

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
June 5, 2024, 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. 2148

PRESENTATION/DISCUSSION ITEMS

1. CLIMATE ADAPTATION MASTER PLAN FOR WATER (CAMP4W) AND BUSINESS MODEL UPDATE

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
- f. Metropolitan Legislative Matrix

Recommendation: Review and discuss the information presented.

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

Recommendation: Receive input and discuss the information presented.

ACTION ITEMS

4. H.R. 7922 (CRAWFORD, R-AR) – WATER RISK AND RESILIENCE ORGANIZATION ESTABLISHMENT ACT

Recommendation: Vote to adopt a support position on H.R. 7922 (Crawford, R-AR).

5. H.R. 7872 (CURTIS, R-UT) – COLORADO RIVER BASIN SALINITY CONTROL ACT

Recommendation: Vote to adopt a support position on H.R. 7872 (Curtis, R-UT).

6. ELECTION INFORMATION (CANDIDATE’S STATEMENTS)

Recommendation: Authorize staff to submit the Transmittal of Election Information/Special District to the Orange County Registrar of Voters, indicating that the Candidate’s Statement of Qualifications will be limited to 200 words, and that the District will not pay for the statements.

INFORMATION ITEMS

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

- a. MET’s Finance and Rate 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.

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

- a. Summary regarding May 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

June 5, 2024

TO: Board of Directors

FROM: Harvey De La Torre, General Manager

Staff Contact: Melissa Baum-Haley
Alex Heide

SUBJECT: CLIMATE ADAPTATION MASTER PLAN FOR WATER (CAMP4W) AND BUSINESS MODEL UPDATE

STAFF RECOMMENDATION

It is recommended that the Board of Directors discuss and file this information.

SUMMARY

In May 2023, Metropolitan began integrating its water resources, climate, and financial planning into the Climate Adaptation Master Plan (CAMP4W). CAMP4W seeks to increase Metropolitan’s understanding of the climate risks to water supplies, water quality, infrastructure, operations, workforce, public health, and financial sustainability. Additionally, CAMP4W will develop decision-making tools and long-term planning guidance for Metropolitan’s adaptation to climate change.

After over a year of work through the CAMP4W process, Metropolitan staff developed a Year One Progress Report (Report). At their May Board meeting, the Metropolitan Board provided direction to staff to move forward on the next steps in the process, which include addressing Metropolitan’s Business Model and Affordability.

Evolving the Business Model is intended to improve Metropolitan’s ability to serve the needs of its Member Agencies in the face of a changing climate and the level of investment necessary to prepare the district for the future. As a two-directional process, decisions made in the Business Model discussion will inform CAMP4W, and decisions made in CAMP4W will inform the Business Model.

As outlined in Section 4.2 of the Report, this next phase of the process commences with:

- Reviewing Metropolitan’s current Business Model

Budgeted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Budgeted amount: None	Core: <input checked="" type="checkbox"/>	Choice: <input type="checkbox"/>
Action item amount: N/A		Movement between funds: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

- Identifying the problem statement
- Evaluating the role Metropolitan may take moving forward
- Determining how the existing Business Model should be updated and revised to address Metropolitan’s problem statement and goals

Establishing a comprehensive and transparent understanding of the current Business Model is imperative. This shared knowledge will be a solid starting point for Metropolitan and Member Agencies to initiate the refinement process.

The next step should be a clear understanding of deficiencies and challenges Metropolitan’s Business Model is expected to face in the future, categorized as factors of Metropolitan’s role and core function, rate structure, and/or new revenue opportunities.

Metropolitan’s 26 Member Agencies have diverse perspectives on the future of the Metropolitan Business Model. Therefore, MWDOC has invited three general managers of Metropolitan Member Agencies to share their respective thoughts, insights, and various perspectives on the Metropolitan Business Model. The facilitated panel discussion will aid the dialogue on productive and mutually beneficial considerations for understanding the business model and potential refinements.

The panel discussion will include individual perspectives from:

- Harvey De La Torre, General Manager, Municipal Water District of Orange County
- David Pedersen, General Manager, Las Virgenes Municipal Water District
- Anatole Falagan, Assistant General Manager, Long Beach Utilities
- Craig Miller, General Manager, Western Municipal Water District

ALIGNMENT WITH BOARD STRATEGIC PRIORITIES

- | | |
|---|---|
| <input type="checkbox"/> Clarifying MWDOC’s mission and role; defining functions and actions. | <input type="checkbox"/> Work with member agencies to develop water supply and demand objectives. |
| <input checked="" type="checkbox"/> Balance support for Metropolitan’s regional mission and Orange County values and interests. | <input checked="" type="checkbox"/> Solicit input and feedback from member agencies. |
| <input type="checkbox"/> Strengthen communications and coordination of messaging. | <input type="checkbox"/> Invest in workforce development and succession planning. |

Additional Comments: MWDOC will continue to bring regular updates to MWDOC’s Member Agencies through the Joint Board Workshop and the MWDOC Member Agency Managers Meetings.

<p>List of Attachments/Links:</p> <p>Attachment: Joint Member Agency Letter on Business Model Refinement Process</p> <p>Link 1: Metropolitan CAMP4W Year One Progress Report</p> <p>Link 2: Metropolitan Presentation on Business Model Refinements</p>



May 24, 2024

CAMP4W Task Force

Subcommittee on Long-Term Regional Planning Processes and Business Modeling

700 North Alameda Street

Los Angeles, CA 90012-2944

Subject: Input on Business Model Refinement Process

Dear CAMP4W Task Force Members,

We appreciate the opportunity to provide feedback on the future of Metropolitan’s Business Model.

Fiscal sustainability is a core tenet of Metropolitan’s mission of delivering adequate and reliable water supplies to nearly 19 million people. As Metropolitan charts, its path for delivering on its mission through its second century of service, integration of the Business Model with the CAMP4W planning process is critical to our collective fiscal sustainability.

The CAMP4W task force has been a testament to the power of collaboration, fostering dialogue between Metropolitan, the Member Agencies, and their respective staffs. It would be prudent for the process of refining the Business Model to mirror this, providing ample opportunities for collaboration, engagement, and representation. To ensure that business model refinements meet legal and financial requirements, having the Chief Financial Officer and General Counsel actively participate in the Business Model deliberations would be advantageous.

As we refine Metropolitan’s Business Model, it is imperative to first establish a **comprehensive and transparent understanding of the current Business Model**. This shared knowledge will serve as a solid starting point for Metropolitan and Member Agencies to initiate the refinement process.

The next step should be a **clear understanding of deficiencies and challenges** Metropolitan’s Business Model is expected to face in the future, categorized as factors of Metropolitan’s role and core function, rate structure, and/or new revenue opportunities.

This approach is consistent with the process laid out in the CAMP4W Year One Report and would give Metropolitan and its Member Agencies a common understanding from which we can formulate productive and mutually beneficial refinements to the Business Model.

Thank you,



Richard Wilson, P. E.
Assistant General Manager
Burbank Water & Power



Joe Mouawad, P.E.
General Manager
Eastern Municipal
Water District



Nina Jazmadarian
General Manager
Foothill Municipal
Water District



Chisom Obegolu
Assistant General Manager of
Water Services
City of Glendale



David W. Pedersen, P.E.
General Manager
Las Virgenes Municipal
Water District



Harvey De La Torre
General Manager
Municipal Water District of
Orange County



Stacie N. Takeguchi, P.E.
Assistant General Manager -
Water
Pasadena Water and Power



Sunny Wang, P.E.
Water Resources Manager
City of Santa Monica



Matthew H. Litchfield, P.E.
General Manager
Three Valleys Municipal
Water District



Craig Miller, P.E.
General Manager
Western Municipal
Water District

The logo for "NATURAL RESOURCE RESULTS" features the words "NATURAL RESOURCE" in a blue, sans-serif font above the word "RESULTS" in a larger, bold, blue, sans-serif font. A stylized green and blue wave graphic is positioned between the two lines of text.

NATURAL RESOURCE RESULTS

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

From: Natural Resource Results

RE: Monthly Board Report – June 2024

Senate Budget Hearing on Drought

On May 22nd, the Senate Budget Committee held a [hearing](#) on “Droughts, Dollars, and Decisions: Water Scarcity in a Changing Climate.” Notably, MWDOC’s General Manager and CEO, Adel Hagekhalil, highlighted the significant costs of drought in California and the projects necessary to improve climate resilience and address reliability needs.

Witnesses and experts discussed the impacts of droughts on water resources, agriculture, and communities, highlighting the need for effective management strategies and investments. Topics included the economic ramifications of water scarcity, challenges faced by water users, and potential solutions to mitigate future crises.

WRDA Passes Through Senate Committee

On May 22nd, the Senate Environment and Public Works Committee unanimously passed the [Water Resources Development Act of 2024 \(WRDA\)](#). The bill would approve eight Army Corps projects and includes provisions to boost tribal authority over water resource projects and allow Western dams to store more water. Also included in the bill text is the establishment of an emergency drought operations pilot program at certain projects in Arizona and California.

Senate leaders aim to advance the bill to the floor in the coming weeks, pending an evaluation from the Congressional Budget Office. Meanwhile, the House is in the process of formulating its own version of the WRDA bill. The House Transportation and Infrastructure Committee anticipates a markup of the bill sometime in June.

Salinity Control Legislation

On May 22nd, the House Natural Resources Water, Wildlife and Fisheries Subcommittee held a [hearing](#) to discuss four bills, including Rep. John Curtis’ (R-UT) [Colorado River Salinity Control Fix Act \(H.R. 7872\)](#). Don Barnett, the Executive Director of the Colorado River Basin Salinity Control Forum, testified in support of the legislation. The bill currently has 9 cosponsors.

The proposed legislation includes provisions to raise the federal cost-share for initiatives aimed at desalinating the Colorado River. David Palumbo, Reclamation’s deputy commissioner of operations, expressed the Bureau’s support for the bill’s objective to tackle the existing funding deficit for the salinity control program, emphasizing the adverse effects of high river salinity on agricultural lands and water consumers.

Energy and Water Appropriations Schedule

The House Appropriations Committee is planning to markup the Energy and Water bill in the Subcommittee on June 28th and in the full Committee on July 9th. The Senate Appropriations has not yet released their markup schedule.



To:	MWDOC Workshop
From:	Syrus Devers
Date:	June 5th, 2024
Re:	State Legislative Report

Legislature

The deadline for a bill to pass out of the house of origin was May 24th. As this is the second year of the biennial session, it was the final stop for many bills. Public water agencies did well in terms of stopping opposed legislation, and equally well in moving supported legislation to the other house.

The most concerted opposition was aimed at AB 2614 (Ramos) dealing with tribal water rights, and would have changed the definition of what constitutes a beneficial use of water. That, in turn, would have reopened a wide range of water agreements, including the Bay-Delta Plan. MWDOC staff had looked very closely at the bill but decided to wait and see if the bill passed to the Senate before making a decision to engage, but the bill was held “on suspense” in the Assembly Appropriations Committee.

The only major piece of legislation opposed by a large part of the water community that survived is AB 2079 (Bennett), which would place a moratorium on new large-capacity wells under specified circumstances. Since the primarily affected parties are agricultural interests, MWDOC staff has not brought the bill to the attention of the Board as yet. The bill did pass over to the Senate, and it is possible that future amendments may require MWDOC to engage.

On the support side, every bill MWDOC supported was passed to the second house. For these reasons, it seems like 2024 will be a banner year for water related interests, unless low-income rate assistance (LIRA) takes a bad turn. ACWA and CMUA are engaged with SB 1255 (Durazo), which will be further amended to establish a LIRA program requirement funded by voluntary contributions from ratepayers. MWDOC staff is engaged in the ACWA working group.

In other words, good so far but it is not over.

Administration

The Delta Conveyance Project reached another milestone. The cost/benefit analysis was published on May 16th, and it showed a benefit of \$2.20 for every dollar of cost. Many will dismiss the analysis as a public relations exercise, but there is a lot to look at in the document. The new cost estimate is \$20 billion. The analysis identified four areas of benefits: urban water use, agricultural use, water quality, and seismic safety.

Syrus Devers Advocacy

Those who only read the headlines, however, will have missed the fact the many benefits were described, but not quantified. Increased operational flexibility in the State Water Project to deal with climate change is an obvious benefit to the DCP, yet that was not a part of the estimated value of completing the project. The project will also help relieve pressure on groundwater supplies in the Central Valley during times of shortage or other supply interruption, but this benefit was also not included in the valuation estimate.

In other words, the report took a conservative approach to estimating benefits. Despite this fact, environmental groups and in-Delta interests were quick to criticize the report. Karla Nemeth, Director of the Dept. of Water Resources, stated that she expects the major State Water Contractors to complete their fiscal analyses by the end of 2025.

Legal and Regulatory

June 5, 2024

- Emergency Orders:** You may recall during COVID that a number of emergency orders were given by the Governor. Some of them involved water curtailment, diversions, and other water rights. Many water agencies filed suits at the time and some of them are coming to fruition now. A recent case last week in a federal court dismissed practically all the claims by the water agencies. You may recall the claims were based on unlawful taking and due process violations. While the courts did not make any final decision on water rights, they did dismiss the claims. It seems to me that it was mainly based on emergency orders given by the state. We are not sure if this decision will be appealed or not, but it may have little final control on water rights being asserted by the state.
- Fish Killed by Pumps:** A recent report from the state of California indicated that over a half a million fish have been killed in the last 20 years by water pumps in our conveyance system. The study was mainly based on salmon and trout which were consumed by the action of the pumps transferring water to Southern California. The report also mentioned the large number of salmon killed by predatory fish in the forebays. The state has installed many underwater barricades to encourage fish to go around the pumps. The study also indicated that there has not been much progress in saving fish from the pumps during this time.
- Kern vs State:** We have recently reported that the State has stepped up its enforcement of groundwater management. Several districts have been put on probation and threatened with injunction and fines. Last month the Kings County Farm Bureau and a number of property owners filed suit against the State on various grounds. Legal actions involved violation of equal protection, unlawful tax, and failure to examine the facts compared to other areas. This action was filed in state court and will probably be the first of many challenging the basic act and water rights in the state.
- San Francisco Bans PFAS:** While both the state and federal government are deciding on acceptable levels for PFAS, most of them have excluded the use of the chemicals in firefighting efforts. San Francisco will become the first city in the country to outlaw the use of PFAS materials in firefighting clothing. PFAS is still used in firefighting foams and clothing. The city is requiring the purchase of new protective clothing without PFAS by June of 2026. Such equipment is presently not readily available in the US and may be only 60% effective as the current. The cost will be over \$10 million.
- Great Salt Lake Comeback:** We reported last year that the Great Salt Lake in 2022 fell to its lowest level in history. Fast forward to the present day and the lake is 20 feet below the highest record it has ever had. The area increase of the lake is over 150 square miles area, about the size of Denver. Utah has experienced a similar level of rain activity for the past two years that we have. In addition to the higher water level, the salinity level in the

lake is back to a safer level for both humans and the ecosystem supported by the lake. The level of the lake is 4195 feet above sea level which compares to its record low of 4189 feet.

6. **Panama Canal Study:** The World Weather Attribution group recently released a study on the drought conditions in the Panama Canal. While many groups are blaming climate change as the key factor, this report says that El Nino was the proximate cause. Weather patterns caused by El Nino for the last two years doubled the likelihood of low rain in Panama. This dryness reduces the water levels causing a reduction in the number of ships going through the Panama Canal. Their scientists used existing data and computer models and compared it to a world without fossil fuel. They used more than 140 years of rainfall records from 65 weather stations around the world.
7. **Atmospheric River History:** USGS scientists have been studying the history of atmospheric rivers for some time. Their current study goes back over 3000 years, and it is based on sediment samples taken from Leonard Lake in Mendocino County. This lake has been relatively undisturbed for centuries and presents a good sample model for this type of study. They discovered that twice during this period we have had atmospheric river activity exceeding what we currently experienced in the last two years. The 32 storms which hit California last year were minor compared to storms in the past. The study involved looking at sediment elements such as titanium and silica which when evaluated using radiocarbon dating, help determine the age of the elements. These core samples provide an accurate mechanism for studying atmospheric river activity. The study acknowledges the data comes from only one lake. They intend to expand their study in the future. They also indicate that this information may not be necessarily accurate in predicting future storms. Many of the variations in the past occurred before we had any human activity. But it does give accurate information as to what has happened in the past.
8. **EPA v SF:** The Federal EPA has taken action against the city and county of San Francisco for violations of the Clean Water Act. The litigation alleges that for more than 10 years San Francisco has violated the rules for operation and discharge of their sewage treatment systems. The allegation is that their infrastructure has degraded to the point that it is an extreme risk to humans and the environment. The complaint alleges that each year San Francisco discharges 1.8 billion gallons of untreated sewage into the local water supply. A recent update indicated that San Francisco is seeking a hearing before the US Supreme Court on this issue.
9. **Recent Snow Level Rare?:** A recent report by the National Academy of Sciences has indicated that the last few years excessive snowfall is extremely rare and should not be seen as something that will continue in the future. They indicated they doubt if anyone currently alive will see the amount of snow level that we have experienced in the future. At the same time, they all acknowledge the atmospheric river activity may continue creating a wetter future but with less snow. They acknowledge that storage of snow is the most effective. As more rain is predicted we need to have more facilities to store it for use later.
10. **Low Hydro Power:** A recent report indicated that hydropower generation is dropped to a 20 year low for the western United States. The two areas that have dropped the most are Oregon and Washington. They attribute this to hotter temperatures creating greater snowpack melt and the inability to capture all the hydropower. California on the other hand has increased its hydropower by nearly twice in the last few years that is due mainly to the atmospheric river activity in our state.

11. **San Diego Water Rates:** We have all followed the difficulties of the San Diego Water Authority which have caused their rates to skyrocket. The agency is indicating that they may have to increase their water rates by 39% to maintain financial viability. This will be a giant increase in prices for everyone who is served by the authority. I am sure we have not heard the last of this yet.

12. **Better Ag:** We all have followed the progress of agriculture in California in their conservation efforts of water. While the farmers are becoming more efficient and wiser in their use of water, more can be done. The University of California at Santa Barbara has been researching additional methods for agriculture to be more efficient. They have been examining different types of crops and crop rotation methods and an examination of the soil types in various regions in California. The more scientific data that can be provided to our agricultural community the more efficient they will be continuing to be the breadbasket of the world.



WHITTINGHAM
PUBLIC AFFAIRS ADVISORS

June 5, 2024

TO: MWDOC Board of Directors

FROM: Peter Whittingham

SUBJECT: June 2024 Report

The month of May was highlighted by shoreline replenishment efforts, management changes, and other noteworthy events in Orange County. Following is a few of the more notable developments and issues of the month:

- Santa Margarita Water District announced that Robb Grantham will serve as the agency's next General Manager. Grantham has been the GM at Rancho California since 2021; this will be his second stint at SMWD, having previously served as Assistant GM there for four years. He is scheduled to begin his tenure on June 17th.
- Another noteworthy development for SMWD was the news that the agency's Trampas Canyon recycled water reservoir had reached 90% capacity well ahead of schedule. The reservoir, which was completed in 2020, currently holds roughly 1.45 billion gallons of treated wastewater, just short of its capacity of 1.6 billion gallons.
- The Tustin City Council announced that it had reached an agreement with Aldo Schindler to serve as the City's next City Manager. Mr. Schindler has served most recently in a similar capacity for the City of Artesia, CA, and has more than 20 years of experience with a number of cities and agencies in L.A. County.
- The Orange County Board of Supervisors conducted interviews of the three finalists to replace current Chief Executive Officer Frank Kim, who will be retiring this month. The next CEO will take the helm of the County, overseeing 16,000 employees and a \$9.3 billion budget.
- The City of Orange has amended an agreement with the City of Anaheim to incorporate a new 16" water main line as part of the widening of Orangewood Avenue and improvements to the Orangewood bridge over the Santa Ana River. The new line is critical to connecting businesses on the west side of the River to the remainder of the City's water transmission system.

- Water industry leaders from throughout the county and the state gathered in Sacramento for the Association of California Water Agencies spring conference. The event, presided over by ACWA and OCWD President Cathy Green, was highlighted by a surprise appearance by Governor Gavin Newsom. The Governor expressed his support for the Delta Conveyance Project as key to climate adaptation, stressed his administration’s continued work on permitting reform, and reiterated his commitment to local water management.
- After months of delay, the Army Corps of Engineers sand replenishment project resumed in San Clemente, using sand dredged from off the coast of Surfside. Roughly half of the area between Linda Lane and T Street will be done immediately, with the remainder of the work being deferred until October. A local group, Save Our Beaches, has established a website (<https://www.saveourbeachessc.org/>) related to the ongoing work in this area.
- Finally, in news from our county to the north, the City of Pico Rivera has filed a lawsuit against the Pico Water District, looking to stop a 110% increase in water rates over the next five years, which the city contends is unnecessary and unconstitutional. The lawsuit comes after the Pico Water District Board of Directors approved the rate increase at its February 15 meeting, which amounted to a 25% rate increase effective March 1, 2024, another 20% increase on Jan. 1, 2025, and additional 12% increases for years 2026 through 2028. Pico Water District officials said the rate hike is needed mainly for infrastructure and capital improvements needs, including to treat PFAS in the system’s potable water, as well as to increase its “cash on hand’ reserves.

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

Sincerely,



Peter Whittingham

Priority: A. High

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

Location: 07/14/2023 - Senate 2 YEAR

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. (Based on 05/18/2023 text)

Position	Priority
oppose	A. High

AB 1337 (Wicks, D) State Water Resources Control Board: water diversion curtailment.

Location: 07/14/2023 - Senate 2 YEAR

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. (Based on 05/18/2023 text)

Position	Priority
watch	A. High

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.

Location: 05/22/2024 - Senate Natural Resources and Water

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. (Based on 05/26/2023 text)

Position	Priority
watch	A. High

AB 1573 (Friedman, D) Water conservation: landscape design: model ordinance.

Location: 09/14/2023 - Senate 2 YEAR

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. (Based on 09/01/2023 text)

Position	Priority
watch	A. High

[AB 1820](#) (Schiavo, D) Housing development projects: applications: fees and exactions.

Location: 05/22/2024 - Senate Rules

Summary: Current law requires a city or county to deem an applicant for a housing development project to have submitted a preliminary application upon providing specified information about the proposed project to the city or county from which approval for the project is being sought. Current law requires a housing development project be subject only to the ordinances, policies, and standards adopted and in effect when the preliminary application was submitted. This bill would authorize a development proponent that submits a preliminary application for a housing development project to request a preliminary fee and exaction estimate, as defined, and would require the local agency to provide the estimate within 30 business days of the submission of the preliminary application. For development fees imposed by an agency other than a city or county, the bill would require the development proponent to request the fee schedule from the agency that imposes the fee. (Based on 04/29/2024 text)

Position	Priority
watch	A. High

Notes - Flagged by CSDA

[AB 1827](#) (Papan, D) Local government: fees and charges: water: higher consumptive water parcels.

Location: 05/21/2024 - Senate Rules

Summary: The California Constitution specifies various requirements with respect to the levying of assessments and property-related fees and charges by a local agency, including requiring that the local agency provide public notice and a majority protest procedure in the case of assessments and submit property-related fees and charges for approval by property owners subject to the fee or charge or the electorate residing in the affected area following a public hearing. Current law, known as the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with these requirements and, among other things, authorizes an agency providing water, wastewater, sewer, or refuse collection services to adopt a schedule of fees or charges authorizing automatic adjustments that pass through increases in wholesale charges for water, sewage treatment, or wastewater treatment or adjustments for inflation under certain circumstances. Current law defines, among other terms, the term "water" for these purposes to mean any system of public improvements intended to provide for the production, storage, supply, treatment, or distribution of water from any source. This bill would provide that the fees or charges for property-related water service imposed or increased, as specified, may include the incrementally higher costs of water service due to specified factors, including the higher water usage demand of parcels. (Based on 04/04/2024 text)

Position	Priority
support	A. High

Notes - Support position adopted on May 1st

[AB 2257](#) (Wilson, D) Local government: property-related water and sewer fees and assessments: remedies.

Location: 05/16/2024 - Senate Rules

Summary: The California Constitution specifies various requirements with respect to the levying of assessments and property-related fees and charges by a local agency, including notice, hearing, and protest procedures, depending on the character of the assessment, fee, or charge. Current law, known as the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local jurisdictions to comply with these requirements. This bill would prohibit, if a local agency complies with specified procedures, a person or entity from bringing a judicial action or proceeding alleging noncompliance with the constitutional provisions for any new, increased, or extended fee or assessment, as defined, unless that person or entity has timely submitted to the local agency a written objection to that fee or assessment that specifies the grounds for alleging noncompliance, as specified. This bill would provide that local agency responses to the timely submitted written objections shall go to the weight of the evidence supporting the agency's compliance with the substantive limitations on fees and assessments imposed by the constitutional provisions. (Based on 04/23/2024 text)

Position	Priority
support	A. High

Notes - ACWA sponsored. Support position adopted May 1st.

[AB 2409](#) (Papan, D) Office of Planning and Research: permitting accountability transparency dashboard.

Location: 05/16/2024 - Assembly DEAD

Summary: Would require the Office of Planning and Research, on or before January 1, 2026, to create and maintain, as specified, a permitting accountability transparency internet website (dashboard). The bill would require the dashboard to include a display for each permit to be issued by specified state agencies for all covered projects. The bill would define various terms for these purposes. The bill would also require the dashboard to include, but not be limited to, information for each permit to be issued by a state agency that is required for the completion of the project, including, among other requirements, the permit application submission date. The bill would require each state agency with a responsibility for issuing a permit for a covered project to provide information in the appropriate time and manner as determined by the office. The bill would also make related findings and declarations. (Based on 04/11/2024 text)

Position	Priority
support	A. High

Notes - CMUA sponsored bill. Support position adopted on March 6th.

[AB 3219 \(Sanchez, R\)](#) Advanced Clean Fleets Regulation: local governments.

Location: 05/02/2024 - Assembly DEAD

Summary: The California Global Warming Solutions Act of 2006 establishes the State Air Resources Board as the state agency responsible for monitoring and regulating sources emitting greenhouse gases and requires the state board to adopt rules and regulations to achieve the maximum technologically feasible and cost-effective greenhouse gas emission reductions from those sources. Pursuant to its authority, the state board has adopted the Advanced Clean Fleets Regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and heavy-duty trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles. The Advanced Clean Fleets Regulation authorizes entities subject to the regulation to apply for exemptions from its requirements under certain circumstances. This bill would provide that the requirements of the Advanced Clean Fleets Regulation do not apply to the purchase by a local government of vehicles with a gross vehicle weight rating greater than 8,500 pounds if the price of the zero-emission version of a vehicle is more than an unspecified percentage of the price of a comparable internal combustion engine version of that vehicle. (Based on 03/11/2024 text)

Position	Priority
watch	A. High

Notes - Possible support

[SB 366 \(Caballero, D\)](#) The California Water Plan: long-term supply targets.

Location: 06/08/2023 - Assembly Water, Parks and Wildlife

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 designated beneficial uses. (Based on 04/08/2024 text)

Position	Priority
support	A. High

Notes - CMUA sponsored bill from 2023

[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.

Location: 06/20/2023 - Assembly Natural Resources

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. (Based on 06/22/2023 text)

Position	Priority
watch	A. High

SB 1072 (Padilla, D) Local government: Proposition 218: remedies.

Location: 05/22/2024 - Assembly DESK

Summary: The California Constitution sets forth various requirements for the imposition of local taxes. The California Constitution excludes from classification as a tax assessments and property-related fees imposed in accordance with provisions of the California Constitution that establish requirements for those assessments and property-related fees. Under these requirements, an assessment is prohibited from being imposed on any parcel if it exceeds the reasonable cost of the proportional special benefit conferred on that parcel, and a fee or charge imposed on any parcel or person as an incident of property ownership is prohibited from exceeding the proportional cost of the service attributable to the parcel. Current law, known as the Proposition 218 Omnibus Implementation Act, prescribes specific procedures and parameters for local compliance with the requirements of the California Constitution for assessments and property-related fees. This bill would require a local agency, if a court determines that a fee or charge for a property-related service, as specified, violates the above-described provisions of the California Constitution relating to fees and charges, to credit the amount of the fee or charge attributable to the violation against the amount of the revenues required to provide the property-related service, unless a refund is explicitly provided for by statute. (Based on 04/24/2024 text)

Position	Priority
watch	A. High

SB 1164 (Newman, D) Property taxation: new construction exclusion: accessory dwelling units.

Location: 05/22/2024 - Assembly DESK

Summary: The California Constitution generally limits ad valorem taxes on real property to 1% of the full cash value of that property. For purposes of this limitation, "full cash value" is defined as the assessor's valuation of real property as shown on the 1975-76 tax bill under "full cash value" or, thereafter, the appraised value of that real property when purchased, newly constructed, or a change in ownership has occurred. This bill would exclude from classification as "newly constructed" and "new construction" the construction of an accessory dwelling unit, as defined, if construction on the unit is completed on or after January 1, 2025, and before January 1, 2030, until one of specified events occurs. The bill would require the property owner to, among other things, notify the assessor that the property owner intends to claim the exclusion for an accessory dwelling unit and submit an affidavit stating that the owner shall make a good faith effort to ensure the unit will be used as residential housing for the duration the owner receives the exclusion. (Based on 05/16/2024 text)

Position	Priority
watch	A. High

Notes - Brought up on 4/3. Keep watch position pending feedback from agencies.

SB 1210 (Skinner, D) New housing construction: electrical, gas, sewer, and water service: service connection information.

Location: 05/21/2024 - Assembly DESK

Summary: Existing law vests the Public Utilities Commission with regulatory authority over public utilities, including electrical corporations, gas corporations, sewer system corporations, and water corporations, while local publicly owned utilities, including municipal utility districts, public utility districts, and irrigation districts, are under the direction of their governing boards. This bill would, for new housing construction, require the above-described utilities, on or before January 1, 2026, to publicly post on their internet websites (1) the schedule of fees for a service connection, capacity, or other point of connection charge for each housing development type, including, but not limited to, accessory dwelling unit, mixed-use, multifamily, and single-family developments, except as specified, and (2) the estimated timeframes for completing typical service connections for each housing development type, as specified. The bill would exempt from its provisions an independent special district that does not maintain an internet website due to a hardship, as provided. To the extent that this bill imposes new requirements on certain local agencies, the bill would impose a state-mandated local program. This bill contains other related provisions and other existing laws. (Based on 04/22/2024 text)

Position	Priority
watch	A. High

Notes - OUA adopted on 4/3. Amendments removed impacts to special districts. Moved to "watch."

SB 1218 (Newman, D) Water: emergency water supplies.

Location: 05/24/2024 - Assembly DESK

Summary: The Urban Water Management Planning Act requires every public and private urban water supplier that directly or indirectly provides water for municipal purposes to prepare and adopt an urban water management plan. The act requires an urban water management plan to include a water shortage contingency plan, as provided. This bill would declare that it is the established policy of the state to encourage, but not mandate, the development of emergency water supplies, and to support their use during times of water shortage. (Based on 05/16/2024 text)

Position	Priority
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support	A. High
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Notes - IRWD sponsored. Support position adopted on March 6th.

Priority: B. Watch

[AB 2579](#) (Quirk-Silva, D) Inspections: exterior elevated elements.

Calendar: 06/04/24 S-HOUSING 1:30 p.m. - 1021 O Street, Room 1200 SKINNER, NANCY, Chair

Location: 05/15/2024 - Senate Housing

Summary: Current law provides authority for an enforcement agency to enter and inspect any buildings or premises whenever necessary to secure compliance with or prevent a violation of the building standards published in the California Building Standards Code and other rules and regulations that the enforcement agency has the power to enforce. Current law requires an inspection, by January 1, 2025, and by January 1 every 6 years thereafter, of exterior elevated elements and associated waterproofing elements, as defined, including decks and balconies, for buildings with 3 or more multifamily dwelling units, as specified. Current law that provides that, if the property was inspected within 3 years prior to January 1, 2019, as specified, no new inspection is required until January 1, 2025. This bill would extend the deadline for initial inspection until July 1, 2025. (Based on 04/09/2024 text)

Position	Priority
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watch	B. Watch
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[AB 2626](#) (Dixon, R) Advanced Clean Fleets regulations: local governments.

Location: 04/25/2024 - Assembly DEAD

Summary: Current law requires the State Air Resources Board to adopt and implement motor vehicle emission standards, in-use performance standards, and motor vehicle fuel specifications for the control of air contaminants and sources of air pollution that the state board has found necessary, cost effective, and technologically feasible. Pursuant to its authority, the state board has adopted the Advanced Clean Fleets Regulation, which imposes various requirements for transitioning local, state, and federal government fleets of medium- and heavy-duty trucks, other high-priority fleets of medium- and heavy-duty trucks, and drayage trucks to zero-emission vehicles. The Advanced Clean Fleets Regulation authorizes entities subject to the regulation to apply for exemptions from its requirements under certain circumstances. This bill would extend the compliance dates for local government set forth in the Advanced Clean Fleets Regulation by 10 years. The bill would prohibit the state board from taking enforcement action against a local government for violating the Advanced Clean Fleets Regulation if the alleged violation occurs before January 1, 2025. (Based on 02/14/2024 text)

Position	Priority
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B. Watch	B. Watch
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Notes - Possible support

[AB 2911](#) (McKinnor, D) Campaign contributions: agency officers.

Location: 05/22/2024 - Senate Rules

Summary: The Political Reform Act of 1974 prohibits an officer of an agency from accepting, soliciting, or directing a contribution of more than \$250 from any party, participant, or a party or participant's agent, while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for 12 months following the date a final decision is rendered in the proceeding, if the officer knows or has reason to know that the participant has a financial interest, as defined. Current law permits an officer who violates this prohibition to cure the violation by returning the contribution, or portion of the contribution in excess of \$250, within 14 days of accepting, soliciting, or directing the contribution, as specified. Current law also prohibits a party or party's agent from making a contribution of more than \$250 to any officer of an agency while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for 12 months following the date a final decision is rendered by the agency in that proceeding. This bill would raise the threshold for contributions regulated by these provisions to \$1,500, as specified. (Based on 04/16/2024 text)

Position	Priority
watch	B. Watch

[AB 2933](#) (Low, D) Multiunit residential structures and mixed-use residential and commercial structures: water conservation.

Location: 05/16/2024 - Assembly DEAD

Summary: Current law establishes the Building Standards Administration Special Revolving Fund, and makes the moneys in the fund available, upon appropriation, to state entities to carry out various related provisions, as specified. Current law requires the Department of Housing and Community Development to propose the adoption, amendment, or repeal of building standards to the California Building Standards Commission, and the department to adopt, amend, and repeal other rules and regulations for the protection of the public health, safety, and general welfare of the occupant and the public governing the erection, construction, enlargement, conversion, alteration, repair, moving, removal, demolition, occupancy, use, height, court, area, sanitation, ventilation, and maintenance of all hotels, motels, lodging houses, apartment houses, and dwellings, and buildings and structures accessory thereto, as specified. Current law authorizes those standards to include voluntary best practice and mandatory requirements related to environmentally preferable water using devices and measures. Current law requires the department and the commission to research, develop, and propose building standards to reduce potable water use in new residential and nonresidential buildings, including consideration of requiring installation of water reuse systems and consideration of requiring preplumbing of buildings to allow future use of recycled water, onsite treated graywater, or other alternative water sources. This bill would enact the California Multiunit Residential Structure and Mixed-Use Residential and Commercial Structure Water Conservation Act. The bill would state findings and declarations of the Legislature relating to wasted water due to plumbing leaks. The bill would require the department to investigate whether additional water conservation and efficiency measures are warranted for existing and new multifamily residential construction and mixed use commercial structures, including, but not limited to, point-of-use systems, as defined. The bill would authorize the department, if it determines that changes to the California Green Building Standards are warranted, to develop voluntary or mandatory proposals to be submitted to the commission for consideration. (Based on 04/18/2024 text)

Position	Priority
B. Watch	B. Watch

Notes - Possible support. Update building standards to conserve water.

[AB 2947](#) (Lackey, R) Water: turfgrass conversion.

Location: 05/16/2024 - Assembly DEAD

Summary: Would prohibit the Department of Water Resources, when it allocates funding for turf replacement programs, from excluding urban water suppliers' turfgrass conversion rebate programs if the rebate program requires the recipient of a rebate to achieve a net water savings and to use the most efficient turfgrass irrigation equipment, as provided. The bill would require an urban water supplier that offers a turfgrass conversion rebate program using funds awarded by the department after January 1, 2025, to report annually to the department on the number of turfgrass conversions that are funded through the program and the estimated water savings from the program until the funds are exhausted. (Based on 04/08/2024 text)

Position	Priority
watch	B. Watch

[AB 3121](#) (Hart, D) Urban retail water suppliers: written notice: conservation order: dates.

Location: 05/08/2024 - Senate Natural Resources and Water

Summary: Current law authorizes the State Water Resources Control Board, on and after January 1, 2025, to issue a written notice to an urban retail water supplier that does not meet its urban water use objective. Current law authorizes the board, on and after January 1, 2026, to issue a conservation order to an urban retail water supplier that does not meet its urban water use objective. This bill would instead provide that the date the board is authorized to issue a written notice to January 1, 2026 and a conservation order to January 1, 2027. (Based on 02/16/2024 text)

Position	Priority
watch	B. Watch

[SB 903](#) (Skinner, D) Environmental health: product safety: perfluoroalkyl and polyfluoroalkyl substances.

Location: 05/16/2024 - Senate DEAD

Summary: Would, beginning January 1, 2032, prohibit a person from distributing, selling, or offering for sale a product that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS), as defined, unless the Department of Toxic Substances Control has made a determination that the use of PFAS in the product is a currently unavoidable use, the prohibition is preempted by federal law, or the product is previously used. The bill would specify the criteria and procedures

for determining whether the use of PFAS in a product is a currently unavoidable use, for renewing that determination, and for revoking that determination. The bill would require the department to maintain on its internet website a list of each determination of currently unavoidable use, when each determination expires, and the products and uses that are exempt from the prohibition. The bill would impose an administrative penalty for a violation of the prohibition, as specified. The bill would establish the PFAS Penalty Account and require all administrative penalties received to be deposited into that account and, upon appropriation by the Legislature, to be used for the administration and enforcement of these provisions, as specified. (Based on 04/11/2024 text)

Position	Priority
watch	B. Watch

[SB 937 \(Wiener, D\)](#) Development projects: permits and other entitlements: fees and charges.

Location: 05/20/2024 - Assembly DESK

Summary: The Permit Streamlining Act, among other things, requires a public agency that is the lead agency for a development project to approve or disapprove that project within specified time periods. Current law extended by 18 months the period for the expiration, effectuation, or utilization of a housing entitlement, as defined, that was issued before, and was in effect on, March 4, 2020, and that would expire before December 31, 2021, except as specified. Current law provides that if the state or a local agency extended the otherwise applicable time for the expiration, effectuation, or utilization of a housing entitlement for not less than 18 months, as specified, that housing entitlement would not be extended an additional 18 months pursuant to these provisions. This bill would extend by 24 months the period for the expiration, effectuation, or utilization of a housing entitlement, entitlement for a priority residential development project, as those terms are defined, that was issued before January 1, 2024, and that will expire before December 31, 2025, except as specified. The bill would toll this 24-month extension during any time that the housing entitlement is the subject of a legal challenge. By adding to the duties of local officials with respect to housing entitlements, this bill would impose a state-mandated local program. The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities. (Based on 04/08/2024 text)

Position	Priority
watch	B. Watch

Notes - OUA position adopted on 4/3. Amendments removed opposed provisions. Move to "watch."

[SB 1110 \(Ashby, D\)](#) Urban retail water suppliers: informational order: conservation order.

Location: 05/20/2024 - Assembly DESK

Summary: Current law authorizes the State Water Resources Control Board, on and after January 1, 2024, to issue informational orders pertaining to water production, water use, and water conservation to an urban retail water supplier that does not meet its urban water use objective, as provided. This bill would instead authorize the board to issue the informational orders on and after January 1, 2026. (Based on 04/24/2024 text)

Position	Priority
watch	B. Watch

[SB 1121 \(Grove, R\)](#) Recycled water: onsite treated nonpotable water systems: local jurisdiction permitting.

Location: 05/02/2024 - Senate DEAD

Summary: Current law requires the State Water Resources Control Board, in consultation with the California Building Standards Commission and the Department of Housing and Community Development, to adopt regulations for risk-based water quality standards for the onsite treatment and reuse of nonpotable water, and requires a local jurisdiction that elects to establish a program for onsite treated nonpotable water systems to establish design criteria, permitting, cross-connection control, and enforcement procedures, as provided. This bill would require those local jurisdictions to ensure their permitting procedures require the approval of a permit for an onsite treated nonpotable water system within 60 days from the date the permit application is submitted if the application demonstrates that the project meets or exceeds the state board's water quality standards for the onsite treatment and reuse of nonpotable water for nonpotable uses in multifamily residential, commercial, and mixed-use buildings. (Based on 02/13/2024 text)

Position	Priority
watch	B. Watch

[SB 1181 \(Glazer, D\)](#) Campaign contributions: agency officers.

Location: 05/23/2024 - Assembly DESK

Summary: The Political Reform Act of 1974 prohibits certain contributions of more than \$250 to an officer of an agency by any party, participant, or party or participant's agent in a proceeding while a proceeding involving a license, permit, or other

entitlement for use is pending before the agency and for 12 months following the date a final decision is rendered in the proceeding, as specified. The act requires disclosure on the record of the proceeding, as specified, of certain contributions of more than \$250 within the preceding 12 months to an officer from a party or participant, or party's agent. This bill would require the agenda for a proceeding that is a public meeting to include a notice describing the above provisions. (Based on 04/24/2024 text)

Position	Priority
watch	B. Watch

SB 1185 (Niello, R) Water conservation: water use objectives.

Location: 04/25/2024 - Senate DEAD

Summary: Existing law requires all water suppliers to increase the efficient use of water. Existing law establishes various water use objectives and restrictions, including urban water use objectives. Existing law requires the State Water Resources Control Board, in coordination with the Department of Water Resources, to adopt long-term standards for the efficient use of water, including standards for, among other things, a volume for water loss, and requires the board, when adopting the standards, to consider policies relating to urban water use objectives and proposed efficiency standards' effects on local wastewater management, developed and natural parklands, and urban tree health. This bill would delete the requirement that the board adopt standards, for purposes of urban water use objectives, for water loss and would instead require the board to consider the policies relating to urban water use objectives and proposed efficiency standards' effects on water loss. The bill would also set forth standards, policies, and procedures relating to water use objectives, generally, including, among other things, a prohibition against any water use objective established by the board that causes a reduction of more than 20% when compared to a water supplier's actual water use in 2023 or that exceeds a water use standard recommended by the department. (Based on 03/18/2024 text)

Position	Priority
	B. Watch

SB 1243 (Dodd, D) Campaign contributions: agency officers.

Location: 05/20/2024 - Assembly DESK

Summary: The Political Reform Act of 1974 prohibits certain contributions of more than \$250 to an officer of an agency by any party, participant, or party or participant's agent in a proceeding while a proceeding involving a license, permit, or other entitlement for use is pending before the agency and for 12 months following the date a final decision is rendered in the proceeding, as specified. The act requires disclosure on the record of the proceeding, as specified, of certain contributions of more than \$250 within the preceding 12 months to an officer from a party or participant, or party's agent. The act disqualifies an officer from participating in a decision in a proceeding if the officer has willfully or knowingly received a contribution of more than \$250 from a party or a party's agent, or a participant or a participant's agent, as specified. The act allows an officer to cure certain violations of these provisions by returning a contribution, or the portion of the contribution of in excess of \$250, within 14 days of accepting, soliciting, or receiving the contribution, whichever comes latest. This bill would raise the threshold for contributions regulated by these provisions to \$1,000, as specified. The bill would limit the prohibition on contributions made during and after a proceeding to the 9 months after a final decision in a proceeding is made, and it would extend the period during which an officer may cure a violation to within 30 days of accepting, soliciting, or directing the contribution, whichever is latest. (Based on 05/08/2024 text)

Position	Priority
watch	B. Watch

SB 1330 (Archuleta, D) Urban retail water supplier: water use.

Location: 05/20/2024 - Assembly DESK

Summary: Current law requires an urban retail water supplier to calculate its urban water use objective no later than January 1, 2024, and by January 1 every year thereafter. Current law requires each urban retail water supplier's water use objective to be composed of the sum of specified aggregate estimates, including efficient outdoor irrigation of landscape areas with dedicated irrigation meters or equivalent technology in connection with water used by commercial water users, industrial water users, institutional water users, and large landscape water users (CII). Existing law requires an urban retail water supplier to submit reports to the Department of Water Resources, as provided, by the same dates. This bill would require the department to collect and update data for outdoor residential landscapes and CII landscapes at least once every 10 years and post the data on its internet website. (Based on 04/24/2024 text)

Position	Priority
watch	B. Watch

SB 1390 (Caballero, D) Groundwater recharge: floodflows: diversion.

Location: 05/23/2024 - Assembly DESK

Summary: Current law declares that all water within the state is the property of the people of the state, but the right to the use of the water may be acquired by appropriation in the manner provided by law. Current law requires the appropriation to be for some useful or beneficial purpose. Current law provides, however, that the diversion of floodflows for groundwater recharge does not require an appropriative water right if certain conditions are met, including that a local or regional agency that has adopted a local plan of flood control or has considered flood risks as part of its most recently adopted general plan has given notice, as provided, of imminent risk of flooding and inundation of lands, roads, or structures. Current law also requires the person or entity making the diversion for groundwater recharge purposes to file with the State Water Resources Control Board a final report 15 days after the diversions cease. These requirements apply to diversions commenced before January 1, 2029. This bill would extend the operation of these requirements to diversions commenced before June 1, 2032. The bill would revise, recast, and expand the conditions that are required to be met for the diversion of floodwaters for groundwater recharge that do not require an appropriative water right. The bill would require that a local or regional agency take specified actions, including making a declaration that diversion of floodflows for groundwater recharge from a delineated stretch of waterway within its jurisdiction is in accordance with one of certain enumerated plans relating to flood control or flood risk, as specified, or a county emergency operations plan. The bill would require diversions to cease no later than 90 days after commencing, unless they are renewed, and would authorize a local or regional agency to renew a diversion for an additional 30 days by notifying the board of its intention to continue diverting 15 days before its expiration. (Based on 04/24/2024 text)

Position	Priority
watch	B. Watch

Total Measures: 30

Total Tracking Forms: 30

Metropolitan Water District of Southern California
State Legislative Matrix
May 13, 2024 – Second Year of Legislative Session

Item No. 2f

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
AB 400 B. Rubio (D – Baldwin Park) Sponsors: California State Association of Counties, League of California Cities	Chaptered Signed by Governor Chapter 201, Statutes of 2023	Local agency design-build projects: authorization. This measure would extend the existing sunset date to January 1, 2031, for the use of design-build as a delivery method for public works contracts.	Support Based on October 2021 Board Action	Metropolitan’s current authority to use design-build under AB 1845 (Calderon, CH: 275, 2022) will sunset on January 1, 2028. The provisions of this bill allow Metropolitan to use design-build for future projects through January 1, 2031.
AB 460 Bauer-Kahan (D – Orinda)	Amended 5/18/23 Two-year bill Senate Natural Resources and Water Committee	State Water Resources Control Board: water rights and usage: interim relief: procedures. This bill grants the State Water Resources Control Board authority to issue an interim relief order to enforce the reasonable use doctrine, water rights, water quality standards, and other provisions of water law.	Oppose Based on 2023 Water Rights Principles, adopted April 2023	The stated intent of this bill is aimed at deterring unlawful diversions during a drought emergency with swift State Board action and stiff penalties for violations. This bill would give the State Board expansive new authority to assume control of the State Water Project, Metropolitan or its members’ use of imported or locally sourced water, Metropolitan’s diversion and use of water on the Delta Islands, and a number of other projects and Metropolitan operations. This bill would give the Water Board the authority to assert such control with very short or no prior notice or an opportunity to be heard. The State Board also would not require the use of the California Evidence Code, meaning these expedited decisions could be made based on testimony that is hearsay or by people not qualified to testify as experts on scientific or technical issues in court.

Metropolitan Water District of Southern California State Legislative Matrix

May 13, 2024 – Second Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
AB 1337 Wicks (D - Oakland)	Amended 5/18/23 Two-year bill Senate Natural Resources and Water Committee	State Water Resources Control Board: water diversion curtailment. This bill would authorize SWRCB to adopt regulations for various water conservation purposes and implement these regulations through orders curtailing the diversion or use of water under any claim of right.	Oppose Based on Metropolitan Policy Principles for Modernization of Water Rights Administration, adopted April 2023	Regardless of whether there is a drought emergency, this bill would allow the State Board, by regulation, to permanently reduce permit rights (including SWP, Colorado River pre-1914 rights, or Delta Island license, pre-1914 or riparian right diversions) upon a finding that current diversions result in a waste or unreasonable use of water or that they harm public trust (fish and wildlife) resources. This would be a new broad power to the State Board that could permanently reallocate any water rights under any water year conditions without the protection or process of individual adjudications.
AB 1567 Garcia (D-Coachella)	Amended 5/26/2023 Two-year bill Senate Natural Resources and Water Committee	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024. This measure would authorize a \$15.995 billion general obligation bond for the March 5, 2024, ballot to fund a broad range of resource-based programs that will assist California to improve its climate resiliency.	Support, if amended Based on June 2023 Board Action	This measure is consistent with Metropolitan's current policy priorities and supports the objectives of Metropolitan's Climate Adaptation Master Plan. Metropolitan is seeking amendments to increase funding for recycled water, dam safety, regional conveyance, drought and conservation projects.
AB 1572 Friedland (D - Glendale) Co-sponsors: Metropolitan, Imperial County, National Resources Defense Council	Chaptered Signed by Governor Chapter 849, Statutes of 2023	Potable water: nonfunctional turf. This measure prohibits the use of potable water for the irrigation of non-functional turf located on commercial, industrial, institutional. This measure provides the State Water Resources Control Board with the authority to postpone compliance dates as prescribed.	Co-sponsor Based on April 2023 Board action	Based on input from the Board and member agencies, Metropolitan secured amendments to exclude multi-family residential buildings and protect the authority and local control of public water systems. Metropolitan is a co-sponsor of this measure.

Metropolitan Water District of Southern California State Legislative Matrix

May 13, 2024 – Second Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
AB 1573 Friedman (D - Glendale) Sponsor: Earth Advocacy and California Native Plant Society	Amended on 9/1/2023 Two Year Bill Senator Floor – Inactive File	Water conservation: landscape design: model ordinance. This measure would update the model water efficient landscape ordinance for new or renovated nonresidential areas to require at least 25% local native plants beginning January 1, 2026. This measure would also prohibit the use of nonfunctional turf in nonresidential landscape projects after January 1, 2026.	Support Based on 2023 Legislative Priorities and Principles, adopted December 2022	This measure is consistent with Metropolitan’s effort to reduce nonfunctional turf within its service area.
AB 1648 Bains (D - Bakersfield)	Amended 3/16/2023 Dead	Water: Colorado River Conservation This measure would specifically prohibit Metropolitan and LADWP to offset federally required reductions on Colorado River resources with increased water deliveries from other regions of California, including the Delta, retroactively as of January 1, 2023.	Oppose Based on 2023 Legislative Priorities and Principles, adopted December 2022	This measure would impair Metropolitan’s flexibility with its entire water portfolio, including the Integrated Water Resources Plan and the Annual Operating Plan. Metropolitan’s reliability and its ability to meet demands would also be impaired by restrictions on partnerships with its State Water Project and Colorado River Basin stakeholders.
SB 122 Senate Committee on Budget and Fiscal Review	Chaptered Signed by the Governor Chapter 51, Statutes of 2023	Flood Flow Streamlining Provisions in this trailer bill provide that diversion of flood flows for groundwater recharge do not require an appropriative water right if specified conditions regarding the diversion are met. These provisions exempt from the California Environmental Quality Act (CEQA) specified actions related to the implementation of Colorado River water conservation agreements with the US Bureau of Reclamation.	Seek Amendments Based on Metropolitan Policy Principles for Modernization of Water Rights Administration 2023 Water Rights Principles, adopted April 2023	The no-permit authorization poses a significant concern to Metropolitan’s State Water Project supplies. There is no protest process, no requirement that diverters avoid harm to other legal water users with water rights senior to the flood flow diverter, and no protection of SWP and CVP rights to divert “excess flows” when they exist in the system up to the full capacity of the projects. Metropolitan will work with the Administration to address these issues as the program is implemented.

Metropolitan Water District of Southern California State Legislative Matrix

May 13, 2024 – Second Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
SB 124 Senate Committee on Budget and Fiscal Review	Chaptered Signed by the Governor Chapter 53, Statutes of 2023	Green Financing Programs for Federal IRA Funding This measure contains various provisions to implement the 2023 State Budget Act, which includes authorizing the State Infrastructure and Economic Development Bank and the Department of Water Resources (DWR) to access and utilize federal funding in the Inflation Reduction Act to finance projects that reduce greenhouse emissions.	Support Based on 2023 Legislative Priorities and Principles, adopted December 2022	For the State Water Project, DWR’s direct investment in qualifying projects could lower its capital costs, which would ultimately be passed on to Metropolitan and other SWP contractors.
SB 146 Gonzalez (D-Long Beach)	Chaptered Signed by the Governor Chapter 58, Statutes of 2023	Public resources: infrastructure: contracting. This measure is part of the negotiated infrastructure trailer bill package and authorizes DWR to use the progressive design-build (PDB) project delivery method for up to eight public works projects that exceed \$25 million. The Delta conveyance facilities and seawater desalination are expressly prohibited under this measure.	Support Based on October 2021 Board Action	By utilizing PDB and awarding a project contract prior to the completion of all design work, DWR can potentially reduce overall costs and execute shorter project delivery schedules. This could lead to reduced costs for SWP-related projects-resulting in cost savings being passed on to Metropolitan.
SB 147 Ashby (D- Sacramento)	Chaptered Signed by the Governor Chapter 59, Statutes of 2023	Fully protected species: California Endangered Species Act: authorized take This measure is part of the negotiated infrastructure trailer bill package and authorizes the take of fully protected species for certain infrastructure projects if specified conditions are met. Eligible projects include the maintenance, repair and improvement of the State Water Project, as well as critical regional and local water infrastructure.	Support and Amend Based on 2023 Legislative Priorities and Principles, adopted December 2022	While this alternative may have benefits over current FPS regulations, the requirements are extensive and may make permit terms infeasible or cost prohibitive and could create other litigation risks for permittees.

Metropolitan Water District of Southern California State Legislative Matrix

May 13, 2024 – Second Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>SB 149 Caballero (D-Merced)</p>	<p>Chaptered Signed by the Governor Chapter 60, Statutes of 2023</p>	<p>California Environmental Quality Act: administrative and judicial procedures: record of proceedings: judicial streamlining. This measure is part of the negotiated infrastructure trailer bill package and makes various changes to CEQA. This bill provides clarification for what is considered as part of the administrative record, as well as allowing a public agency to deny a request to prepare the record of proceedings. This bill also provides for expedited judicial review for specified energy and transportation projects.</p>	<p>Support and Amend Based on 2023 Legislative Priorities and Principles, adopted December 2022</p>	<p>Administrative Records Streamlining: Overall, the provisions would be beneficial to Metropolitan as they could lower CEQA litigation costs and shorten litigation timelines. Expedited Judicial Review: The process for preparing the administrative record for any governor-certified infrastructure project must follow certain extensive and potentially costly specifications. While expedited judicial review is beneficial in concept, unless amended, the prerequisites may be infeasible or costly to implement.</p>
<p>SB 150 Durazo (D-Los Angeles)</p>	<p>Chaptered Signed by the Governor Chapter 61, Statutes of 2023</p>	<p>Construction: workforce development: public contracts. This measure is part of the negotiated infrastructure trailer bill package and focuses on strengthening the state's workforce and community benefits with infrastructure investments through California's share of federal funds.</p>	<p>Support Based on 2023 Legislative Priorities and Principles, adopted December 2022</p>	<p>This bill is intended to help develop procurement models to enhance the state's training and access pipeline for jobs while ensuring community benefits on infrastructure and manufacturing investments. This bill is consistent with Metropolitan's policy and practice and could benefit the district by helping build the next generation of the state's construction workforce.</p>

Metropolitan Water District of Southern California State Legislative Matrix

May 13, 2024 – Second Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>SB 366 Caballero (D - Merced)</p> <p>Sponsors: California Municipal Utilities Association, California Council for Environmental and Economic Balance, California State Association of Counties</p>	<p>Amended 4/8/24</p> <p>Two-year bill Assembly Water, Parks, and Wildlife Committee</p>	<p>The California Water Plan: long-term supply targets.</p> <p>This measure would revise the California Water Plan to require the DWR to update the California Water Plan by December 31, 2028, and every five years after, to include a long-term water supply target for 2050 and discussion on the development of specified water supply sources to meet demand.</p>	<p>Support, if amended</p> <p>Based on 2023 Legislative Priorities and Principles, adopted December 2022</p>	<p>The intent of this bill is to help modernize California’s water management practices and provide long-term reliable supplies in response to the current climate challenges.</p> <p>Metropolitan is seeking amendments that include, but are not limited to, ensuring the 2050 target reflects statewide, regional, and local planning efforts and clarifying that the CA Water Plan should not establish a separate plan for complying with the Delta Plan, but should be complimentary and focus on supporting the co-equal goals of the Delta.</p>
<p>SB 659 Ashby (D – Sacramento)</p> <p>Sponsors: Sacramento Regional Water Authority</p>	<p>Chaptered</p> <p>Signed by the Governor Chapter 624, Statutes of 2023</p>	<p>California Water Supply Solutions Act of 2023.</p> <p>This bill would require DWR to develop a groundwater recharge plan by January 1, 2026, to create additional groundwater recharge capacity and include the plan as part of the 2028 update to the California Water Plan.</p>	<p>Support, if Amended</p> <p>Based on 2023 Legislative Priorities and Principles adopted December 2022.</p>	<p>This bill intends to elevate the importance of groundwater in the state’s planning efforts. Additional recharge capacities developed through implementation of this bill could potentially help in the successful implementation of projects such as Metropolitan’s Pure Water project, LADWP’s Operation Next project, and the Pure Water San Diego, potentially helping to maximize stormwater capture and increase sustainability of groundwater basins within Metropolitan’s service area.</p>
<p>SB 687 Eggman (D - Stockton)</p>	<p>Amended 5/2/2023</p> <p>Dead</p>	<p>Water Quality Control Plan: Delta Conveyance Project.</p> <p>This measure will require the State Water Resources Control Board to adopt a final update of the Bay-Delta Water Quality Control Plan before the Board considers a change in the point of diversion or any other water rights permit or order for the Delta Conveyance Project.</p>	<p>Oppose</p> <p>Based on 2023 Legislative Priorities and Principles, adopted December 2022</p>	<p>Metropolitan supports updating the Water Quality Control Plan to protect beneficial uses in the Delta. This bill would result in halting or delaying planning efforts on the Delta Conveyance Project and potentially prevent the project from operating if approved.</p>

Metropolitan Water District of Southern California State Legislative Matrix

May 13, 2024 – Second Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>SB 706 Caballero (D-Merced)</p> <p>Sponsors: CA State Association of Counties; County of San Diego; Design Build Institute of America Western Pacific Chapter; League of California Cities</p>	<p>Chaptered</p> <p>Signed by the Governor Chapter 500, Statutes of 2023</p>	<p>Public contracts: progressive design-build: local agencies.</p> <p>This bill would provide additional authority, until January 1, 2023, for cities, counties, and special districts to use progressive design-build (PDB) authority for up to 10 public works projects that are in excess of \$5 million. In addition, any local agency that uses this authorized progressive-design build process must submit a report to the Legislature.</p>	<p>Support</p> <p>Based on 2023 Legislative Priorities and Principles, adopted December 2022</p>	<p>Currently, PDB-eligible projects are limited to wastewater treatment facilities, park and recreational facilities, solid waste management facilities and water recycling facilities. This bill now authorizes cities, counties and special districts, including Metropolitan, to use PDB for public works projects. This supports Metropolitan’s priority of ensuring reliable water supply deliveries throughout its service area.</p>
<p>SB 867 Allen (D-Santa Monica)</p>	<p>Amended 6/22/2023</p> <p>Two-Year Bill</p> <p>Assembly Natural Resources Committee</p>	<p>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.</p> <p>This measure would authorize a \$15.5 billion general obligation bond for a range of resource-based programs that will improve California’s climate resiliency. If approved, this measure would be on the March 5, 2024 statewide ballot.</p>	<p>Support, if amended</p> <p>Based on June 2023 Board Action</p>	<p>This measure is consistent with Metropolitan’s current policy priorities and supports the objectives of Metropolitan’s Climate Adaptation Master Plan.</p> <p>Metropolitan is seeking amendments to increase funding for recycled water, dam safety, regional conveyance, drought, and conservation projects.</p>

Metropolitan Water District of Southern California State Legislative Matrix

May 13, 2024 – Second Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>AB 2610 E. Garcia (D – Coachella)</p>	<p>Amended 4/10/2024</p> <p>Assembly Consent Calendar</p>	<p>Protected species: authorized take: Salton Sea Management Program: System Conservation Implementation Agreement.</p> <p>Current law authorizes the Department of Fish and Wildlife, if certain conditions are fulfilled, to authorize the take of species, including fully protected species, resulting from impacts attributable to implementation of the Quantification Settlement Agreement on specified lands and bodies of water, including the Salton Sea. This bill would additionally authorize the department, if certain conditions are fulfilled, to authorize the take of species resulting from impacts attributable to the implementation of the Salton Sea Management Program or implementation of any System Conservation Implementation Agreement between the United States Bureau of Reclamation and the Imperial Irrigation District to implement the Lower Colorado River Basin System Conservation and Efficiency Program, as provided, on the specified lands and bodies of water.</p>	<p>Support</p> <p>Based on 2024 Legislative Priorities and Principles, adopted January 2024</p>	<p>This bill will help to advance conservation agreements and collective conservation goals related to reducing reliance of the Colorado River in order to account for changes in climate and low water supplies by allowing IID to advance their short-term conservation goals between 2024 – 2026.</p>

Metropolitan Water District of Southern California State Legislative Matrix

May 13, 2024 – Second Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
AB 1827 D. Papan (D – San Mateo)	Amended 4/4/2024 Assembly Third Reading	<p>Local government: fees and charges: water: higher-consumptive water parcels.</p> <p>The Legislature passed the Proposition 218 Omnibus Implementation Act in 1997 to provide guidance for implementation of the new constitutional provisions. AB 1827 (Papan) proposes to add Government Code section 53750.6 to the Act to clarify that the costs that may be recovered through retail water service fees may include the incrementally higher costs of water service due to (1) the higher water usage demand of parcels, (2) the maximum potential water use of parcels, or (3) projected peak water usage.</p>	<p>Support</p> <p>Policy I.B.5.</p>	<p>Metropolitan’s wholesale water service rates to its co-op members are not subject to Proposition 218 and therefore, the bill does not have an effect on Metropolitan. It will, however, provide clearer guidance for its member agencies that provide retail water service and any retail water service provider within Metropolitan service area.</p>
AB 2257 L. Wilson (D – Suisun City)	Amended 4/23/2024 Assembly Committee on Local Government	<p>Local government: property-related water and sewer fees and assessments: remedies.</p> <p>AB 2257 establishes a process for objections to be submitted by any party objecting to the proposed fee or assessment, notice to the public of the requirements, and prerequisites for suing an agency on the basis of the validity of the fee or assessment. The bill requires exhaustion of the administrative procedures provided therein before a plaintiff may file suit and it limits the administrative record that may be reviewed in that litigation to evidence presented to or available to the agency prior to the adoption of the fee or assessment.</p>	<p>Support</p> <p>Policy I.B.5.</p>	<p>Metropolitan does not currently collect any fee or assessment on properties within its service area that is subject to Article XIII D. It does, however, have the authority to do so. Should it decide to adopt such a fee or assessment, it would be required to follow these proposed additional procedural requirements. Any litigation challenging such a fee or assessment would also be subject to the administrative remedy exhaustion and evidence limitation provided for by AB2257.</p>

**Metropolitan Water District of Southern California
State Legislative Matrix
May 13, 2024 – Second Year of Legislative Session**

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>AB 2409 D. Papan (D – San Mateo)</p>	<p>Amended 4/11/2024</p> <p>Assembly Appropriations Suspense File</p>	<p>Office of Planning and Research: permitting accountability transparency dashboard.</p> <p>Would require the Office of Planning and Research, on or before January 1, 2026, to create and maintain, as specified, a permitting accountability transparency internet website (dashboard). The bill would require the dashboard to include a display for each permit to be issued by specified state agencies for all covered projects. The bill would define various terms for these purposes. The bill would also require the dashboard to include, but not be limited to, information for each permit to be issued by a state agency that is required for the completion of the project, including, among other requirements, the permit application submission date. The bill would require each state agency with a responsibility for issuing a permit for a covered project to provide information in the appropriate time and manner as determined by the office. The bill would also make related findings and declarations.</p>	<p>Support</p> <p>Support administrative/legislative actions and funding for environmental compliance to improve clarity and workability of the requirements and promote consistency and reduce regulatory duplication, while protecting public health and the environment.</p>	<p>AB 2409 requires the Governor’s Office of Planning and Research (OPR) to create and maintain a permitting transparency website with a project dashboard showing the status of each state permit for specific projects with an estimated cost of \$100 million or more. AB 2409 would be beneficial to Metropolitan by making environmental permitting more transparent and would help the public understand why large projects take years to permit (e.g., Pure Water Southern California or Delta Conveyance).</p>

Metropolitan Water District of Southern California State Legislative Matrix May 13, 2024 – Second Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>AB 2060 E. Soria (D – Fresno)</p>	<p>Amended 4/16/2024 Assembly Appropriations</p>	<p>Lake and streambed alteration agreements: exemptions. This bill would exempt qualifying temporary permit diversions of water from streams at or near flood stage to groundwater storage from the requirements of Fish & Game Code section 1602. Section 1602 requires anyone proposing to substantially alter the bed, banks or natural flows of a stream, river or lake to notify the California Department of Fish and Wildlife (CDFW). If CDFW determines the proposed activity may have a significant adverse impact on fish or wildlife, it will require a Lake or Stream Alteration Agreement (LSAA) that functions as a permit for the activity, and which always requires mitigation, monitoring and reporting to CDFW. It is designed to prevent harm to fish and wildlife from covered activities. AB 2060 would exempt qualifying diversions from this requirement. The only “mitigation” required to qualify is installation of basic fish screens, with no requirement that they meet any standards, including those adopted by CDFW and the federal fish services.</p>	<p>Support if Amended Water Rights Policy Principle 5. Water Rights Policy Principle 9. Legislative Policy V.D.1.</p>	<p>This bill was amended to ensure the temporary permit authorization is consistent with existing law on diversion authorizations for current water rights holders. Metropolitan is seeking additional amendments to ensure the inclusion of fish screens on all intakes, not just “temporary pump” intakes, and that the screens minimize both entrainment <i>and</i> impingement, since impingement is just as deadly as entrainment.</p>

Metropolitan Water District of Southern California State Legislative Matrix

May 13, 2024 – Second Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>SB 903 N. Skinner (D – Berkeley)</p>	<p>Amended 4/11/2024</p> <p>Appropriations Suspense File</p>	<p>Environmental health: product safety: perfluoroalkyl and polyfluoroalkyl substances.</p> <p>Starting January 1, 2025, certain substances called perfluoroalkyl and polyfluoroalkyl substances (PFAS) will be prohibited in new textiles, cosmetics, food packaging, and juvenile products in the state. This means that manufacturers and sellers cannot add PFAS to these products. A new bill, starting January 1, 2032, will also require the Department of Toxic Substances Control to determine if using PFAS in a product is necessary and unavoidable before it can be offered for sale. The department will keep a list of these determinations on its website and use any penalties collected for administering and enforcing these laws. By January 1, 2027, the department will adopt regulations to carry out this bill, including setting an application fee and creating an appeal process for penalties and decisions made under this law. A PFAS Oversight Fund will be created from the application fees to cover the department's expenses for administering this act, with funds allocated by the legislature.</p>	<p>Support</p> <p>Support administrative/legislative actions and funding that utilize best available science, occurrence and health effects data, and appropriate cost-benefit analyses or economic feasibility to protect public health and improve water quality.</p>	<p>From a source water protection standpoint, the bill creates provisions to reduce PFAS contamination and enhance protection of water quality and public health. By limiting PFAS in consumer products, the bill indirectly aims to reduce PFAS contamination in water sources, potentially decreasing treatment costs and complexity for water providers. The bill encourages the development and adoption of PFAS alternatives, potentially impacting the types of materials and products used within the water industry and by consumers, promoting safer water handling and packaging materials.</p>

Metropolitan Water District of Southern California State Legislative Matrix

May 13, 2024 – Second Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
SB 1072 S. Padilla (D – San Diego)	Amended 4/24/2024 Senate Local Government	<p>Local government: Proposition 218: remedies.</p> <p>The California Constitution has rules for imposing taxes at a local level. It excludes certain fees and assessments if they meet certain criteria, such as not exceeding the benefit given to a property or the cost of the service provided. There is also a law known as the Proposition 218 Omnibus Implementation Act that outlines how local agencies must comply with these requirements. This bill, if passed, would require local agencies to correct any fees or charges for property-related services that violate these constitutional provisions and credit the amount of the violation against the revenues needed for the service. This bill supports the purposes and intent of Proposition 218 and the Omnibus Implementation Act.</p>	Support I.B.5, and 6.	Metropolitan does not currently collect any revenue from any property related fees or assessments subject to Articles XIII C or D. However, Metropolitan does have statutory authority to collect such fees. If Metropolitan were to adopt such a fee or assessment in the future, the revenues from those fees or assessment would be subject to the limitation added by SB 1072.

Metropolitan Water District of Southern California State Legislative Matrix

May 13, 2024 – Second Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>SB 1169 H. Stern (D – Los Angeles)</p>	<p>Amended 3/18/2024</p> <p>Senate Consent Calendar</p>	<p>Los Angeles County Flood Control District: finances.</p> <p>This law, known as the Los Angeles County Flood Control Act, sets up a district responsible for managing and preserving flood and wastewaters in the county. It permits the district to borrow money from certain sources to fund flood control work and repay the loan within 20 years with a maximum interest rate of 4.25% annually. The district must also collect enough taxes from property owners each year to cover the loan payments. Currently, the district is limited to borrowing a maximum of \$4.5 million and issuing bonds up to the same amount. This proposed bill would extend the loan repayment period to 35 years with a maximum interest rate of 5.5% annually. It would also remove the borrowing and bond limits for the district. The bill justifies these changes by stating the need for a special law for the Los Angeles County Flood Control District.</p>	<p>Support</p> <p>Support administrative/legislative actions and funding for new or expanded water infrastructure or programs that complement existing water supplies to ensure reliability for all member agencies.</p> <p>Support</p> <p>administrative/legislative actions and funding that facilitate the integration of existing and planned local water supply, distribution systems, and regional water facilities.</p>	<p>Support for this bill will help with Los Angeles County's flood control program and is consistent with the Board's policy to support development of local resources and conservation efforts.</p>

Metropolitan Water District of Southern California State Legislative Matrix

May 13, 2024 – Second Year of Legislative Session

Bill Number Author	Amended Date Location	Title-Summary	MWD Position	Effects on Metropolitan
<p>SB 1390 A. Caballero (D – Merced)</p>	<p>Amended 4/24/2024</p> <p>Senate Appropriations</p>	<p>Groundwater recharge: floodflows: diversion.</p> <p>Under current law, all water in the state belongs to the people, but individuals can gain the right to use it through a legal process. This process requires the water to be used for a purpose that is helpful or beneficial. However, if certain conditions are met, using floodwater for groundwater recharge does not require a specific legal right. These conditions include receiving notice from a local or regional agency that there is a risk of flooding, and filing a report with the State Water Resources Control Board once the diversion is finished. This applies to diversions that began before January 1, 2029. This bill would extend these requirements to diversions that began before June 1, 2032. It would also add additional conditions that must be met for the diversion to be allowed, such as the local agency declaring that the diversion is in line with specific plans or emergency operations plans. The diversion must also stop within 90 days unless it is renewed, and the final report must include information about the methods used to predict and prevent flooding. Finally, the diversion must not harm any prior water rights holders in the area.</p>	<p>Support if Amended</p> <p>Water Rights Policy Principle 5.</p> <p>Water Rights Policy Principle 9.</p> <p>Legislative Policy IV.D.1.</p>	<p>Like the companion bill AB 2060, SB 1390 could adversely impact Metropolitan’s SWP supplies by increasing the amount of diversions authorized under SB 122. SB 122 could harm State Water Project supplies directly and indirectly. When the Delta is in “excess conditions,” the State Water Project may divert inflows that are not releases of stored water (known as unregulated water). If enough diverters in the Delta watershed take advantage of SB 122 and this proposed exemption, it could cost Metropolitan some of its SWP supplies. It could also indirectly affect supplies because such diversions could adversely impact listed fish species, thereby triggering restrictions on SWP operations more frequently or for longer periods.</p>



ACTION ITEM
June 5, 2024

TO: Board of Directors

FROM: Harvey De La Torre
General Manager

Staff Contact: Heather Baez

SUBJECT: H.R. 7922 (CRAWFORD, R-AR) – WATER RISK AND RESILIENCE ORGANIZATION ESTABLISHMENT ACT

STAFF RECOMMENDATION

Staff recommends the Board of Directors vote to adopt a support position on H.R. 7922 (Crawford, R-AR).

BILL SUMMARY

H.R. 7922 establishes an independent organization – the Water Risk and Resilience Organization (WRRO) that will set minimum cyber standards with oversight from the Environmental Protection Agency (EPA). In addition, it would support capacity development programs to expand outreach for training programs.

This measure is sponsored by Representative Rick Crawford (R-AR) and co-sponsored by Representative John Duarte (R-CA)

BACKGROUND

The water industry has long recognized the threat of cybersecurity attacks. Several national water associations have been working together to identify ways to develop and enforce cybersecurity requirements for drinking and wastewater systems, allowing the industry to guide the standards.

Cybersecurity threats require a collaborative solution that leverages the knowledge and expertise of the water sector with federal oversight by EPA. To achieve this goal, organizations led by the American Water Works Association (AWWA) is urging Congress to pass legislation establishing an independent organization entitled the Water Risk and Resilience Organization (WRRO).

Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No	Budgeted amount:	Core: <input checked="" type="checkbox"/>	Choice: <input type="checkbox"/>
Action item amount:		Movement between funds: <input type="checkbox"/> Yes <input type="checkbox"/> No	

This sector-led organization would propose minimum cybersecurity standards for water systems and perform regular audits, while EPA would have a role in approving the standards and providing oversight.

The WRRO is modeled after the North American Electric Reliability Corporation (NERC), which proposes minimum reliability standards for the nation's bulk power system with oversight by the Federal Energy Regulatory Commission (FERC).

The collaborative nature of this framework is even more critical in the water sector, which includes an incredible diversity of system size and capacity. The approach ensures that the standards developed are risk- and performance-based, and that consideration is given to the diversity of water and wastewater systems in the country.

ARGUMENTS IN SUPPORT

“Foreign adversaries such as Russia and China have utilized cyber-attacks to target critical infrastructure such as water systems. This bill is a more proactive approach to safeguarding our drinking and wastewater from these types of attacks. These protections are vital at a time where cyber threats are constant and technology is evolving quickly,” **Rep. Crawford** said.

“With the constant threat of cyberattacks by our adversaries, the United States’ water infrastructure must be secured and defended properly,” said **Rep. Duarte**. “I am proud to help lead this crucial legislation with Rep. Crawford to ensure that our wastewater and drinking water systems are adequately prepared to deal with potential cybersecurity threats.”

“Strong and effective cybersecurity oversight is critical for the water sector,” said **American Water Works Association CEO David LaFrance**. “Rep. Crawford’s vision for a collaborative model that leverages the knowledge of the sector is the right approach for protecting water utilities from cyber-attacks.”

“NAWC applauds the leadership of Rep. Crawford to advance legislation that helps bolster cybersecurity protections for the entire water sector. This legislation is long overdue and aligns with our guiding cybersecurity pillars, which call for greater collaboration and coordination of efforts to better protect critical water infrastructure,” said **Rob Powelson, President and CEO of the National Association of Water Companies**.

“Cyber threats targeting both informational and operational systems today pose a growing threat to the nation’s water systems, and a successful cyber-attack could threaten public health while also undermining the public’s confidence in their water supply. AMWA supports H.R. 7922 as a critical piece of the puzzle to defend the nation’s water systems from criminals and bad actors in cyberspace, and we thank Rep. Crawford for his leadership on this important bill,” said **Tom Dobbins, CEO of the Association of Metropolitan Water Agencies**.

ARGUMENTS IN OPPOSITION

None on file

ALIGNMENT WITH BOARD STRATEGIC PRIORITIES

- | | |
|--|---|
| <input checked="" type="checkbox"/> Clarifying MWDOC’s mission and role; defining functions and actions. | <input type="checkbox"/> Work with member agencies to develop water supply and demand objectives. |
| <input type="checkbox"/> Balance support for Metropolitan’s regional mission and Orange County values and interests. | <input type="checkbox"/> Solicit input and feedback from member agencies. |
| <input type="checkbox"/> Strengthen communications and coordination of messaging. | <input type="checkbox"/> Invest in workforce development and succession planning. |

REGISTERED SUPPORT & OPPOSITION

Support:

American Water Works Association (AWWA)
National Association of Water Companies (NAWC)
Association of Metropolitan Water Agencies (AMWA)

BOARD OPTIONS

Option #1

- Adopt a support position on H.R. 7922 and send a letter to the sponsor and the Orange County delegation

Option #2

- Take no action

List of Attachments/Links:
Attachment 1: H.R 7922 Full Text

118TH CONGRESS
2D SESSION

H. R. 7922

To establish a Water Risk and Resilience Organization to develop risk and resilience requirements for the water sector.

IN THE HOUSE OF REPRESENTATIVES

APRIL 10, 2024

Mr. CRAWFORD (for himself and Mr. DUARTE) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To establish a Water Risk and Resilience Organization to develop risk and resilience requirements for the water sector.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. WATER RISK AND RESILIENCE ORGANIZATION.**

4 (a) DEFINITIONS.—In this section:

5 (1) ADMINISTRATOR.—The term “Adminis-
6 trator” means the Administrator of the Environ-
7 mental Protection Agency.

1 (2) AGENCY.—The term “Agency” means the
2 Environmental Protection Agency.

3 (3) COVERED WATER SYSTEM.—The term “cov-
4 ered water system” means—

5 (A) a community water system (as defined
6 in section 1401 of the Safe Drinking Water Act
7 (42 U.S.C. 300f)) that serves a population of
8 3,300 or more persons; or

9 (B) a treatment works (as defined in sec-
10 tion 212 of the Federal Water Pollution Control
11 Act (33 U.S.C. 1292)) that serves a population
12 of 3,300 or more persons.

13 (4) CYBER RESILIENT.—The term “cyber resil-
14 ient” means the ability of a covered water or waste-
15 water system to withstand or reduce the magnitude
16 or duration of cybersecurity incidents that disrupt
17 the covered system’s ability to function normally and
18 which includes the capability to anticipate, absorb,
19 adapt to, or rapidly recover from cybersecurity inci-
20 dents.

21 (5) CYBERSECURITY INCIDENT.—The term “cy-
22 bersecurity incident” means a malicious act or sus-
23 picious event that disrupts, or attempts to disrupt,
24 the operation of programmable electronic devices
25 and communication networks including hardware,

1 software, and data that are essential to the cyber re-
2 silient operation of a covered water system.

3 (6) CYBERSECURITY RISK AND RESILIENCE RE-
4 QUIREMENT.—The term “cybersecurity risk and re-
5 silience requirement” means a cybersecurity require-
6 ment approved by the Administrator under sub-
7 section (d) to provide for the cyber resilient oper-
8 ation of a covered water system and the cyber resil-
9 ient design of planned additions or modifications to
10 such system.

11 (7) WATER RISK AND RESILIENCE ORGANIZA-
12 TION.—The terms “Water Risk and Resilience Orga-
13 nization” and “WRRO” mean the organization cer-
14 tified by the Agency under subsection (c).

15 (b) JURISDICTION AND APPLICABILITY.—

16 (1) JURISDICTION.—The Administrator shall
17 have jurisdiction, within the United States, over the
18 WRRO certified by the Agency under subsection (c).

19 (2) REGULATIONS.—Not later than 270 days
20 after the date of enactment of this Act, the Adminis-
21 trator shall issue a final rule to implement this sec-
22 tion to certify the WRRO.

23 (c) CERTIFICATION.—

24 (1) IN GENERAL.—Following the issuance of a
25 rule under subsection (b)(2), any person may submit

1 an application to the Administrator for certification
2 as a Water Risk and Resilience Organization.

3 (2) REQUIREMENTS.—The Administrator shall
4 certify one Water Risk and Resilience Organization
5 if the Administrator determines that such organiza-
6 tion—

7 (A) demonstrates advanced technical
8 knowledge and expertise in the operations of
9 covered water systems;

10 (B) is comprised of 1 or more members
11 with relevant experience as owners or operators
12 of covered water systems;

13 (C) has demonstrated the ability to develop
14 and implement cybersecurity risk and resilience
15 requirements that provide for an adequate level
16 of cybersecurity risk and resilience for a covered
17 water system;

18 (D) is capable of establishing measures, in
19 line with prevailing best practices, to secure
20 sensitive information and to protect sensitive
21 security information from public disclosure; and

22 (E) has established rules that require
23 that—

24 (i) it is independent of the users, own-
25 ers, and operators of a covered water sys-

1 tem, with balanced and objective stake-
2 holder representation in the selection of di-
3 rectors of the organization and balanced
4 decision making in any committee or sub-
5 ordinate organizational structure;

6 (ii) it allocate reasonable dues, fees,
7 and other charges among end-users for all
8 activities under this section;

9 (iii) provide just and reasonable pro-
10 cedures for enforcement of cybersecurity
11 risk and resilience requirements and the
12 imposition of penalties in accordance with
13 subsection (f) (including limitations on ac-
14 tivities, functions, or operations, or other
15 appropriate sanctions); and

16 (iv) provide for reasonable notice and
17 opportunity for public comment, due proc-
18 ess, openness, and balance of interests in
19 developing cybersecurity risk and resilience
20 requirements and otherwise exercising du-
21 ties.

22 (d) CYBERSECURITY RISK AND RESILIENCE RE-
23 QUIREMENTS.—

24 (1) IN GENERAL.—

1 (A) PROPOSED REQUIREMENTS.—The
2 WRRO shall propose and file with the Adminis-
3 trator each cybersecurity risk and resilience re-
4 quirement or modification to a requirement that
5 it proposes to be made effective under this sec-
6 tion.

7 (B) IMPLEMENTATION PLAN.—For each
8 cybersecurity risk and resilience requirement or
9 modification to such a requirement proposed
10 pursuant to subparagraph (A), the WRRO shall
11 also propose an implementation plan, including
12 the schedule by which covered water systems
13 must achieve compliance with all or parts of the
14 cybersecurity risk and resilience requirement or
15 modification to such a requirement. The en-
16 forcement date must provide a reasonable im-
17 plementation period for covered water systems
18 to meet the requirements under the implemen-
19 tation plan.

20 (2) APPROVAL.—

21 (A) IN GENERAL.—Notwithstanding para-
22 graph (3)(A), the Administrator shall approve,
23 by rule or order, a proposed cybersecurity risk
24 and resilience requirement or modification to
25 such a requirement if the Administrator deter-

1 mines that the requirement is just, reasonable,
2 not unduly Discriminatory, or preferential.

3 (B) DEFERENCE TO WRRO.—The Adminis-
4 trator shall defer to the technical expertise of
5 the WRRO with respect to the content of a pro-
6 posed cybersecurity risk and resilience require-
7 ment or modification to such a requirement.

8 (3) DISAPPROVAL OF REQUIREMENT.—

9 (A) IN GENERAL.—Notwithstanding para-
10 graph (2)(A), the Administrator shall remand
11 to the WRRO a proposed cybersecurity risk and
12 resilience requirement or modification to such a
13 requirement for which the Administrator dis-
14 approves, in whole or in part, and provide 1 or
15 more specific recommendations that would
16 cause the proposed requirement or modification
17 to be approved under paragraph (2).

18 (B) RESPONSE AND APPROVAL.—

19 (i) IN GENERAL.—Upon remand of a
20 proposed cybersecurity risk and resilience
21 requirement or modification to such a re-
22 quirement and receipt of the Administra-
23 tor’s recommendation pursuant to subpara-
24 graph (A), the WRRO shall—

1 (I) accept the Administrator’s
2 recommendation and resubmit an
3 amended proposed cybersecurity risk
4 and resilience requirement or modi-
5 fication to such a requirement con-
6 sistent with the Administrator’s rec-
7 ommendation;

8 (II) respond to the Administrator
9 and provide a reason why the rec-
10 ommendation was not accepted; or

11 (III) withdraw the proposed cy-
12 bersecurity risk and resilience require-
13 ment or modification to such a re-
14 quirement.

15 (ii) AMENDED REQUIREMENT.—If the
16 WRRO resubmits a requirement or modi-
17 fication, the Administrator shall review an
18 amended proposed cybersecurity risk and
19 resilience requirement or modification to
20 such requirement submitted by the WRRO
21 pursuant to clause (i)(I) and determine
22 whether to approve such amended require-
23 ment in accordance with paragraph (2)(A).

24 (iii) RESPONSE BY WRRO.—Upon re-
25 ceipt of a response from the WRRO pursu-

1 ant to clause (i)(II), the Administrator
2 shall—

3 (I) approve the proposed cyberse-
4 curity risk and resilience requirement
5 or modification to such a requirement;
6 or

7 (II) invite the WRRO to engage
8 in negotiations with the Administrator
9 to reach consensus to address the spe-
10 cific recommendation made by the Ad-
11 ministrator under subparagraph (A).

12 (4) EFFECTIVE DATE.—The effective date of a
13 cybersecurity risk and resilience requirement or
14 modification to such a requirement proposed under
15 this subsection shall be set by the Administrator in
16 accordance with the proposed implementation plan
17 submitted by the WRRO under paragraph (1).

18 (5) SUBMISSION OF SPECIFIC REQUIREMENT.—
19 The Administrator, upon the Administrator’s own
20 motion or upon complaint and having a reasonable
21 basis to conclude existing recommendations under
22 the WRRO are insufficient, when implemented by
23 covered water systems, to protect, defend, mitigate,
24 or recover from a cybersecurity incident, may, fol-
25 lowing consultation with the WRRO, order the

1 WRRO to submit to the Agency a proposed cyberse-
2 curity risk and resilience requirement or a modifica-
3 tion to such a requirement that addresses a specific
4 matter if the Administrator considers such a re-
5 quirement or modified requirement necessary to pro-
6 tect, defend, mitigate, or recover from a cybersecu-
7 rity incident.

8 (6) CONFLICT.—

9 (A) IN GENERAL.—The final rule adopted
10 under subsection (b)(2) shall include specific
11 processes for the identification and timely reso-
12 lution of any conflict between a cybersecurity
13 risk and resilience requirement and any func-
14 tion, rule, order, tariff, or agreement accepted,
15 approved, or ordered by the Administrator ap-
16 plicable to a covered water system.

17 (B) COMPLIANCE.—A water system shall
18 continue to comply with such function, rule,
19 order, tariff, or agreement approved, or other-
20 wise accepted or ordered by the Administrator
21 unless—

22 (i) the Administrator finds a conflict
23 exists between cybersecurity risk and resil-
24 ience requirement and any such provision;

1 (ii) the Administrator orders a change
2 to such provision; and

3 (iii) the ordered change becomes effective.
4

5 (C) MODIFICATION.—If the Administrator
6 determines that a cybersecurity risk and resilience
7 requirement needs to be changed as a result
8 of a conflict identified under this paragraph,
9 the Administrator shall direct the
10 WRRO to develop and file with the Administrator
11 a modified cybersecurity risk and resilience
12 requirement under this subsection, undertaken
13 pursuant to the processes in paragraphs
14 (1) through (4) above.

15 (e) WATER SYSTEM MONITORING AND ASSESS-
16 MENT.—To aid in the development and adoption of appropriate
17 and necessary cybersecurity risk and resilience requirements
18 and modifications to requirements, the WRRO
19 shall—

20 (1) routinely monitor and conduct periodic assessments,
21 including requiring self-attestations of compliance
22 from covered water systems annually and assessments
23 of the covered water system by the WRRO or a designated
24 third party not less than every five years, of the implementation
25 of cybersecurity

1 rity risk and resilience requirements, and the effective-
2 tiveness of cybersecurity risk and resilience require-
3 ments for covered water systems in the United
4 States; and

5 (2) annually submit to the Administrator a re-
6 port on the implementation of cybersecurity risk and
7 resilience requirements, the effectiveness of cyberse-
8 curity risk and resilience requirements for covered
9 water systems in the United States, provided that
10 such reports shall only include aggregated or
11 anonymized findings, observations, and data, and
12 shall not contain any sensitive security information.

13 (f) ENFORCEMENT.—

14 (1) IN GENERAL.—The WRRO may impose,
15 subject to paragraphs (2) and (4), a penalty on an
16 owner or operator of a covered water system for a
17 violation of a cybersecurity risk and resilience re-
18 quirement approved by the Administrator under sub-
19 section (d) if the WRRO, after notice and an oppor-
20 tunity for a hearing—

21 (A) finds that the owner or operator of a
22 covered system has violated or failed to comply
23 with a requirement approved by the Adminis-
24 trator under subsection (d); and

1 (B) files notice and the record of the pro-
2 ceeding with the Administrator.

3 (2) NOTICE.—The WRRO may not impose a
4 penalty on an owner or operator of a covered system
5 under paragraph (1) unless the WRRO provides the
6 owner or operator with notice of the alleged violation
7 or failure to comply with a cybersecurity risk and re-
8 silience requirement and an opportunity for a con-
9 sultation and a hearing prior to finding that the
10 owner or operator has violated such requirement
11 under paragraph (1)(A). The owner or operator of
12 a covered water system may engage legal Counsel to
13 take part in the consultation and hearing Require-
14 ments.

15 (3) EFFECTIVE DATE OF PENALTY.—A penalty
16 imposed under paragraph (1) may take effect not
17 earlier than the 31st day after the WRRO files with
18 the Administrator notice of the penalty and the
19 record of proceedings.

20 (4) IMPOSITION OF PENALTY.—A penalty im-
21 posed under paragraph (1) shall not exceed \$25,000
22 per day the entity is in violation of a cybersecurity
23 risk and resilience requirement.

24 (A) A penalty imposed under this sub-
25 section shall be the only penalty imposed for the

1 violation. The Administrator is barred from im-
2 posing additional penalties on the covered water
3 System for the same violation.

4 (B) Any penalties collected will be returned
5 to the WRRO to support training initiatives
6 and support other resource capabilities of the
7 WRRO in carrying out its duties under this
8 Act.

9 (5) REVIEW BY ADMINISTRATOR.—

10 (A) IN GENERAL.—A penalty imposed
11 under paragraph (1) may be subject to review
12 by the Administrator.

13 (B) APPLICATION FOR REVIEW.—The Ad-
14 ministrator may conduct a review under sub-
15 paragraph (A) on the Administrator's own mo-
16 tion or upon application by an owner or oper-
17 ator of a covered water system that is the sub-
18 ject of a penalty imposed under paragraph (1)
19 filed not later than 30 days after notice of such
20 penalty is filed with the Administrator.

21 (C) STAY OF PENALTY.—A penalty under
22 review by the Administrator under this para-
23 graph may not be stayed unless the Adminis-
24 trator otherwise orders that such penalty be
25 stayed upon the Administrator's own motion or

1 upon application by the owner or operator of
2 the covered water system owner or operator
3 that is the subject of such penalty.

4 (D) PROCEEDING.—

5 (i) IN GENERAL.—In any proceeding
6 to review a penalty imposed under para-
7 graph (1), the Administrator, after notice
8 and opportunity for hearing (which hearing
9 may consist solely of the record before the
10 WRRO and opportunity for the presen-
11 tation of supporting reasons to affirm,
12 modify, or set aside the penalty), shall by
13 order affirm, set aside, reinstate, or modify
14 the penalty, and, if appropriate, remand to
15 the WRRO for further proceedings.

16 (ii) EXPEDITED PROCEDURES.—The
17 Administrator shall act expeditiously in ad-
18 ministering all hearings under this section.

19 (g) SAVINGS PROVISION.—

20 (1) AUTHORITY.—Nothing in this Act author-
21 izes the WRRO or the EPA Administrator to de-
22 velop cybersecurity binding risk and resilience re-
23 quirements for covered water systems, except as de-
24 fined by this act.

1 (2) RULE OF CONSTRUCTION.—Nothing in this
2 section may be construed to preempt any authority
3 of any State to take action to ensure the safety, ade-
4 quacy, and resilience of water service within that
5 State, as long as such action is not inconsistent with
6 or conflicts with any cybersecurity risk and resilience
7 requirement.

8 (h) STATUS OF WRRO.—The WRRO certified under
9 subsection (c) is not a department, agency, or instrumen-
10 tality of the United States Government.

11 (i) AUTHORIZATION OF APPROPRIATIONS.—There is
12 authorized to be appropriated to carry out this subsection
13 \$5,000,000 for each of fiscal years 2024 and 2025, to re-
14 main available to the WRRO until expended.

○



ACTION ITEM
June 5, 2024

TO: Board of Directors

FROM: Harvey De La Torre
General Manager

Staff Contact: Heather Baez

SUBJECT: H.R. 7872 (CURTIS, R-UT) – COLORADO RIVER BASIN SALINITY CONTROL ACT

STAFF RECOMMENDATION

Staff recommends the Board of Directors vote to adopt a support position on H.R. 7872 (Curtis, R-UT).

BILL SUMMARY

H.R. 7872 would amend the Colorado River Basin Salinity Control Act to increase the federal cost-share for projects to reduce the salt load in the Colorado River. The states have insufficient funds to meet the current cost share requirements because project costs are increasing, and the state contribution is funded by hydropower power revenue which is declining. The cost share change is needed to maintain the current program.

This measure is sponsored by Representative John Curtis (R-UT) and co-sponsored by Representatives Neguse (D-CO), Ciscomani (R-AZ), Stansbury (D-NM), Fernandez-Leger (D-CO), Hageman (R-WY), Owens (R-UT), Moore (D-UT), Maloy (R-UT), and Napolitano (D-CA).

BACKGROUND

H.R 7872 was introduced on April 4, 2024, and is the House companion bill to S. 2514 (Bennet, D-CO). The MWDOC Board of Directors adopted a support position on that measure on October 4, 2023. H.R. 7872 was heard in the House Natural Resources Subcommittee on Water, Wildlife and Fisheries on May 22, 2024. The timeline for its next steps is currently unknown.

Authorized in 1974, the Colorado River Basin Salinity Control Act (Act) directed the Secretary of the Interior to proceed with a program to enhance and protect the quality of

Budgeted: <input type="checkbox"/> Yes <input type="checkbox"/> No	Budgeted amount:	Core: <input checked="" type="checkbox"/>	Choice: <input type="checkbox"/>
Action item amount:		Movement between funds: <input type="checkbox"/> Yes <input type="checkbox"/> No	

water available in the Colorado River for use in the United States and Republic of Mexico. Today, it continues to authorize and support salinity control projects and research across the western states. The program provides assistance to farmers, ranchers, and water users who utilize salinity control measures.

Nearly 40 million people across seven states and more than 30 Tribes rely on water from the Colorado River. However, naturally occurring salinity affects the ability to harness this water source for agricultural, municipal, and industrial water users. High salinity levels can impact an agency's ability to recycle water supplies, reduce crop yields, limit which crops can grow, kill trees, and make the land unsuitable for agriculture.

Per the Salinity Control Act, funding for the Program derives jointly from appropriations ("nonreimbursable portion," generally 70%) and from Federal Colorado River System power project revenues deposited in the Basin Funds ("reimbursable portion," generally 30%). Initially the reimbursable portion took the form of repayment to the Treasury, but in 1996 Congress changed it to an up-front cost share which puts the funds back into the Program.

ARGUMENTS IN SUPPORT

H.R. 7872 is a multi-state bipartisan effort to reduce salinity in the Colorado River Basin, which will save millions of dollars from corrosion to water infrastructure, reduced crop yields, and other costs. *Most of these salts come from federally administered lands.* Damages still exceed \$350 million annually.

Per the Salinity Control Act, 15% of the reimbursable portion derives from the Upper Colorado River Basin Fund. The Secretary adjusts power rates to accommodate for Program needs. The remaining 85% of the reimbursable portion comes from the Lower Colorado River Basin Development Fund. Unlike the Upper Basin Fund, salinity dollars to the Lower Basin Fund are fixed by the Hoover Power Plant Act (1984, PL 98-381) at 2.5 mills on power sales (\$2.50 per MWh) regardless of Program needs. Hence, when Congress appropriates money for salinity control, the Salinity Control Act requires a 30% up-front cost share, of which 85% comes from the Lower Basin Fund, whose income is fixed at 2.5 mills.

For nearly 40 years this funding arrangement has worked. However, the severe 20-plus-year drought in the Colorado River System has reduced power production in the Lower Basin, and power sales no longer generate sufficient money to meet the reimbursable requirement. *Only a legislative fix can adjust the reimbursable percentages to bring it in balance with the dollars available from the Lower Basin Fund.*

According to the Metropolitan Water District of Southern California, this bill directly benefits Metropolitan and its member agencies by ensuring continued federal funding for salinity control projects along the Colorado River.

ARGUMENTS IN OPPOSITION

None on file

ALIGNMENT WITH BOARD STRATEGIC PRIORITIES

- | | |
|--|---|
| <input checked="" type="checkbox"/> Clarifying MWDOC’s mission and role; defining functions and actions. | <input type="checkbox"/> Work with member agencies to develop water supply and demand objectives. |
| <input type="checkbox"/> Balance support for Metropolitan’s regional mission and Orange County values and interests. | <input type="checkbox"/> Solicit input and feedback from member agencies. |
| <input type="checkbox"/> Strengthen communications and coordination of messaging. | <input type="checkbox"/> Invest in workforce development and succession planning. |

REGISTERED SUPPORT & OPPOSITION

Support:

Colorado River Basin Salinity Control Forum
Metropolitan Water District of Southern California

BOARD OPTIONS

Option #1

- Adopt a support position on H.R. 7872 and send a letter to the sponsor and the Orange County delegation

Option #2

- Take no action

List of Attachments/Links:
Attachment 1: H.R 7872 Full Text

118TH CONGRESS
2D SESSION

H. R. 7872

To amend the Colorado River Basin Salinity Control Act to modify certain requirements applicable to salinity control units, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 5, 2024

Mr. CURTIS (for himself, Mr. NEGUSE, Mr. CISCOMANI, Ms. STANSBURY, Ms. HAGEMAN, Mr. OWENS, Mr. MOORE of Utah, Ms. MALOY, Ms. LEGER FERNANDEZ, and Mrs. NAPOLITANO) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To amend the Colorado River Basin Salinity Control Act to modify certain requirements applicable to salinity control units, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Colorado River Salinity
5 Control Fix Act”.

6 **SEC. 2. SALINITY CONTROL UNITS.**

7 Section 205 of the Colorado River Basin Salinity
8 Control Act (43 U.S.C. 1595) is amended—

1 (1) by striking the section designation and all
2 that follows through “(a) The Secretary” and insert-
3 ing the following:

4 **“SEC. 205. SALINITY CONTROL UNITS; AUTHORITY AND**
5 **FUNCTIONS OF THE SECRETARY OF THE IN-**
6 **TERIOR.**

7 “(a) ALLOCATION OF COSTS.—The Secretary”;

8 (2) by striking paragraph (1) and inserting the
9 following:

10 “(1) NONREIMBURSABLE COSTS; REIMBURS-
11 ABLE COSTS.—

12 “(A) NONREIMBURSABLE COSTS.—

13 “(i) IN GENERAL.—In recognition of
14 Federal responsibility for the Colorado
15 River as an interstate stream and for
16 international comity with Mexico, Federal
17 ownership of the land of the Colorado
18 River Basin from which most of the dis-
19 solved salts originate, and the policy estab-
20 lished in the Federal Water Pollution Con-
21 trol Act (33 U.S.C. 1251 et seq.) and ex-
22 cept as provided in clause (ii), the fol-
23 lowing shall be nonreimbursable:

24 “(I) 75 percent of the total costs
25 of construction and replacement of

1 each unit or separable feature of a
2 unit authorized by section 202(a)(1),
3 including 90 percent of—

4 “(aa) the costs of operation
5 and maintenance of each unit or
6 separable feature of a unit au-
7 thorized by that section; and

8 “(bb) the total costs of con-
9 struction, operation, and mainte-
10 nance of the associated measures
11 to replace incidental fish and
12 wildlife values foregone.

13 “(II) 75 percent of the total costs
14 of construction and replacement of
15 each unit or separable feature of a
16 unit authorized by section 202(a)(2),
17 including 100 percent of—

18 “(aa) the costs of operation
19 and maintenance of each unit or
20 separable feature of a unit au-
21 thorized by that section; and

22 “(bb) the total costs of con-
23 struction, operation, and mainte-
24 nance of the associated measures

1 to replace incidental fish and
2 wildlife values foregone.

3 “(III) 75 percent of the total
4 costs of construction, operation, main-
5 tenance, and replacement of each unit
6 or separable feature of a unit author-
7 ized by section 202(a)(3), including
8 75 percent of the total costs of con-
9 struction, operation, and maintenance
10 of the associated measures to replace
11 incidental fish and wildlife values fore-
12 gone.

13 “(IV) 70 percent of the total
14 costs of construction, operation, main-
15 tenance, and replacement of each unit
16 or separable feature of a unit author-
17 ized by paragraphs (4) and (6) of sec-
18 tion 202(a), including 70 percent of
19 the total costs of construction, oper-
20 ation, and maintenance of the associ-
21 ated measures to replace incidental
22 fish and wildlife values foregone.

23 “(V) 70 percent of the total costs
24 of construction and replacement of
25 each unit or separable feature of a

1 unit authorized by section 202(a)(5),
2 including 100 percent of—

3 “(aa) the costs of operation
4 and maintenance of each unit or
5 separable feature of a unit au-
6 thorized by that section; and

7 “(bb) the total costs of con-
8 struction, operation, and mainte-
9 nance of the associated measures
10 to replace incidental fish and
11 wildlife values foregone.

12 “(VI) 85 percent of the total
13 costs of implementation of the on-
14 farm measures authorized by section
15 202(c), including 85 percent of the
16 total costs of the associated measures
17 to replace incidental fish and wildlife
18 values foregone.

19 “(ii) SPECIAL RULE FOR NONREIM-
20 BURSABLE COSTS FOR FISCAL YEARS 2024
21 AND 2025.—Notwithstanding clause (i), for
22 each of fiscal years 2024 and 2025, the
23 following shall be nonreimbursable:

24 “(I) 75 percent of all costs de-
25 scribed in clause (i)(I).

1 “(II) 75 percent of all costs de-
2 scribed in clause (i)(II).

3 “(III) 70 percent of all costs de-
4 scribed in clause (i)(V).

5 “(IV) The percentages of all
6 costs described in subclauses (III),
7 (IV), and (VI) of clause (i).

8 “(B) REIMBURSABLE COSTS.—The total
9 costs remaining after the allocations under
10 clauses (i) and (ii) of subparagraph (A) shall be
11 reimbursable as provided for in paragraphs (2),
12 (3), (4), and (5).”;

13 (3) in subsection (b), by striking the subsection
14 designation and all that follows through “Costs of
15 construction” in paragraph (1) and inserting the fol-
16 lowing:

17 “(b) COSTS PAYABLE FROM LOWER COLORADO
18 RIVER BASIN DEVELOPMENT FUND.—

19 “(1) IN GENERAL.—Costs of construction”;

20 (4) in subsection (c), by striking “(c) Costs of
21 construction” and inserting the following:

22 “(c) COSTS PAYABLE FROM UPPER COLORADO
23 RIVER BASIN FUND.—Costs of construction”; and

24 (5) in subsection (e), by striking “(e) The Sec-
25 retary is” and inserting the following:

1 “(e) UPWARD ADJUSTMENT OF RATES FOR ELEC-
2 TRICAL ENERGY.—The Secretary is”.

○



ACTION ITEM

June 5, 2024

TO: Board of Directors

FROM: **Harvey De La Torre, General Manager**
Staff Contact: Maribeth Goldsby, District Secretary

SUBJECT: **ELECTION INFORMATION (CANDIDATE’S STATEMENTS)**

STAFF RECOMMENDATION

It is recommended that the Board of Directors: Directors review the information presented and decide whether to limit candidate statements to either 200 or 400 words and authorize staff to submit the information to the Registrar of Voters, along with a statement that the District will either pay or not pay for the statements (by June 7, 2024).

COMMITTEE RECOMMENDATION

This item was not presented to a Committee, due to the County’s deadline.

SUMMARY

Each election, the Registrar of Voters requests information relative to the Candidate’s Statements. This information includes whether or not the District will pay the Candidate’s Statement cost, and whether the District will limit statements to either 200 or 400 words.

Historically, the Board has limited candidate statements to 200 words, and does not authorize payment by the District.

Attached is the paperwork received from the OC Registrar; although the due date for the information is May 31st, the Registrar has given us an extension to June 7th to allow review by the Board (since the information was received on May 16th).

Budgeted: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	Budgeted amount:	Core: <input checked="" type="checkbox"/>	Choice: <input type="checkbox"/>
Action item amount:		Movement between funds: <input type="checkbox"/> Yes <input type="checkbox"/> No	

ALIGNMENT WITH BOARD STRATEGIC PRIORITIES

- | | |
|--|---|
| <input checked="" type="checkbox"/> Clarifying MWDOC’s mission and role; defining functions and actions. | <input type="checkbox"/> Work with member agencies to develop water supply and demand objectives. |
| <input type="checkbox"/> Balance support for Metropolitan’s regional mission and Orange County values and interests. | <input type="checkbox"/> Solicit input and feedback from member agencies. |
| <input type="checkbox"/> Strengthen communications and coordination of messaging. | <input type="checkbox"/> Invest in workforce development and succession planning. |

BOARD OPTIONS

Option #1: Limit Candidate Statements to either **200 or 400 words** and **not** authorize payment by the District.
Fiscal Impact: \$0

Option #2: Limit Candidate Statements to either **200 or 400 words** and authorize payment by the District.
Fiscal Impact: A 200 word statement could range from \$1500-2500 each; and a 400-word statement could range from \$3,000 to \$5,000 each

List of Attachments/Links:
<i>Attachment 1:</i> Letter from County regarding the Transmittal of Election Information and District Map
<i>Attachment 2:</i> Draft Transmittal of Election Information statement

From: Mailhot, Julianna <Julianna.Mailhot@ocvote.gov>
Sent: Thursday, May 16, 2024 8:16 AM
To: Harvey De La Torre <HDeLaTorre@mwdoc.com>
Subject: [EXTERNAL] 2024 Presidential General Election Information Request

Good afternoon General Manager/Director,

The Registrar of Voters has implemented a new way to submit your Transmittal of Election Information form and District Map through an online Election Jurisdiction Verification portal. The portal will allow you to complete, sign and upload your district information, in one convenient place.

On the Transmittal of Election Information page, **please list the names of Directors** whose terms expire and whose seats will be scheduled for election on November 5, 2024. This would include any Directors appointed since your last election. Appointed Directors must file for the two-year unexpired term if they were appointed to fill a vacancy which would not have been scheduled for election until 2026.

We also need to know if your **District is authorizing 200 or 400 words** to be used in a Candidate's Statement of Qualifications.

Please upload the completed Transmittal of Election Information form by **May 31, 2024**.

On the District Map page, you will print, sign, and upload you district map and verification form.

Pursuant to Elections Code § 10522, the district is required to submit a map showing the current district boundary lines, with divisions (if any), regardless if changes have occurred, by **July 3, 2024**.

To get started, please click on the invitation link: <https://ocvote.gov/apps/>

Note: The above invitation link is unique, and you should not forward it to anyone else. If you would like others to complete the documents on your behalf, please email their individual name and email address to Julianna.Mailhot@ocvote.gov, and a new invitation link will be sent.

Candidate Filing for the November 5, 2024 Presidential General Election will be July 15, 2024 through August 9, 2024, 5:00 p.m. The Candidate's Handbook will be on our website before the filing period begins. We ask that you post this information to advise your members of these important dates.

Thank You.

Julianna Mailhot | Candidate and Voter Services Lead | Orange County Registrar of Voters
1300 S. Grand Avenue, Bldg C | Santa Ana, California 92705 | 714.567.7563
julianna.mailhot@ocvote.gov





Registrar of Voters

County of Orange, California

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Transmittal Form

Welcome **Maribeth Goldsby** from **Municipal Water District of Orange County**

Please fill out and download a simple transmittal form.

You will then be able to upload a signed copy on this portal.

Required fields are marked with an asterisk (*).

Voters in this district will vote:*

By Division

The District/City authorizes the candidate statement of qualifications to contain no more than: *

200 Words

400 Words

Dashboard

Transmittal Form

Download Map

Upload Documents

Profile

Logout

The district will or will not pay for the candidate statement of qualification: *

Yes, the district will pay for the Candidate's Statement of Qualification

No, the district will not pay for the Candidate's Statement of Qualification

Incumbents:

Required fields are marked with an asterisk (*).

1

Incumbent's Full Name:* Or mark the following Vacant checkbox

Robert McVicker

Vacant Seat?

Elected Or Appointed To The Office:*

Elected

Appointed

Term End Year:*

2024

Division Number:*

3

2

Incumbent's Full Name:* Or mark the following Vacant checkbox

Karl Seckel

Vacant Seat?

Elected Or Appointed To The Office:*

Elected

Appointed

Term End Year:*

2024

Division Number:*

[Remove from list](#)

3

Incumbent's Full Name:* Or mark the following Vacant checkbox

Vacant Seat?

Elected Or Appointed To The Office:*

Term End Year:*

 Elected Appointed

Division Number:*

[Remove from list](#)

4

Incumbent's Full Name:* Or mark the following Vacant checkbox

Vacant Seat?

Elected Or Appointed To The Office:*

Term End Year:*

 Elected Appointed

Division Number:*

[Remove from list](#)

[+ Add new Candidate](#)

Submit



DISCUSSION ITEM

June 5, 2024

TO: Board of Directors

FROM: Harvey De La Torre, 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. Water Supply Condition Update
- c. Water Quality Update
- d. Colorado River Issues
- e. Delta Conveyance Activities and State Water Project Issues

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

Water Transactions for March 2024 (for water delivered in January 2024) totaled 68.2 thousand acre-feet (TAF), which was 34.8 TAF lower than the budget of 103.0 TAF and translates to \$66.6 million in receipts for March 2024, which was \$36.1 million lower than budget of \$102.7 million.

Year-to-date water transactions through March 2024 (for water delivered in May 2023 through January 2024) were 954.8 TAF, which was 270.3 TAF lower than the budget of 1,225.1 TAF. Year-to-date water receipts through March 2024 were \$957.9 million, which was \$266.0 million lower than the budget of \$1,223.9 million

Metropolitan's Bond ratings were affirmed by the rating agencies in May. The Metropolitan Finance Group most recently met with S&P and Moody's as part of the Series 2024A (Senior Lien) Water Revenue Refunding Bonds, which successfully priced in April 2024.

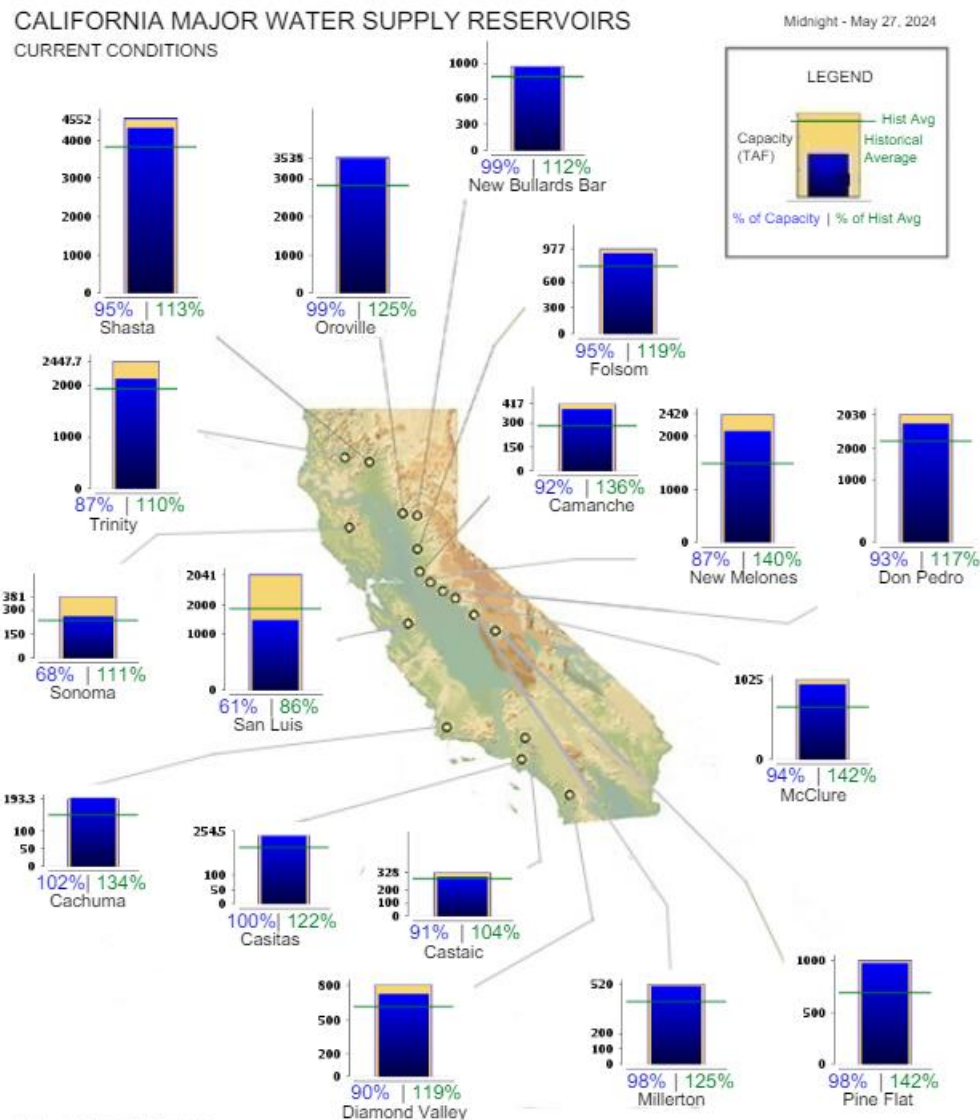
Rating Agency	Metropolitan Lien and Mode	Rating Assigned	Rating Outlook
S&P Global Ratings	General Obligation Bonds	AAA (highest)	Stable
	Senior Lien – Long-Term Bonds	AAA (highest)	Stable
Moody's Ratings	General Obligation Bonds	Aaa (highest)	Stable
	Senior Lien	Aa1	Stable

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

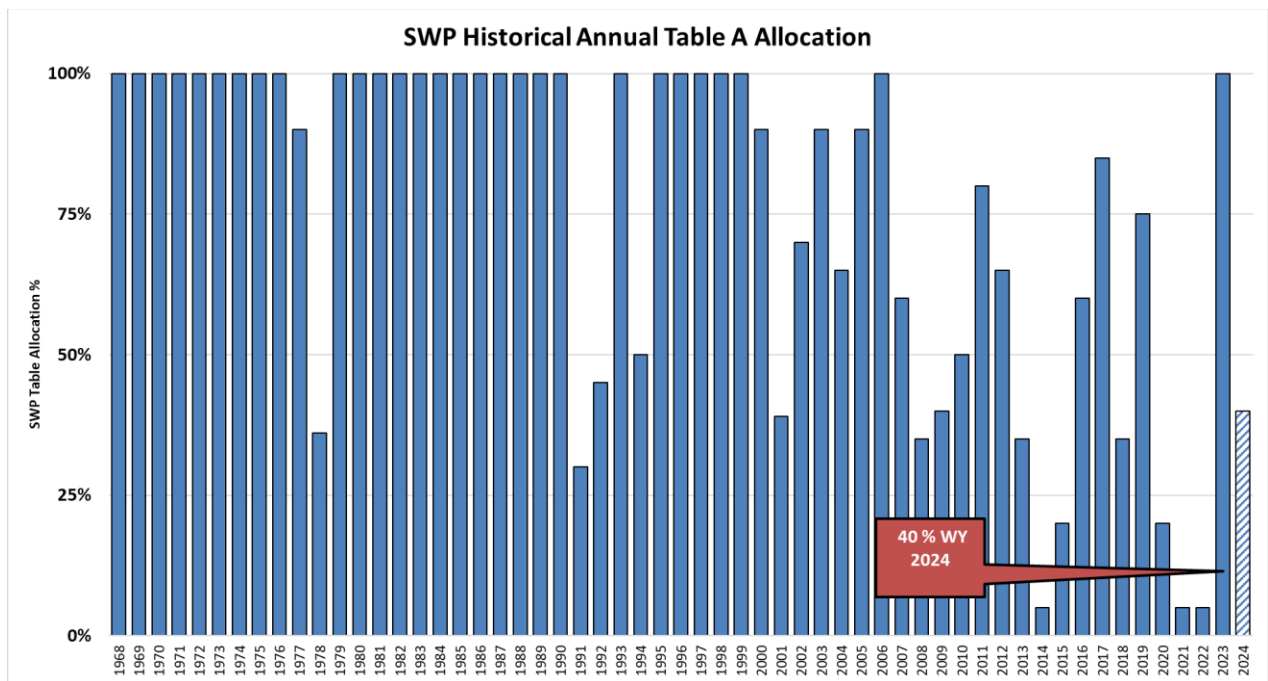
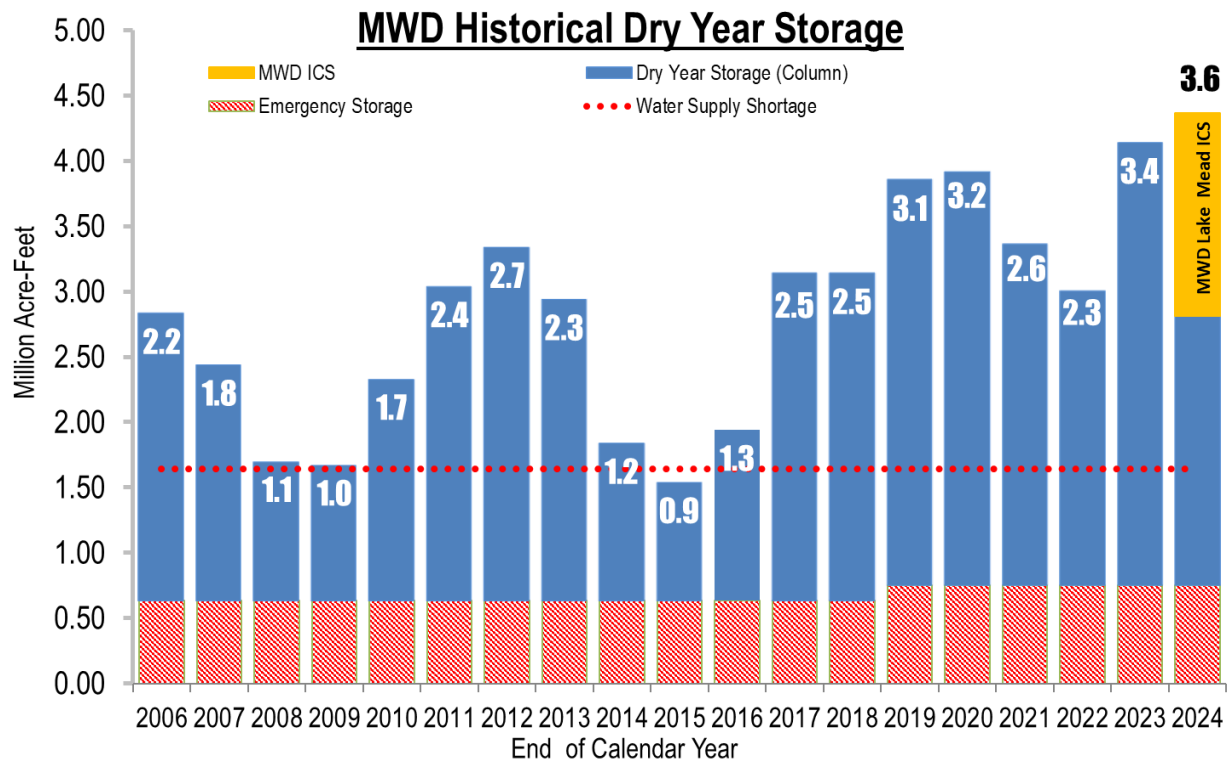
The 2023-24 Water Year (2023-24 WY) officially started on October 1, 2023. Thus far, Northern California accumulated precipitation (8-Station Index) reported **47.2 inches or 99% of normal** as of May 28th. The Northern Sierra Snow Water Equivalent peaked at **35.1 inches on April 2nd**, which is **124% of normal** for that day. The Department of Water Resources (DWR) in April has increased the State Water Project (SWP) initial **"Table A" allocation for WY 2023-24 at 40%**.

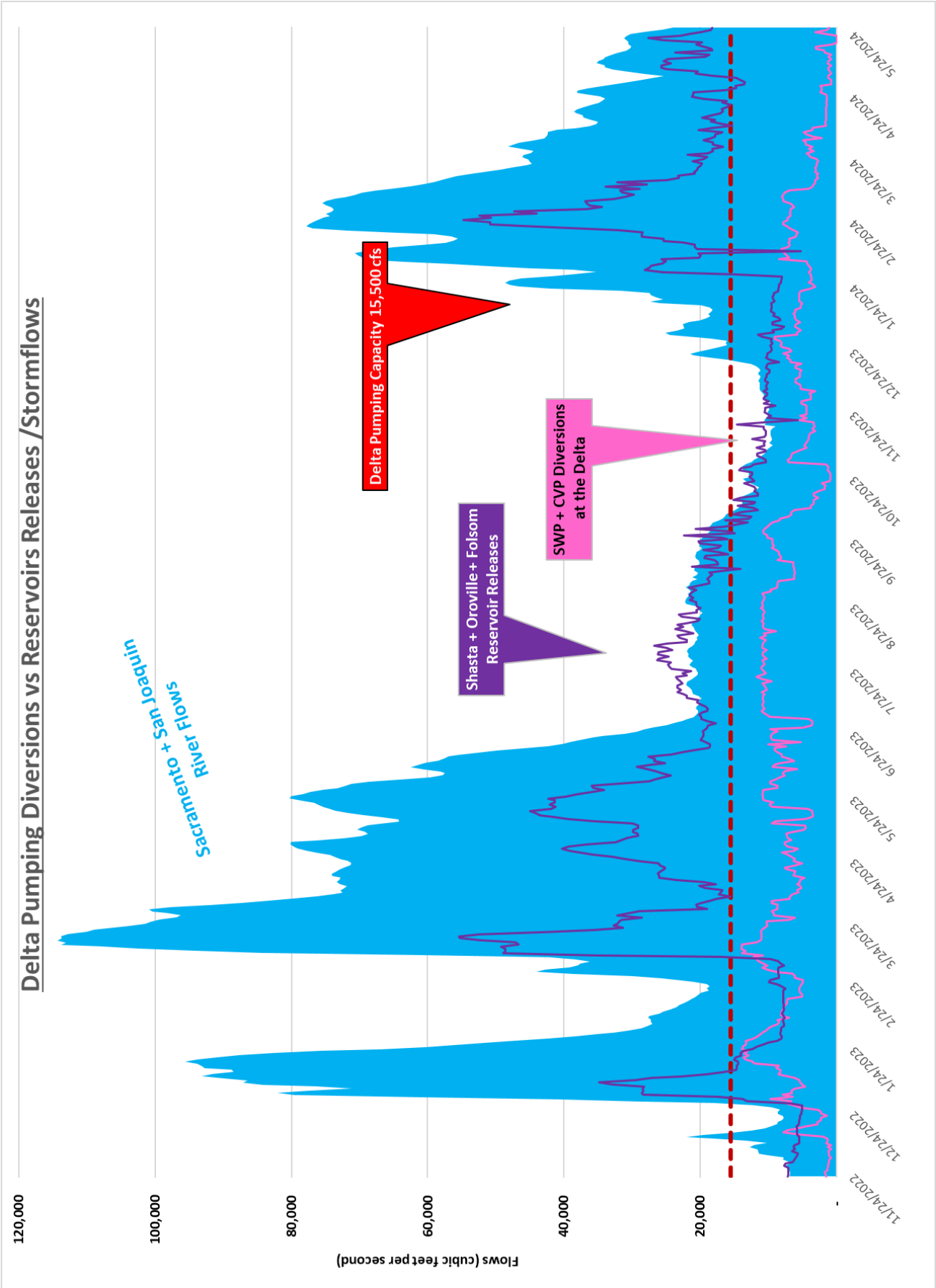
The Upper Colorado River Basin accumulated precipitation is reporting **22.4 inches or 101% of normal as of May 28th**. On the Colorado River system, snowpack is measured across four states in the Upper Colorado River Basin. The Upper Colorado River Basin Snow Water Equivalent peaked at **17.2 inches as of April 9th**, which is **86% 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 April 2024, **there is a 100% chance of shortage continuing in CY 2024, a 90% chance in CY 2025 and a 83% chance in CY 2026. In addition, there is a 10% chance of a California shortage in 2026.**

As of May 27th Lake Oroville storage is at **99% of total capacity and 125% of normal**. As of May 27th San Luis Reservoir has a current volume of **61% of the reservoir's total capacity and is 86% of normal**.



With Calendar Year (CY) 2024 estimated total demands and losses of 1.41 million acre-feet (MAF) and with a 40% SWP Table A Allocation, Metropolitan is projecting that supplies will exceed demands levels in CY 2024. Based on this, estimated total dry-year storage for Metropolitan at the end of **CY 2024 will increase to approximately 3.6 MAF**. A projected dry-year storage supply of **3.6 MAF would be approximately 2.6 MAF from a typical level where Metropolitan goes into Water Supply Allocations**. 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.**





2024 WSDM Storage Detail

	1/1/2024 Estimated Storage Levels ¹	CY 2024 Put Capacity ²	CY 2024 Take Capacity ²	2024 Total Storage Capacity
WSDM Storage				
Colorado River Aqueduct Delivery System	1,544,000	78,000	160,000	1,657,000
Lake Mead ICS	1,544,000 ³	78,000	160,000 ⁴	1,657,000
State Water Project System	1,006,000	302,000	620,000	1,991,000
MWD & DWCV Carryover	297,000	149,000	297,000	350,000 ⁵
MWD Articles 14(b) and 12(e)	28,000 ⁶	0	28,000	N/A
Castaic and Perris DWR Flex Storage	219,000	0	219,000	219,000
Arvin Edison Storage Program	100,000	0 ⁷	0	350,000
Semitropic Storage Program	190,000	68,000	38,000	350,000
Kern Delta Storage Program	114,000	51,000	17,000	250,000
Mojave Storage Program	19,000	0	9,000	330,000
AVEK Storage Program	27,000	0	12,000	30,000
AVEK High Desert Water Bank Program	11,000	34,000	0	112,000 ⁸
In-Region Supplies and WSDM Actions	1,016,000	109,000	634,000	1,246,000
Diamond Valley Lake	753,000	57,000	496,000	810,000
Lake Mathews and Lake Skinner	207,000	19,000	95,000	226,000
Conjunctive Use Programs (CUP) ⁹	56,000	33,000	44,000	210,000
Other Programs	586,000	282,000	68,000	1,181,000
Other Emergency Storage	381,000	0	0	381,000
DWCV Advanced Delivery Account	205,000	282,000	68,000	800,000
Total	4,153,000	771,000	1,482,000	6,075,000
Emergency	750,000	0	0	750,000
Total WSDM Storage (AF) ¹⁰	3,403,000	771,000	1,482,000	5,325,000

¹ Preliminary start of year balances, subject to DWR adjustments and USBR final accounting in May 2024.

² Put and take capacity assumed under a 30 percent SWP Table A Allocation. Storage program losses included where applicable.

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

⁴ Take capacity based on planned maintenance activities and current CRA supply estimate.

⁵ Total storage capacity varies year-to-year potentially increasing as the contractual annual storage limit combines with the remaining balance from the previous year. Metropolitan may opt to exceed the 350 TAF storage capacity as shown to enhance drought protection for the service area, however there is a potential risk that Metropolitan's stored water be converted to SWP contractor water if San Luis Reservoir approaches full capacity.

⁶ Approved carryover supplies under Articles 14 (b) and 12 (e) of the State Water Project Contract for delivery in 2024.

⁷ Puts are limited due to water quality considerations.

⁸ Reflects 40 percent of the AVEK High Desert Water Bank Program's total storage capacity that has been constructed. The total storage capacity for the AVEK High Desert Water Bank is 280 TAF. Full recharge and recovery operation anticipated by 2027.

⁹ Total of all CUP programs including IEUA/TVMWD (Chino Basin); Long Beach (Central Basin); Long Beach (Lakewood); Foothill (Raymond and Monk Hill); MWD/OC (Orange County Basin); Three Valleys (Live Oak); Three Valleys (Upper Claremont); and Western.

¹⁰ Total WSDM Storage level subject to change based on accounting adjustments. Total may not sum due to rounding.

ISSUE BRIEF #C**SUBJECT: MET's Water Quality Update****RECENT ACTIVITY**

Water System Operations

Metropolitan member agency water deliveries were 79,800 acre-feet (AF) for April 2024 with an average of 2,660 AF per day, which was about 140 AF per day higher than in March. As a result of the increased State Water Project (SWP) allocation, Metropolitan has recently started the Cyclic and Conjunctive Use Program deliveries. Treated water deliveries were 7,300 AF higher than March for a total of 44,000 AF, or 55 percent of total deliveries for the month. The CRA pumped a total of 69,000 AF in April 2024. SWP imports averaged 500 AF per day, totaling about 14,900 AF for the month. The target SWP blend is 0 percent for Weymouth, Diemer, and Skinner plants.

Metropolitan expects to have sufficient SWP and Colorado River supplies to meet demands in 2024. Water continues to be managed according to Water Surplus and Drought Management (WSDM) principles and operational objectives with an emphasis to position SWP supplies to meet future demands in the SWP Dependent Area. Metropolitan has resumed deliveries to Desert Water Agency and Coachella Valley Water District because of the improved supply conditions. Metropolitan is continuing to minimize the use of Table A supplies this year to improve SWP Carryover supplies for next year.

Water Treatment and Distribution

In April 2024, the SWP target blend entering the Weymouth and Diemer plants, and Lake Skinner, was zero percent. The SWP blend leaving Lake Skinner decreased from approximately 65 to 40 percent, after the release from DVL to Lake Skinner was discontinued at the beginning of the month. Lake Skinner was bypassed from mid-April to the end of the month to support the shutdown of San Diego raw water pipeline No. 3.

Flow-weighted running annual averages for total dissolved solids from March 2023 through February 2024 for Metropolitan's treatment plants capable of receiving a blend of supplies from the SWP and the CRA were 345, 430, and 470 mg/L for the Weymouth, Diemer, and Skinner plants, respectively.

Metropolitan staff repaired the fish screen Programable Logic Controller (PLC) at DVL. The fish screens create an electrical field in the water that prevents fish in the lake from swimming near the Inlet/Outlet Tower while water is being withdrawn from the lake.

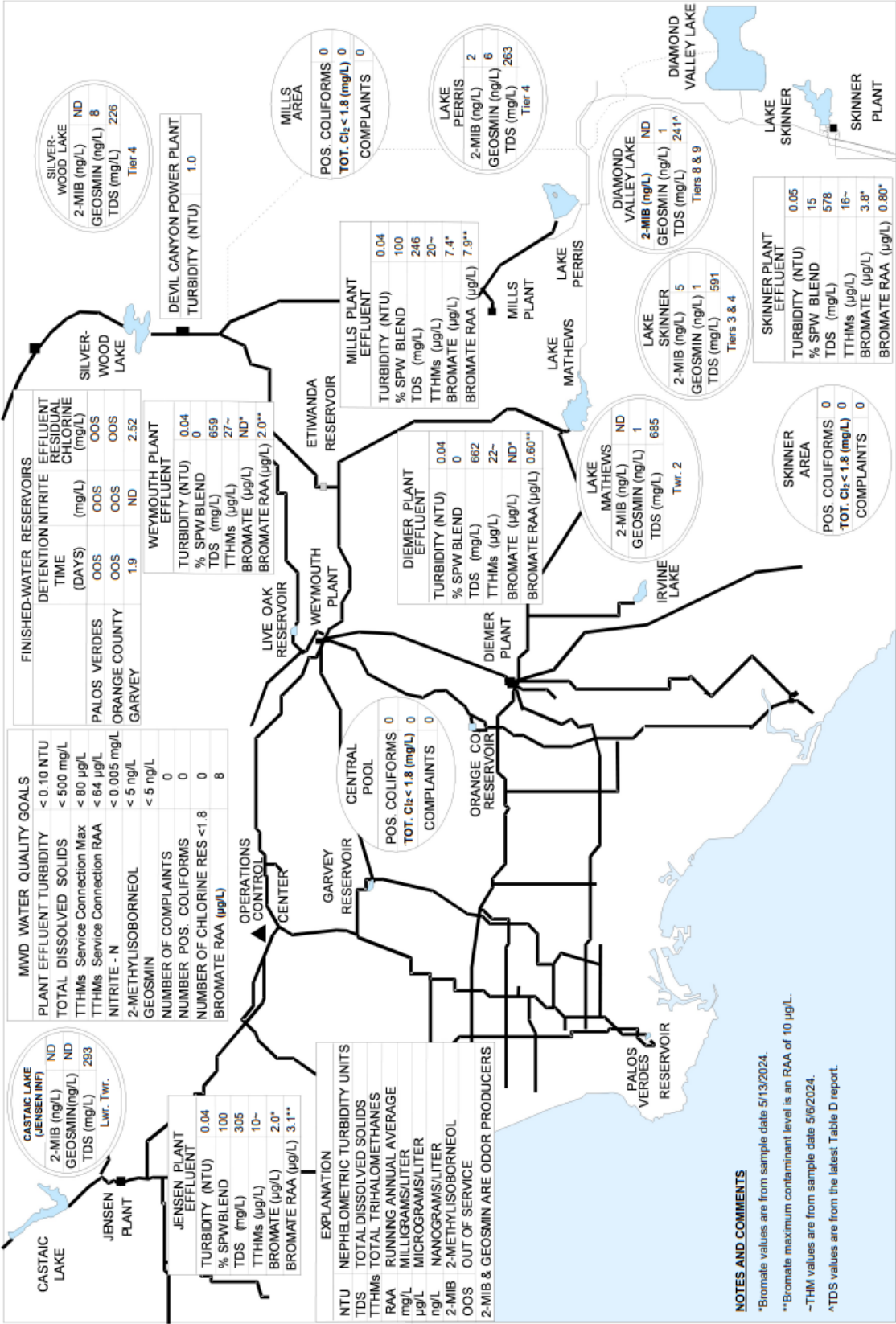
Weekly Water Quality System Status

Wednesday, May 22, 2024

Generated On: 5/22/2024 7:22:34 AM

THE METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

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



The Metropolitan Water District of Southern California

Weekly Operations Plan for 5/23/2024 – 5/30/2024

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

1. **COLORADO RIVER AQUEDUCT:** The CRA is at a 7-pump flow.
2. **EAST BRANCH SPW:** Rialto Pipeline will average a flow between 460-1,020 AF/day. Santa Ana Valley Pipeline will be at 130 AF/day. Inland Feeder flow will average a flow of 400 AF/day.
3. **WEST BRANCH SPW:** The flow from Castaic Lake will be at 500 AF/day. Flow to SCVWA (formerly CLWA) is currently at 150 AF/day.

4. **TERMINAL RESERVOIRS:**

Reservoir	Current Storage* (AF)	Percent of Capacity
Lake Mathews	134,500	74%
Lake Skinner	35,800	81%
DVL	728,700	90%

*as of 5/22/2024

5. **WATER QUALITY:**

Plant	Targeted Blend (% SPW)	TDS (mg/L)	TTHMs (µg/L)
	As of 5/22/2024	As of 5/22/2024	As of 4/15/2024
Weymouth	00	659	27
Diemer	00	662	22
Skinner	00	578	16
Jensen	100	305	10
Mills	100	246	20

6. **WATER DELIVERIES:** May deliveries are forecasted to be about 94 TAF. As of May 22, 2024, total system demands are about 4,900 AF/day, an increase of about 300 AF/day from last week.
7. **HYDROELECTRIC GENERATION:** As of May 22, 2024, the total daily average generation for the week was about 14.2 MW, with 6 of 15 hydroelectric plants in operation.

ISSUE BRIEF #D

SUBJECT: Colorado River Issues

RECENT ACTIVITY

United States and Mexico Sign Treaty Minute 330

The International Boundary and Water Commission signed Minute 330 on April 18, 2024. In this Minute, Mexico agrees to conserve 400,000 acre-feet of additional water for the Colorado River system and for Mexico's water reserve through 2026. This conservation will be in addition to the 3.0 million acre-feet of additional conservation that the Lower Division States have agreed to undertake in 2023-26 as part of the Lower Basin Plan, which was identified as the Preferred Alternative in the Final Supplemental Environmental Impact Statement for Near-Term Operations of the Colorado River System Reservoirs issued in March 2024. To support the conservation efforts in Minute 330, the United States Government will provide \$65 million for projects in Mexico.

Colorado River Indian Tribes Water Resiliency Act of 2022 Implementation Agreement Signing

Metropolitan Board Chair Ortega and General Manager Hagekahlil attended the signing ceremony of the Colorado River Indian Tribes (CRIT)'s agreements with the Interior Department and state of Arizona to implement the Colorado River Indian Tribes Water Resiliency Act of 2022. This Act, passed by Congress and signed by the President in 2023, authorizes the CRIT in Arizona to exchange or lease a portion of their water rights within Arizona, and to participate in conservation and storage programs like Intentionally Created Surplus. The water that is exchanged or leased must have a history of use and cannot be provided to another state.

Metropolitan Staff Participate in Glen Canyon Technical Analysis Meeting

In early April, the Bureau of Reclamation identified risks to critical infrastructure and Glen Canyon Dam (which forms Lake Powell) when using the bypass tubes to release water into the Grand Canyon. Historically, those tubes have been used to release high flows through the Grand Canyon, but also are the only way to release water out of Lake Powell if the reservoir falls below critical levels. As a result, for the near-term, Reclamation is keeping additional water in Lake Powell to avoid using the bypass tubes, which could result in increased risks of Lower Basin shortages in future years. The Lower Basin States have urged Reclamation to remedy the situation and make any necessary repairs to the facility. In late April, Reclamation held a technical meeting with stakeholders to review the risks to the dam infrastructure, and Metropolitan engineering staff participated in the meeting. The results of that meeting are not available at the time of this report but will be provided to the Board at a later date.

ISSUE BRIEF #E

SUBJECT: Delta Conveyance Activities and State Water Project Issues

RECENT ACTIVITY

Delta Conveyance

The State Water Resources Control Board granted a two-week extension to submit protests regarding the Delta Conveyance Project water rights change petition to add new points of diversion in the north Delta. The new deadline is May 13, 2024. The California Department of Water Resources (DWR) applied to the California Department of Fish and Wildlife for an Incidental Take Permit (ITP) on April 9, 2024. The ITP application, and new information materials, including an updating permitting schedule can be found on DWR's [About the Delta Conveyance Project website](#).

Sites Reservoir

At the April 19 Joint Reservoir Committee and Sites Authority Board meeting, the Reservoir Committee and the Authority Board discussed the estimated construction cost process and discussed the interim financing plan including assumptions related to how the construction costs will be funded.

Regulatory & Science Activities

Metropolitan staff published two peer-reviewed papers in April. The first paper focuses on the hazard risk of contaminants on Chinook Salmon in floodplains or rivers, and was published in the Archives of Environmental Contamination and Toxicology. The second paper focuses on behavioral and distributional changes by fish in the upper water column of the San Francisco Estuary, and was published in Estuaries and Coasts. The Reorienting to Recovery salmon project hosted a forum meeting and a structured decision making workshop to review blended scenario results that achieved salmonid recovery. The purpose of the Reorienting to Recovery Project is to identify preferred, broadly supported management scenarios that support salmonid recovery in the Central Valley.

**Summary Report for
The Metropolitan Water District of Southern California
Board Meeting
May 14, 2024**

CONSENT CALENDAR OTHER ITEMS – ACTION

Approved Committee Assignments. **(Agenda Item 6b)**

Director Bryant was appointed as a member of the Finance and Asset Management Committee.

Director Faessel was appointed as a member to the Equity, Inclusion, and Affordability Committee.

CONSENT CALENDAR ITEMS – ACTION

Authorized an increase of \$2.35 million to an agreement with HDR Engineering Inc. for a new not-to-exceed amount of \$5.15 million for final design of erosion control structures along the CRA system. **(Agenda Item 7-1)**

Amended the Capital Investment Plan for fiscal years 2022/23 and 2023/24 to include upgrades to the flocculation system at the Joseph Jensen Water Treatment Plant. **(Agenda Item 7-2)**

Authorized the General Manager to enter into an agreement for administrative supplemental labor services containing the following thirty supplemental temporary labor agencies: SuperbTech Inc., AtWork Personnel Services, Project Partners, PSP Group Inc., Johnson Service Group Inc., CathyJon Enterprises Inc. Tryfacta Inc., 22nd Century Technologies Inc., Ronin Staffing LLC, Enterprise Resource Services Inc., Sierra Cybernetics Inc., Morris and Willner Partners, Staffmark Group, Balanced Diversity Solutions, Partners In Diversity Inc., AppleOne Inc., Genesis Global Recruiting, HireGround Personnel Services Inc., Jada Systems Inc., Mantek Solutions Inc., TPS Group, Good People Inc., Info Origin Inc, Harvest Technical Services Inc., TruCapital Partners, Information Management Resources Inc., Kaygen Inc., SoftHQ Inc., Akshar IT Solutions LLC, and Infojini Inc, each with up to four annual renewal options, with a maximum not-to-exceed amount of \$8 million per year for the contract. **(Agenda Item 7-3)**

Approved the Department Head 360° Evaluation Process. **(Agenda Item 7-4)**

Authorized the General Manager to execute a new ground license for telecommunications facilities with the City of Pasadena to enhance the reliability of Metropolitan’s wireless wide area networks and local area networks. **(Agenda Item 7-5)**

Authorized contracts for Bond Counsel services with Anzel Galvan LLP, Hawkins Delafield & Wood LLP, Katten Muchin Rosenman LLP, Nixon Peabody LLP, and Norton Rose Fulbright US LLP; Co-Bond Counsel services with Amira Jackmon and Law Offices

of Alexis S.M. Chiu; and Disclosure Counsel services with Stradling Yocca Carlson & Rauth, P.C. for the period ending June 30, 2027; and determined that Bond Counsel, Co-Bond Counsel, and Disclosure Counsel fees may be approved by the General Counsel in amounts sufficient to procure Bond Counsel, Co-Bond Counsel, or Disclosure Counsel services for bond issues and for legal advice, as described in this board letter.

(Agenda Item 7-6)

Adopted a resolution declaring approximately 6,742 acres of Metropolitan-owned real property in the County of Riverside, located southwest of the City of Blythe, California, and commonly known as the Palo Verde Mesa, as exempt surplus land under the Surplus Land Act. **(Agenda Item 7-7)**

Authorized the waiver of a \$1,052.52 late fee incurred by the U.S. Bureau of Reclamation regarding its payments to Metropolitan for exchanging water under the Agreement Relating to Supplemental Water Among the Metropolitan Water District of Southern California, the San Luis Rey Settlement Parties, and the United States. **(Agenda Item 7-8)**

OTHER BOARD ITEMS - ACTION

- a. Awarded a \$24,912,000 contract to J.F. Shea Construction Inc. to rehabilitate approximately 2.4 miles of PCCP portions of the Allen-McColloch Pipeline.
- b. Authorized an increase of \$250,000 to an agreement with Helix Environmental Planning Inc. for a new not-to-exceed amount of \$2,500,000.
- c. Amended Metropolitan's Project Labor Agreement to include the Allen-McColloch Urgent PCCP Rehabilitation Stage 2 Project. **(Agenda Item 8-1)**

Adopted the resolution to continue the Standby Charge for fiscal year 2024/25.
(Agenda Item 8-2)

Concurred with the Climate Adaptation Master Plan for Water: Draft Year One Progress Report and Next Steps, with the understanding that staff will provide the Board with updated data and other updated information before the Board considers the approval of any projects under CAMP 4 Water. **(Agenda Item 8-3)**

Authorized an increase in maximum amount payable under contract for legal services with Marten Law LLP in the amount of \$150,000 for a total amount not to exceed \$550,000.
(Agenda Item 8-5)

Authorized the General Manager to exercise discretion under Administrative Code Section 610(k) to enter into a new Memorandum of Understanding with ACE. **(Agenda Item 8-6)**

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

June 11, 2024

1:00 PM

Tuesday, June 11, 2024
Meeting Schedule

09:00 a.m. FAM
11:00 a.m. EOP
12:30 p.m. Break
01:00 p.m. BOD

Agendas, live streaming, meeting schedules, and other board materials are available here: <https://mwdh2o.legistar.com/Calendar.aspx>. If you have technical difficulties with the live streaming page, 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=a1RTQWh6V3h3ckFhNmduUWpKR1c2Zz09>

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

1. **Call to Order**
 - a. Invocation: TBD
 - b. Pledge of Allegiance: TBD
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 **21-3393**
 - B. Chair's Monthly Activity Report **21-3394**
 - C. General Manager's summary of activities **21-3395**
 - D. General Counsel's summary of activities **21-3396**

- | | | |
|----|---|---------|
| E. | General Auditor's summary of activities | 21-3397 |
| F. | Ethics Officer's summary of activities | 21-3398 |

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

6. CONSENT CALENDAR OTHER ITEMS - ACTION

- | | | |
|----|--|---------|
| A. | Approval of the Minutes of the Subcommittee on Audits for January 23, 2024 and Board of Directors Meeting for May 14, 2024 (Copies have been submitted to each Director, any additions, corrections, or omissions) | 21-3380 |
| B. | Approve Committee Assignments | |
| C. | Approve Commendatory Resolution for Director Michael Gualtieri representing Central Basin Municipal Water District | |

7. CONSENT CALENDAR ITEMS - ACTION

- | | | |
|-----|--|-------------------------|
| 7-1 | Approve General Auditor's Audit Plan for fiscal year 2024/25; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (Exec) | 21-3386 |
| | Attachments: 06112024 Exec 7-1 B-L
05282024 Exec 7-1 Presentation | |
| 7-2 | Authorize on-call agreements with AECOM, Black & Veatch, and Hazen and Sawyer in amounts not to exceed \$3 million each, for a maximum of three years for engineering services; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) | 21-3402 |
| 7-3 | Award a \$897,469 contract to Exaro Technologies Corporation to construct a cathodic protection system along the Santa Monica Feeder; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) | 21-3404 |
| 7-4 | Approve up to \$TBD million to purchase insurance coverage for Metropolitan's Property and Casualty Insurance Program for fiscal year 2024/25; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (FAM) | 21-3441 |

- 7-5** Approve Metropolitan's Statement of Investment Policy for fiscal year 2024/25, delegate authority to the Treasurer to invest Metropolitan's funds for fiscal year 2024/25; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (FAM) **21-3442**
- 7-6** Authorize the General Manager to grant a permanent easement to the Las Virgenes Municipal Water District for water pipeline purposes on Metropolitan fee-owned property in the City of Los Angeles within Assessor Parcel Number 2723-009-905; the General Manager has determined that the proposed action is exempt and not subject to CEQA (FAM) **21-3443**
- 7-7** Authorize amending agreements with Hazen and Sawyer for a not-to-exceed amount of \$2,000,000 and CDM Smith Inc. for a not-to-exceed amount of \$500,000, and a new agreement with Arup US, Inc. for a not-to-exceed amount of \$500,000 to provide Climate Adaptation Master Plan for Water planning and implementation support services; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (FAM) **21-3444**
- 7-8** Express Support for Ballot Measure ACA 1: Lower Requirements to 55% for Local Special Taxes to Fund Housing and Public Infrastructure Amendment; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (Leg) **21-3446**
- 7-9** Express Support for Ballot Measure ACA 13: Vote Requirements for Initiatives Requiring Supermajority Votes Amendment and Express Opposition to Initiative 1935: Two-Thirds Legislative Vote and Voter Approval for New or Increased Taxes Initiative; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (Leg) **21-3447**
- 7-10** Approve the nomination and naming of the Wildflower Trail at Diamond Valley Lake in honor of Metropolitan Board Vice Chair Judy Abdo; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (FNA) **21-3400**

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

8. OTHER BOARD ITEMS - ACTION

- 8-1** Approve and appropriate an increase of \$20 million to the Capital Investment Plan for fiscal years 2022/23 and 2023/24 for a new biennium amount of \$620 million; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) **21-3403**
- 8-2** By a two-thirds vote, authorize two payments of up to \$993,600 for support of the Colorado River Board and Six Agency Committee for fiscal year 2024/2025 and \$1,023,408 for fiscal year 2025/2026; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (OWS) **21-3408**
- 8-3** Authorize entering into a three-year contract for media placement services related to drought awareness and water conservation not to exceed \$10.5 million; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (Leg) **21-3445**
- 8-4** Report on San Diego County Water Authority v. Metropolitan Water District of Southern California, et al., San Francisco County Superior Court Case Nos. CPF-10-510830, CPF-12-512466, CPF-14-514004, CPF-16-515282, CPF-16-515391, CGC-17-563350, and CPF-18-516389; the appeals of the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case Nos. A146901, A148266, A161144, and A162168, and California Supreme Court Case No. S243500; the petition for extraordinary writ in the 2010 and 2012 actions, Court of Appeal for the First Appellate District Case No. A155310; the petition for extraordinary writ in the second 2016 action, Court of Appeal for the First Appellate District Case No. A154325 and California Supreme Court Case No. S251025; the Metropolitan Water District of Southern California v. San Diego County Water Authority cross-complaints in the 2014, 2016, and 2018 actions; and the appeals of the 2014, 2016, and 2018 actions, Court of Appeal for the First Appellate District Case No. A170156; authorize initiation of settlement negotiations with SDCWA and provide direction to staff regarding the 2014, 2016, and 2018 actions, including the cross-complaints and appeals, San Francisco County Superior Court Case Nos. CPF-14-514004, CPF-16-515282, and CPF-18-516389 and Court of Appeal for the First Appellate District Case No. A170156 [Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)] (LC) **21-3438**

9. BOARD INFORMATION ITEMS

9-1 Conservation Report

21-3399

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