a cloud-based Enterprise Content Management System; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) [21-2732](#)
- 7-3 Authorize an increase of \$2,100,000 in change order authority for the contract to replace the overhead bridge cranes at the five Colorado River Aqueduct pumping plants; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) [21-2764](#)
- 7-4 Award a \$1,244,935 contract to HP Communications Inc. to construct a new fiber optic cable line from Parker Dam to the Gene Pumping Plant; and amend an existing agreement with HDR Engineering Inc. for technical support during construction; the General Manager has determined that the proposed actions are exempt or otherwise not subject to CEQA (EOT) [21-2765](#)

- 7-5** Authorize the General Manager to enter into agreements with the Quechan Tribe of the Fort Yuma Indian Reservation and farmers within Quechan tribal land, to provide incentives for land fallowing related to the Quechan Seasonal Fallowing Program, for up to \$TBD million in 2023 and escalated annual through 20xx; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (OWS) [21-2739](#)
- 7-6** Express support for the 2023 California Resilience Challenge and approve a financial sponsorship of \$50,000 to continue as a Resilience Leader; the General Manager has determined that this action is exempt or otherwise not subject to CEQA (OWS) [21-2769](#)
- 7-7** Authorize an increase in funding of \$200,000 per year for the Large Landscape and Residential Survey Program; the General Manager has determined that the proposed actions are exempt or otherwise not subject to CEQA (OWS) [21-2740](#)
- 7-8** Authorize an annual increase of \$350,000, to an amount not-to-exceed \$850,000 per year, for an existing agreement with WaterWise Consulting, Inc. to provide inspection services for turf removal, regional device rebates, and water-saving incentive program projects for Metropolitan's conservation rebate programs; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (OWS) [21-2741](#)
- 7-9** Authorization to Increase Funding for Supplemental Labor Contracts [PLACEHOLDER] (EOP) [21-2770](#)
- 7-10** Approve the Metropolitan Water District of Southern California's salary schedules pursuant to CalPERS regulations; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOP) [21-2771](#)
- 7-11** Approve amendments to the Metropolitan Water District Administrative Code to conform to current law, practices, and regulations; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (LC) **21-2744**
- 7-12** Approve amendments to Metropolitan Water District Administrative Code sections 6431 and 6453 to increase the authority of the General Counsel to obtain legal and related services to an amount not to exceed \$250,000 and the General Auditor to obtain accounting services to an amount not to exceed \$100,000; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (LC) [21-2743](#)

- 7-13** Surface Mining and Reclamation Act Financial Assurance [MISSING CEQA] (FAIRP) [21-2775](#)
- 7-14** Approve Metropolitan's annual membership in the Center for Energy Advancement through Technological Innovation and annual dues payment of \$82,000 for three interest groups, Transmission Planning and Operations, Asset Management, and Dam Safety; the General Manager determined that the proposed action is exempt or otherwise not subject to CEQA (LRAC) [21-2776](#)
- 7-15** Authorize the General Manager to sponsor legislation to amend the Surface Mining and Reclamation Act to eliminate the sunset date to allow Metropolitan to continue operating under its existing master reclamation plan; the General Manager has determined that the proposed action is exempt of otherwise not subject to CEQA (LRAC) [21-2703](#)

**** END OF CONSENT CALENDAR ITEMS ****

8. OTHER BOARD ITEMS - ACTION

- 8-1** Award an \$18,840,000 contract to Steve P. Rados Inc. to construct a surge protection facility on the Inland Feeder as part of the water supply reliability improvements in the Rialto Pipeline service area; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (This action is part of a series of projects that are being undertaken to improve the supply reliability for State Water Project dependent member agencies.) (EOT) [21-2766](#)
- 8-2** Adopt the CEQA determination that the proposed action was previously addressed in the Mitigated Negative Declaration and award a \$TBD procurement contract to TBD for steel pipe to rehabilitate a portion of the Lakeview Pipeline (EOT) [21-2767](#)
- 8-3** Authorize the General Manager to enter into agreements with Coachella Valley Water District, Imperial Irrigation District, and the San Diego County Water Authority to allow water to be added to Lake Mead under the U.S. Bureau of Reclamation's Lower Colorado River Basin System Conservation and Efficiency Program; and adopt CEQA determination that the environmental effects of the conservation efforts that are the subject of the proposed action were previously addressed in various CEQA documents and related actions, and that no further CEQA review is required (OWS) [21-2768](#)

- 8-4** Receive report on litigation in In re: Aqueous Film-Forming Foams Products Liability Litigation, Master Docket No.: 2:18-mn-2873-RMG, consider options, and provide direction on action in response to proposed settlements in: (1) City of Camden, et al. v. 3M Company, Civil Action No.: 2:23-cv-03147-RMG; and (2) City of Camden, et al. v. E.I. DuPont De Nemours and Company (n/k/a EIDP, Inc.) et al., Civil Action No.: 2:23-cv-03230-RMG; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with legal counsel – existing litigation; may be heard in closed session pursuant to Government Code Section 54956.9(d)(1)] (LC) [21-2773](#)
- 8-5** Report on litigation in Joshua Rivers v. Metropolitan Water District, Los Angeles County Superior Court Case No. 22STCV09741; and authorize an increase in the maximum amount payable under contract for legal services with Sheppard, Mullin, Richter & Hampton LLP in the amount of \$TBD for a total amount not to exceed \$TBD; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with legal counsel—existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)] (LC) [21-2774](#)
- 8-6** Report on litigation in Systems Integrated, LLC v. Metropolitan Water District of Southern California, Los Angeles County Superior Court Case No. 21STCV18292; authorize an increase in maximum amount payable under contract for legal services with Internet Law Center, Ltd. in the amount of \$TBD for a total amount not to exceed \$TBD; and authorize an increase in maximum amount payable under contract for legal services with Kronenberger Rosenfeld, LLP in the amount of \$TBD for a total amount not to exceed \$TBD; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. [Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)] (LC) [21-2745](#)
- 8-7** Labor Contract Negotiations [PLACEHOLDER] [21-2772](#)

9. BOARD INFORMATION ITEMS

- 9-1** Conservation Board Report [21-2749](#)
- 9-2** Legislative Priorities and Principles for 2024 (LRAC) [21-2748](#)

10. OTHER MATTERS

NONE

11. FOLLOW-UP ITEMS

NONE

12. FUTURE AGENDA ITEMS

13. ADJOURNMENT

NOTE: Each agenda item with a committee designation will be considered and a recommendation may be made by one or more committees prior to consideration and final action by the full Board of Directors. The committee designation appears in parenthesis at the end of the description of the agenda item, e.g. (EOT). Board agendas may be obtained on Metropolitan's Web site <https://mwdh2o.legistar.com/Calendar.aspx>

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

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

Draft