

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  
March 5, 2025, 8:30 a.m.

Teleconference Sites:  
25652 Paseo De La Paz, San Juan Capistrano, CA 92675  
17420 Walnut Street, Fountain Valley, CA 92708  
2800 Keller, #301, Tustin, CA 92782

**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

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### PLEDGE OF ALLEGIANCE

### ROLL CALL

### PUBLIC PARTICIPATION/COMMENTS

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

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

### ITEMS RECEIVED TOO LATE TO BE AGENDIZED

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

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

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

**NEXT RESOLUTION NO. 2155**

### PRESENTATION/DISCUSSION ITEMS

#### 1. PRESENTATION/UPDATE BY BILL HASENCAMP REGARDING COLORADO RIVER ACTIVITIES

*Recommendation: Discuss and file the information presented.*

**2. METROPOLITAN BUSINESS MODEL UPDATE**

*Recommendation: Discuss and file the information presented.*

**3. LEGISLATIVE ACTIVITIES**

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

*Recommendation: Review and discuss the information presented.*

**4. 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 ITEM**

**5. AB 259 (RUBIO) – OPEN MEETINGS: LOCAL AGENCIES: TELECONFERENCES**

*Recommendation: Adopt a support position on Assembly Bill 259 (Rubio) and join the California Special Districts Association's (CSDA) coalition and outreach efforts.*

**6. SB 394 (ALLEN) – WATER THEFT: FIRE HYDRANTS**

*Recommendation: Adopt a support position on Senate Bill 394 (Allen) and join the Association of California Water Agencies' (ACWA) coalition and outreach efforts.*

**7. AB 580 (WALLIS) – SURFACE MINING: METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

*Recommendation: Adopt a support position on AB 580 (Wallis) and send a letter of support to the author and the Orange County delegation.*

**INFORMATION ITEMS**

**8. 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.*

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

- a. Summary regarding February 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**

March 5, 2025

**TO:** Board of Directors  
**FROM:** Harvey De La Torre, General Manager  
Staff Contact: Alex Heide  
Melissa Baum-Haley

**SUBJECT: UPDATE BY BILL HASENCAMP REGARDING COLORADO RIVER ACTIVITIES**

**STAFF RECOMMENDATION**

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

**SUMMARY**

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Metropolitan continues to be actively engaged in Colorado River management issues critical to the region’s water supply reliability. Recent months have seen significant developments in water conservation programs to help maintain the elevations in Lake Mead and Lake Powell and in the planning process for the next set of operational guidelines that will govern the Colorado River system after 2026.

This year will be critical for shaping the long-term future of Colorado River management. Given the recent accomplishments, changing conditions, and future guidelines, MWD OC has invited Bill Hasencamp, Metropolitan’s Manager of Colorado River Resources, to provide an update.

**CONSERVATION ACHIEVEMENTS**

The 2024-26 California Forbearance Agreement was executed on November 13, 2024, following Board authorization in August 2024. This important agreement between Coachella Valley Water District, Imperial Irrigation District, Palo Verde Irrigation District, the City of Needles, and Metropolitan ensures that approximately 1.1 million acre-feet (maf) of conserved water will remain in Lake Mead as system water, potentially raising the lake level by approximately 14 feet. Conservation activities under this agreement include efforts in PVID, Bard Water District, Fort Yuma Quechan Tribe, CVWD, and IID. Underpinning these conservation agreements is federal funding, which continues to be an important factor in system conservation.

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

## POST-2026 OPERATIONAL GUIDELINES DEVELOPMENT

The U.S. Bureau of Reclamation (Reclamation) has made significant progress on developing new operational guidelines to replace the current ones expiring in 2026:

- In December 2024, Reclamation presented additional details at the Colorado River Users Water Association Conference about alternatives for analysis in the Post-2026 Environmental Impact Statement (EIS).
- On January 17, 2025, Reclamation officially released the Post-2026 Colorado River Operations Alternatives Report, outlining four action alternatives and a No Action Alternative for managing the Colorado River system after 2026.
- The Colorado River Basin States were unable to reach a seven-state consensus on an alternative, with Lower Division States and Upper Division States each submitting separate proposals.

### Key Alternatives for Analysis:

1. **Federal Authorities Alternative:** Emphasizes infrastructure protection using existing legal authorities, with Lake Powell releases ranging from 9.5 to 5.0 maf and Lower Basin shortages up to 3.5 maf distributed according to the priority system.
2. **Federal Authorities Hybrid Alternative:** Combines reservoir elevations, 10-year hydrology, and Lower Division States deliveries to determine operations, with pro-rata shortage distribution and up to 3.5 maf in shortages.
3. **Cooperative Conservation Alternative:** Informed by environmental organizations' input, with Lake Powell releases between 11.0 and 5.0 maf and up to 4.0 maf of Lower Division States shortages triggered by combined seven-reservoir storage and recent hydrology.
4. **Basin Hybrid Alternative:** Incorporates elements from various stakeholder proposals, including Upper and Lower Division States and Tribal alternatives, with Lake Powell releases ranging from 12.0 to 5.0 maf and up to 2.1 maf of Lower Basin shortages.
5. **No Action Alternative:** Would revert operations to pre-2007 guidelines, with 8.23 maf annual releases from Lake Powell and Lower Division States shortages capped at 600,000 acre-feet based on priority.

As of January 2025, neither Metropolitan nor the state of California currently support any of the alternatives as drafted. California aims to continue working with other Basin States to develop a consensus alternative for the Final EIS that all seven Basin States can support.

### LOOKING AHEAD

- The Draft EIS analysis will continue through 2025, with potential for a Basin State consensus alternative to be included in the Final EIS expected in early 2026.
- Reclamation aims to finalize new operational plans by August 2026 to coordinate management of Lake Powell and Lake Mead, ensure long-term sustainability, and adapt to varying hydrologic conditions.
- Metropolitan will remain actively engaged in the process, advocating for California's water interests while working toward cooperative Basin-wide solutions.

**ALIGNMENT WITH BOARD STRATEGIC PRIORITIES**

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- |   |  |
|---|--|
| <input type="checkbox"/> Clarifying MWDOC's mission and role; defining functions and actions.                                   | <input checked="" 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.*



**DISCUSSION ITEM**

March 5, 2025

**TO:** Board of Directors  
**FROM:** Harvey De La Torre, General Manager

Staff Contact: Melissa Baum-Haley  
Alex Heide

**SUBJECT: METROPOLITAN BUSINESS MODEL UPDATE**

**STAFF RECOMMENDATION**

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It is recommended that the Board of Directors discuss the information.

**COMMITTEE RECOMMENDATION**

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Committee recommends (To be determined at Committee Meeting)

**REPORT**

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On February 21<sup>st</sup>, the General Manager Ad Hoc Group met in their fourth meeting to establish how the set of recommendations could be characterized for discussion at the March CAMP4W Task Force meeting.

The Ad Hoc Group is considering categorizing the recommendations into three tiers:

1. Structural or Policy Refinements with broadly agreed-upon recommendations
2. Items with parameters for policy refinement with conceptual agreement
3. Items to be continued with a commitment to follow through due to comprehensive analysis

The three Sub-Working groups (Water Resources, Financial Policies, and Engineering) are continuing to meet to refine their recommendations before the March deadline. The final recommendations from these Sub-Working groups will be discussed at the March 12<sup>th</sup> Ad Hoc Working Group meeting.

The General Manager Ad Hoc Working Group will present their recommendations to the Subcommittee on Long-Term Regional Planning Processes and Business Modeling on March 26<sup>th</sup>.

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

**ALIGNMENT WITH BOARD STRATEGIC PRIORITIES**

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

List of Attachments/Links:
<b>Attachment 1:</b> Member Agency Update on Business Model Refinement; Subcommittee on Long-Term Regional Planning Processes and Business Modeling Presentation (Feb 26, 2025)





# Member Agency Update on Business Model Refinement

## Ad Hoc Working Group on Business Model Refinement

Item 3d  
February 26, 2025

### Today's Update

- Background
- Process Overview
- Ad Hoc Meeting Progress to Date
- Sub-Working Group Scopes & Progress
- Next Steps
- Discussion

## Background

# Board Leadership provided “Guidance for Business Model Review and Refinement Ad Hoc Working Group”

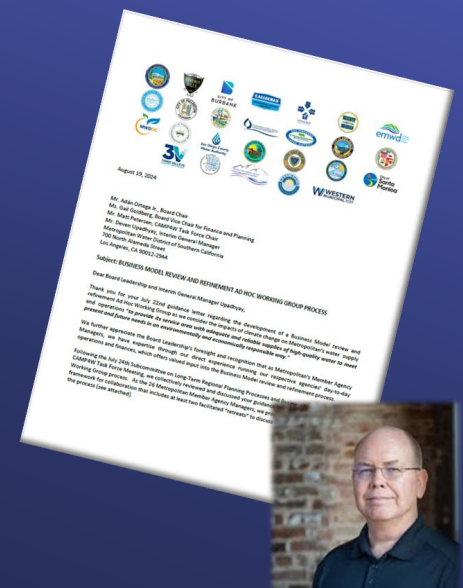
### **Factors for Consideration in Final Proposals**

In the final two to five “straw person” proposals, the working group shall ensure the following factors and opportunities are considered and reflected:

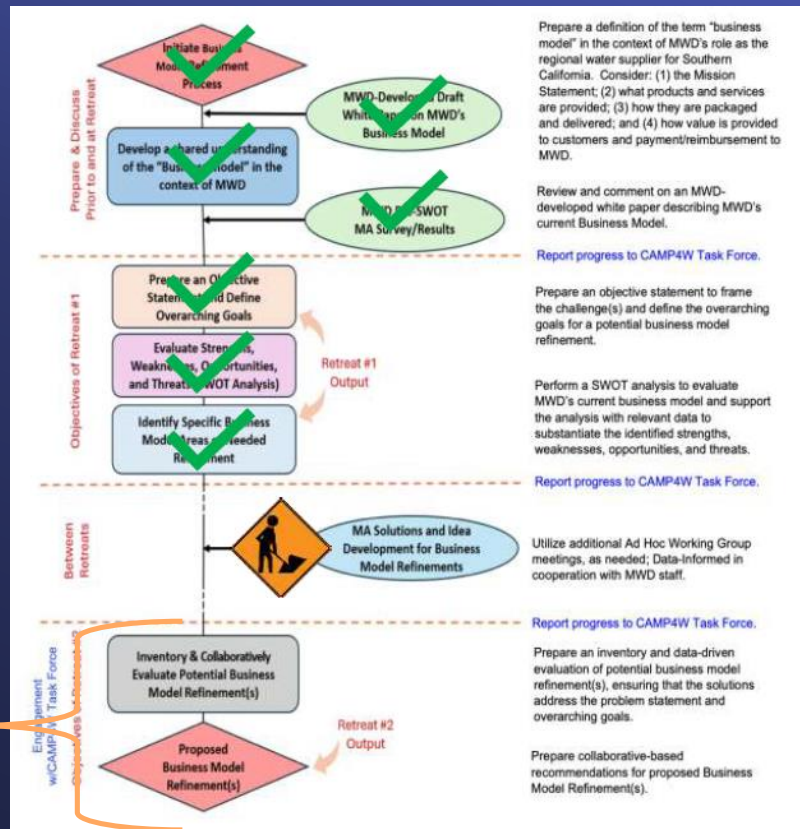
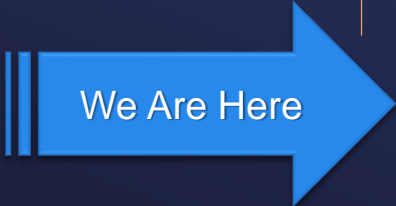
- 1) Treated Water Cost Recovery (workshops already underway)
- 2) Metropolitan’s role in Member Agency local supply development
- 3) Potential Member Agency supply exchange program
- 4) Proportion and components of fixed and volumetric charges
- 5) Conservation program and funding source(s)

## Background

- 26 Member Agencies formed Ad Hoc Working Group that includes Metropolitan staff
- Formed a Liaison Group of few Member Agency GMs and Metropolitan staff
- Process facilitated by Ken Kirby, PhD, PE, Evotoco LLC



# Process Overview



# Previous Progress

## October 10<sup>th</sup> and 11<sup>th</sup> Retreat

- Approach to Collaboration
- Discussion of current Met business model
- Analysis of strengths, weaknesses, opportunities and threats (SWOT)

## November 15<sup>th</sup> Workshop

- Review of SWOT results
- Exercise using "The Business Model Canvas"
- Brainstorm on potential business model refinements

## Progress to Date

### December 13<sup>th</sup> Workshop

- Identified primary areas of focus for sub-working groups:
  1. Finance
  2. Water Resources
  3. Engineering
- Includes both near-term and more long-term issues
- Commitment to follow through on analysis of long-term items after March 2025

### January 24<sup>th</sup> Workshop

- Conceptual agreement to charter on sub-working groups
- Received updates from each sub-working group
- Discussed progress of work plans

## Progress to Date

### February 21<sup>st</sup> Workshop

- Offered the opportunity for Member Agencies or Metropolitan staff to raise topics they would like to discuss with the Ad Hoc Group
- Reviewed items Ad Hoc Group agrees would (or would not) be included in the set taken to the Task Force in March
- Established how to best present the recommendations and ongoing status:
  - 1 Structural or Policy Refinement with broadly agreed-upon recommendation
  - 2 Item with parameters for policy refinement with conceptual agreement
  - 3 Item to be continued with a commitment to follow through due to comprehensive analysis

## Financial Policies Sub-Working Group

- Scope of Financial Policies Sub-Working Group:
  - Treated Water Surcharge
  - Reserve Policy
  - Water Sales Assumptions for Budgeting Purposes
  - Fixed vs. Variable Revenue

Meetings to Date: 10

## Water Resources Sub-Working Group

- Scope of Water Supply/Revenue Management Sub-Working Group:
  - Potential for Member Agency Exchange Program
  - Potential for Policy to Support Sales Outside of Service Area
  - Conservation and Local Resource Planning
    - Coordinated with Financial Policies Sub-Working Group
  - Potential development of programs for wet-year water

Meetings to Date: 2

## Engineering Sub-Working Group

- Scope of Engineering Sub-Working Group:
  - Review of Level of Service Policy
    - Adopted Policy Statements from the 2022 Board Resolution to provide equivalent levels of reliability
  - Evaluated Member Agency requested specific options to improve system flexibility
  - Roadmap for ongoing Studies and Updates (e.g., System Flexibility)

Meetings to Date: 1

### Accomplishments to Highlight

- **Understanding of Timing:** Realistic understanding of the complexity of issues and allowing for appropriate discussion.
- **Time Commitment:** This effort has garnered significant time commitment from all Member Agencies and Metropolitan Staff.
- **Recognizing Iterative Process:** There are near-term issues are intertwined with long-term issues.
- **Honest Dialogue:** Discussions have been both substantive and high quality.
- **Significant and Meaningful Advancement:** Meaningful progress has been made toward developing broad agreement of recommendations for March.

## Next Steps

- Additional Sub-Working Groups meetings throughout March
- Additional Ad Hoc Working Group meeting on March 12<sup>th</sup>
- Ad Hoc Working Group to present recommendations to LTRPP Subcommittee on March 26<sup>th</sup>
  - Preparing synthesis document inclusive of process, recommendations, and ongoing status





**To:** Board of Directors, *Municipal Water District of Orange County*  
**From:** Natural Resource Results  
**RE:** Monthly Board Report – February 2025

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### **Federal Funding Freeze**

While funding is beginning to flow again, the spigot has not fully opened. Bureau of Reclamation projects that are funded with annual appropriations or with funds from the Infrastructure Investment and Jobs Act (IIJA) seem to be in the clear, while projects funded through the Inflation Reduction Act (IRA) are still under review at the Department of the Interior (DOI). The timeline for completing the IRA funding review is still not clear. We understand that Senator Padilla is circulating a letter among other Lower Basin State Senators to Secretary Burgum to register concerns about the frozen IRA funds for the Colorado River and to urge the Secretary to release those funds.

### **Department of the Interior Staffing**

To reduce the size of the federal government, the DOI has been told that it needs to reduce its workforce by 30%-40% and we are already seeing cuts being made within Reclamation. We understand that the California – Great Basin regional office laid off 150 staff. Additionally, Karl Stock, the Regional Director, has resigned. It is unclear when further cuts will be made but we expect that they are coming, both to the regional office and Bureau wide.

### **MWDOC Washington, DC Meetings**

While in DC for the ACWA Conference, MWDOC met with Congressman Correa, Congresswoman Kim, Congressman Min, Congressman Tran, staff for Congressman Levin and the Bureau of Reclamation.

Our goals for the congressional meetings were to:

1. Introduce MWDOC to new members of the delegation (Tran and Min).
2. Seek assistance with the Bureau of Reclamation should the Bureau continue to say that MWDOC's Water Loss Control Program is not eligible for WaterSMART Grants.
3. Build support for the Tax Parity for Water Conservation Rebates Act, which would directly benefit MWDOC and its customers.

Our goals with the Bureau of Reclamation were to:

1. Highlight the modifications that MWDOC has made to the Water Loss Control Program over the last year to address concerns previously raised by the Bureau.



2. Begin a meaningful dialogue with the Bureau to determine if the Program can now compete for WaterSMART funds. Or does Reclamation need to see additional changes?

The meetings were very successful – MWDOC has broad support from its congressional delegation for its ongoing efforts with the federal government. Additionally, the Bureau was pleased to see that MWDOC had been responsive to its previous feedback and committed to beginning a dialogue around future WaterSMART eligibility.

### **Cabinet Nominations**

Doug Burgum has been confirmed by the Senate to be the Secretary of the Interior. Andrea Travnicsek has been nominated to be the Assistant Secretary of the Interior for Water and Science, which oversee the Bureau of Reclamation and the U.S. Geological Survey. Ms. Travnicsek previously held this role in an acting capacity during the first Trump Administration and has been a Senior Advisor to Governor Burgum prior to his nomination.



To:	MWDOC Workshop
From:	Syrus Devers
Date:	March 5th, 2025
Re:	State Legislative Report

### **Legislative Report**

The bills have arrived; all 2,502 of them, of which 1,300 were introduced last week. The total is slightly higher than last year but within the normal range. Unfortunately, there is still significant uncertainty over what type of year we will have due to a higher than normal number of spot bills, which an ACWA lobbyist described as “a bunch of grenades waiting to explode.” (Spot bills make non substantive changes and are placeholders for later legislation.) The Assembly has put a very short deadline of March 8th on their spot bills. That means Assembly authors must submit substantive language to the Rules Committee by then to get the bill assigned to a committee. The Senate is allowing authors until March 21st to amend their spot bills.

As a reminder, per the Constitution new bills cannot be heard or amended for 30 days after introduction. For that reason, no bills had been set for a hearing by the date this report was prepared.

### **Administrative Report**

Governor Newsom, on Valentine’s Day no less, announced that the Delta Conveyance Incidental Take Permit had been issued. That was about the only good news out of the Administration in February as Newsom tries to balance being the top protagonist of President Trump and having to ask for federal aid for the Los Angeles fires.

### **Other News**

*PPIC says the quiet part out loud:* The Public Policy Institute of California published a blog on February 24th detailing what happens in the new normal of dry periods interrupted by lines of atmospheric rivers. After an exceptionally dry January, four atmospheric rivers slammed into Northern California in the first two weeks of February. The blog detailed the three bottlenecks in California’s water system: flood control requirements, the Delta, and...(drum roll)...lack of storage. The combined result of these restraints meant that in a two-week period 5.1 million acre feet of water that could have been diverted without harm to the environment was lost to the ocean. The article is a short, fairly easy read, which makes it great to share with the uninitiated, and can be found here: <https://www.ppic.org/blog/how-februarys-atmospheric-rivers-affected-californias-water-supply/>

While all of that was happening up north, Southern California officially got itself into a drought and the snowpack will likely end up around 80% of normal. Welcome to California.

# ACKERMAN CONSULTING

## Legal and Regulatory

March 5, 2025

- 1. Life on Earth:** Scientists around the world have and will continue to study when and how life first arose on the planet Earth. A Rutgers research team thinks they have made significant progress in both of these areas. The stages of development of a planet from dust and gas into a solid planet is called late accretion. This refers to the process where the gas and dust accumulate in such a fashion as to form a solid object. After that, three necessary elements need to be present for life to begin. These are water, energy and a combination of chemicals including carbon, hydrogen, nitrogen, oxygen, phosphorus, and sulfur. When water actually was present on Earth is a major unanswered question in this science area. Scientists generally agree that water appeared on Earth from a meteorite. Using thermal ionization mass spectrometry and new analytical methods, scientists have examined the element of molybdenum, which is contained in meteorites. This isotope is found in meteorites and Earth rocks from Greenland, South Africa, Canada, the United States and Japan. The research thus far shows that most of the water on the earth came after the moon was formed, which is at a much later time than had been previously thought.
- 2. Asteroids in the Inland Empire:** In 2016, NASA launched a rocket to an asteroid named Bennu. Bennu is a large asteroid billions of miles away from Earth. In 2023, a capsule returned to Earth with samples of the surface material from the asteroid. The sample contained calcite, dolomite, gaylussite, pirssonite, thenardite, trona and halite. Strangely enough, this combination matched the minerals in San Bernardino County's Searles Lake. This lake near the Mojave Desert has been described as the world's richest chemical storehouse because it contains over half of the natural elements that we know of today. This area, which has spires rising to 140 feet tall and looking like a moonscape, has been used in various movies including Star Trek, Lost in Space and Battlestar Galactica. This area has become more and more popular for rockhounds and scientists studying the mysteries of how our Earth was formed.
- 3. SGMA Update:** Fresno State has been studying the progress of the Sustainable Groundwater Management Act, which was passed 10 years ago. Their study focused on the counties of Madera, Fresno, Kings, Tulare, and Kern and the 12 sub basins contained therein. Their study reflected the concerns of farmers and managers in the area with respect to the Act. It is clear that there is a lack of trust between the farmers and their various agencies with respect to the amount and quality of information being received. The goal of the Act is to reach a sustainable position within 20 years of the Acts formation. Many of the responses suggested looking at a broader water picture of California as opposed to the groundwater situation itself. A significant majority of the farmers interviewed say they were not represented in the process at all.
- 4. Nutria Update:** We recently reported on the severe condition of nutria management in the state of California. The state of Louisiana has a much more critical situation than California. Over 430,000 acres have been damaged or

destroyed by the nutria from 2002 to 2021. The 25,000,000 nutria currently living in Louisiana have turned marshes into open water, accelerated coastal land loss, and destroyed embankments and other habitat involving crawfish and rice. Louisiana to date has eliminated over 5 million nutria. As a result of this, the House of Representatives a few weeks ago passed a \$60 million Nutria Control Act by a vote of 361 to 56. The support for this bill was actually greater, but many Republicans voted no because they did not want to increase the national debt. The nutria were first brought to Louisiana for its fur. Now there is a bounty on them of \$6 per tail.

5. **Water Rights Analysis:** Caltech is weighing into the water rights dispute. One of the basic principles of water rights is the doctrine of first in time, first in right. This doctrine however requires the beneficial use of the water occur. A 1908 US Supreme Court case established the water rights for Indians. Basically, it said that they are entitled to water rights from whatever treaty established their reservation, and that that water was for the purpose of sustaining life on the reservation. As we have seen, the establishment of these tribal rights can take years and years through the court system to be established. These researchers claim that during their time, much pollution occurs due to the uncertainty of who has the rights and responsibilities connected with the water being litigated. They argue that the federal government should expedite and speed up the process by use of scientific data as to the Indians presence and use of the water.
6. **Water Prices too Low??:** UCI professor, Richard McKenzie, argues that part of the damage caused by the LA fires may be to the low price of water in Southern California. He claims that a 2022 study by major water pipe manufacturers shows that the water rates in Southern California are much cheaper than states around the country that have four or more times the annual rainfall that we have. He argues that the low cost of water is responsible for the overgrown backyard plantings which occur on a regular basis in Southern California. This increased foliage puts us in a more dangerous position when it comes to fire risk. He claims that the city of Los Angeles loses more than a billion gallons of water annually from water pipe leaks. Yet they do not spend the money to cure these leaks or take other actions to improve the aging infrastructure due to the increased cost. He therefore concludes that the low water rates are attributable to political actions by the water rate setters.
7. **Cigarettes Fight Pollution:** A common element used in reducing pollution in waterways is activated carbon. Another product often used is char, which comes from wood or other biosolids. The James Cook University in Australia has been experimenting with char made from cigarette butts. These cigarette butts are thermally decomposed in an oxygen free chamber. Their success rate of removing toxic metals has been in the 50 to 90% range depending on the metal. I am guessing you will have to use this method in an area where you have a lot of people smoking cigarettes. This could run afoul of the many programs that we have to reduce smoking.
8. **Cloud Seeding:** The state of North Dakota is considering a law which would outlaw cloud seeding in the state. Cloud seeding is generally done by releasing silver iodide in the clouds via airplanes to reduce the size of hail and increase rainfall. Opponents argue that we should not mess with Mother Nature and that the programs are ineffective. In 2016, there was a ballot measure in North Dakota to eliminate the Weather Modification Authority, which is responsible for cloud seeding. The measure failed. North Dakota's hail suppression program is the longest running program in the world and has been in existence since the early 1960s. Currently, it is in use in many states, including California, Colorado, Idaho, Nevada, New Mexico, Texas, Utah, and Wyoming, as well as parts of

Canada. This bill would make it a crime to engage in weather modification efforts such as cloud seeding. Stay tuned.

9. **Better Water Systems:** As a result of recent fires in Santa Rosa, Paradise, Boulder County, Lahaina and Lisa, Los Angeles, many industry representatives are suggesting that our water systems need to be improved. Most experts agree that you cannot fireproof a local area just by increasing the capabilities of each individual water system. However, this author is suggesting some ideas which can be done somewhat economically to help the firefighting effort. A. Remote shut off valves- A common occurrence in many of our recent large fires is as homes and businesses burn, their pipes also are destroyed, and that water is running free from each house or business. A remote shutoff at each house or property, or a regional shut off could eliminate this happening. Many of these shut offs are electrically actuated which could be a problem, however they could install a manual shut off. B. Emergency water sources- Many cities and water districts are employing heli hydrants so that helicopters have a place to load up water close to the fire. Storing water on site is also an option, and many areas do have significant tanks and reservoirs available for firefighting. These options can be expensive. C.-Dedicated pipes for fires- After the 1906 earthquake and fire, the city of San Francisco made significant efforts to make sure that this did not occur again. They have over 100 miles of pipe and special tanks which are reserved for only firefighting. They also can use salt water in their systems if needed. Many recent fires occurred close the ocean, which would make these options a possibility. D.-Backup power- Many areas have backup power which are dependent on electricity or natural gas. Oftentimes in major fires, these two utilities are not available. Diesel generators are a must. If you want to have efficient, reliable, and long-lasting power. E. Contamination mitigation- A common risk in any major fire is chemical contamination of drinking water. Backflow prevention devices at each home and major areas can help prevent that. The utilities in Paradise, CA are installing them as they rebuild homes.
10. **LA Fires and Benzene:** All of the water districts servicing the Eaton and Palisades fire areas are experiencing problems with benzene in the water system. Benzene is a common chemical in many materials relating to houses associated with wood products, plastics, paints, and gasoline. As the fires progress, more of this benzene is released into the water system and surrounding grounds. The California State Water Resources Control Board has limitations on the amount of benzene allowable in the water. They have various mandated instructions depending on the level from Do not use, do not drink, do not boil. They also have recommendations for when you can use hot water showers, dishwashers, dryers, etcetera. The science relating to them is not fully settled, but we generally err on the side of safety when it comes to drinking water. It should be noted that in many areas where these orders are being given there are no residents being allowed in the area due to evacuation orders. The impacted water districts are Lincoln Ave Water Company, Rubio Canyon Land and Water Association, Los Flores Water Company and LA DWP.



**WHITTINGHAM**  
PUBLIC AFFAIRS ADVISORS

March 5, 2025

TO: MWDOC Board of Directors

FROM: Peter Whittingham

SUBJECT: March 2025 Report

The month of February was marked by the first significant rain events of the season. Following is a few of the more notable developments and issues of the month:

- Powerful atmospheric river storms brought the first significant rainfall of the season to Southern California, with four to five inches of rain falling over a 24-hour period in many of Orange County's canyon communities. Evacuation orders were issued for canyon residents and Trabuco Canyon Road was closed for several days, with Trabuco Creek Road closed through the President's Day weekend to allow work crews to clear out debris and reposition barriers. Mudslides occurred in much of the area impacted by last year's Airport Fire, which burned more than 23,000 acres after a county public works crew accidentally started a fire in the canyons.
- The filing period closed for the April 15 special election to fill the City of Irvine Fifth District City Council seat vacancy created by former Councilmember Larry Agran's election as Mayor. Four candidates qualified for the ballot but former Councilmember Tammy Kim, who finished second to Mayor Agran last November, withdrew from the race on February 7.
- The Newport Beach City Council recently approved a plan that put an end to years of debate over the disposal of contaminated sediment in Newport Harbor. When the Army Corps of Engineers begin dredging the main navigational channels of Newport Harbor this June, a portion of the contaminated sediment will be transported to the Port of Long Beach to fill a huge slip that once fit some of the largest container ships. Roughly 225,000 of the 950,000 cubic yards to be dredged will help fill the slip, with the remainder to be dumped roughly six miles out in the open ocean.

- At its meeting of February 11, the Orange County Board of Supervisors approved settlement offers from Southern California Edison for \$18.125 million to pay for county damages from the 2020 Silverado fire and the 2022 Coastal fire. The Silverado fire broke out on Oct. 26, 2020, near Santiago and Silverado Canyon roads, blackening roughly 12,400 acres and leading to evacuation orders for some 70,000 people in Irvine and about 9,500 in Lake Forest. Two firefighters suffered severe burns while battling the blaze.
- The Brea City Council voted unanimously to name Kristin Griffith permanent City Manager at its meeting of February 18. The new City Manager has been with the City since 2022 and had been serving as interim City Manager since the retirement of Bill Gallardo in December.
- Longtime County administrator Jessica Witt was elevated to County Chief Operating Officer by interim CEO Michelle Aguirre. Ms. Witt started her career with the County in 2003.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Peter Whittingham".

Peter Whittingham

# MWDOC Workshop

## Bill Matrix

March, 2025

### A. High

**[AB 259](#) (Rubio, Blanca, D) Open meetings: local agencies: teleconferences.**

**Location:** 02/10/2025 - Assembly Local Government

**Summary:** The Ralph M. Brown Act authorizes the legislative body of a local agency to use teleconferencing, as specified, and requires a legislative body of a local agency that elects to use teleconferencing to comply with specified requirements, including that the local agency post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body complies with prescribed requirements. Current law requires a member to satisfy specified requirements to participate in a meeting remotely pursuant to these alternative teleconferencing provisions, including that specified circumstances apply. Current law establishes limits on the number of meetings a member may participate in solely by teleconference from a remote location pursuant to these alternative teleconferencing provisions, including prohibiting such participation for more than 2 meetings per year if the legislative body regularly meets once per month or less. This bill would remove the January 1, 2026, date from those provisions, thereby extending the alternative teleconferencing procedures indefinitely. (Based on 01/16/2025 text)

**Position:** B. Watch

**Priority:** A. High

**Notes:**

Proposed support - March 5th Workshop

**[AB 523](#) (Irwin, D) Metropolitan water districts: alternate representative.**

**Location:** 02/24/2025 - Assembly Local Government

**Summary:** Under the Metropolitan Water District Act, the board of a metropolitan water district is required to consist of at least one representative from each member public agency, as prescribed. The act authorizes each member public agency to appoint additional representatives not exceeding one additional representative for each 5% of the assessed valuation of property taxable for district purposes within the entire district that is within the boundaries of that member public agency. The bill would authorize each member public agency that is entitled to designate or appoint only one representative to the board of directors to designate or appoint one alternate representative for the limited purpose of participating in a meeting of the board of directors when the member public agency's designated or appointed representative will be absent from the meeting. (Based on 02/10/2025 text)

**Position:** B. Watch

**Priority:** A. High

**[AB 620](#) (Jackson, D) Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program: rental vehicles.**

**Location:** 02/13/2025 - Assembly PRINT

**Summary:** Current law establishes the Medium- and Heavy-Duty Zero-Emission Vehicle Fleet Purchasing Assistance Program (program) within the Air Quality Improvement Program to make financing tools and nonfinancial supports available to operators of medium- and heavy-duty vehicle fleets to enable those operators to transition their fleets to zero-emission vehicles. This bill, for any regulation adopted to develop or implement the program, or other regulations that are regarding the procurement or use of medium- and heavy-duty zero-emission vehicles by a public or private fleet, would require the



state board to consider specified things, including, among other things, the environmental and supply chain benefits of renting medium- and heavy-duty zero-emission vehicles compared to procuring them. (Based on 02/13/2025 text)

**Position:** B. Watch

**Priority:** A. High

**AB 638 (Rodriguez, Celeste, D) Stormwater: reuses: irrigation.**

**Location:** 02/13/2025 - Assembly PRINT

**Summary:** The Stormwater Resource Planning Act authorizes one or more public agencies to develop a stormwater resource plan that meets certain standards to address the capture of stormwater, as defined, and dry weather runoff, as defined. The act requires the State Water Resources Control Board, by July 1, 2016, to establish guidance for purposes of the act. This bill would require the board, by June 1, 2026, to establish guidance for stormwater capture and reuse for the irrigation of urban public lands, as defined. The bill would require the guidance to include, but not be limited to, the use of captured stormwater for irrigation to offset the use of potable water, as specified, and criteria including, among other things, pathogens and pathogen indicators and total suspended solids. (Based on 02/13/2025 text)

**Position:** B. Watch

**Priority:** A. High

**SB 31 (McNerney, D) Water quality: recycled water.**

**Location:** 02/19/2025 - Senate Natural Resources and Water

**Summary:** The Water Recycling Law generally provides for the use of recycled water. Current law requires any person who, without regard to intent or negligence, causes or permits an unauthorized discharge of 50,000 gallons or more of recycled water in or on any waters of the state to immediately notify the appropriate regional water board. This bill would, for the purposes of the above provision, redefine "recycled water" and provide that water discharged from a decorative body of water during storm events is not to be considered an unauthorized discharge if recycled water was used to restore levels due to evaporation. (Based on 02/10/2025 text)

**Position:** B. Watch

**Priority:** A. High

**Notes:**

Sponsored by WateReuse

**SB 72 (Caballero, D) The California Water Plan: long-term supply targets.**

**Location:** 01/29/2025 - Senate Natural Resources and Water

**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, and water transfers, 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 expand the membership of the advisory committee to include tribes, labor, and environmental justice interests. The bill would require the department, as part of the 2033 update to the plan, to update the interim planning target for 2050, as provided. The bill would require the target to consider the identified and future water needs for a sustainable urban sector, agricultural sector, and environment, and ensure safe drinking water for all Californians, among other things. (Based on 01/15/2025 text)

**Position:** support

**Priority:** A. High

**Notes:**

Support position taken on 2/5

**SB 350 (Durazo, D) Water Rate Assistance Program.**

**Location:** 02/19/2025 - Senate Environmental Quality

**Summary:** Would establish the Water Rate Assistance Program. As part of the program, the bill would establish the Water Rate Assistance Fund in the State Treasury to provide water affordability assistance, for both drinking water and wastewater services, to low-income residential ratepayers, as specified. The bill would require the state board to take various actions in administering the fund, including, among other things, track and manage revenue in the fund separately from all other revenue. The bill would require the State Water Resources Control Board, in consultation with relevant agencies and after a public hearing, to adopt guidelines for implementation of the program and adopt an annual report to be

posted on the state board's internet website identifying how the fund has performed, as specified. The bill would require the guidelines to include minimum requirements for eligible systems, including the ability to confirm eligibility for enrollment through a request for self-certification of eligibility under penalty of perjury. By expanding the crime of perjury, the bill would impose a state-mandated local program. The bill would require the state board to take various actions in administering the program, including, but not limited to, providing guidance, oversight, and funding for low-income rate assistance for residential ratepayers of eligible systems. The bill would authorize the Attorney General to bring an action in state court to restrain the use of any method, act, or practice in violation of these provisions, except as provided. (Based on 02/12/2025 text)

**Position:** B. Watch

**Priority:** A. High

**SB 394 (Allen, D) Water theft: fire hydrants.**

**Location:** 02/14/2025 - Senate Rules

**Summary:** Current law authorizes a utility to bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts certain acts, including, diverting or causing to be diverted, utility services by any means whatsoever. Current law creates a rebuttable presumption that there is violation of these provisions if, on premises controlled by the customer or by the person using or receiving the direct benefit of utility service, certain actions occur, including that there is an instrument, apparatus, or device primarily designed to be used to obtain utility service without paying the full lawful charge for the utility. This bill would add to the list of acts for which a utility may bring a civil cause of action under these circumstances to include tampering with a fire hydrant, fire hydrant meter, or fire detector check, or diverting water, or causing water to be diverted, from a fire hydrant with knowledge of, or reason to believe, that the diversion or unauthorized connection existed at the time of use for nonfirefighting purposes or without authorization from the appropriate water system or fire department. (Based on 02/14/2025 text)

**Position:** B. Watch

**Priority:** A. High

**Notes:**

Proposed support - March 5th Workshop

**SB 496 (Hurtado, D) Advanced Clean Fleets Regulation: appeals advisory committee: exemptions.**

**Location:** 02/19/2025 - Senate Rules

**Summary:** The California Global Warming Solutions Act of 2006 establishes the state 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. This bill would require the state board to establish the Advanced Clean Fleets Regulation Appeals Advisory Committee by an unspecified date for purposes of reviewing appeals of denied requests for exemptions from the requirements of the Advanced Clean Fleets Regulation. The bill would require the committee to include representatives of specified governmental and nongovernmental entities. The bill would require the committee to meet monthly and would require recordings of its meetings to be made publicly available on the state board's internet website. The bill would require the committee to consider, and make a recommendation on, an appeal of an exemption request denial no later than 60 days after the appeal is made. The bill would require specified information relating to the committee's consideration of an appeal to be made publicly available on the state board's internet website. The bill would require the state board to consider a recommendation of the committee at a public meeting no later than 60 days after the recommendation is made. (Based on 02/19/2025 text)

**Position:** B. Watch

**Priority:** A. High

**Notes:**

Proposed support - March 5th Workshop

**SB 614 (Stern, D) Potable water: nonfunctional turf.**

**Location:** 02/20/2025 - Senate Rules

**Summary:** Currentlaw prohibits the use of potable water, as defined, for nonfunctional turf located on common areas of properties of homeowners' associations, common interest developments, and community service organizations or similar entities, starting January 1, 2029. This bill would prohibit that use of potable water one year earlier. (Based on 02/20/2025 text)

**Position:** B. Watch

**Priority:** A. High

**[SB 697](#) ([Laird, D](#)) Determination of water rights: stream system.**

**Location:** 02/21/2025 - Senate Rules

**Summary:** Current law authorizes the State Water Resources Control Board to hold proceedings to determine all rights to water of a stream system whether based upon appropriation, riparian right, or other basis of right. Current law provides various requirements for the board when determining adjudication of water rights, including, among other things, performing a detailed field investigation of a stream system, as defined, issuing an order of determination, providing notice and a hearing process, and filing a final order. This bill would revise the above-described provisions regarding the board's statutory adjudication of water rights during an investigation of a stream system to, among other things, require representatives of the board to investigate in detail the use of water with the authority, but no requirement, to conduct a field investigation, authorize the board to issue information orders that require claimants to submit monthly reports of water use from the stream system through a form provided by the board, and require claimants to respond to that order within 45 days of the date of issuance by the board. (Based on 02/21/2025 text)

**Position:** B. Watch

**Priority:** A. High

## B. Watch

**[AB 93](#) ([Papan, D](#)) Water resources: demands: artificial intelligence.**

**Location:** 01/07/2025 - Assembly PRINT

**Summary:** Would express the intent of the Legislature to enact future legislation that would maintain water and energy efficiency to the extent that new technology, including, but not limited to, artificial intelligence, increases the demands on already limited resources. (Based on 01/07/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**[AB 267](#) ([Macedo, R](#)) Greenhouse Gas Reduction Fund: high-speed rail: water infrastructure and wildfire prevention.**

**Location:** 02/18/2025 - Assembly Transportation

**Summary:** Would suspend the appropriation to the High-Speed Rail Authority for the 2026–27 and 2027–28 fiscal years and would instead require those amounts from moneys collected by the State Air Resources Board to be transferred to the General Fund. The bill would specify that the transferred amounts shall be available, upon appropriation by the Legislature, to augment funding for water infrastructure and wildfire prevention. (Based on 01/17/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**[AB 293](#) ([Bennett, D](#)) Groundwater sustainability agency: transparency.**

**Location:** 02/18/2025 - Assembly Water, Parks and Wildlife

**Summary:** Current law requires a groundwater sustainability plan to be developed and implemented for each medium- or high-priority basin by a groundwater sustainability agency. Current law authorizes any local agency or combination of local agencies overlying a groundwater basin to decide to become a groundwater sustainability agency for that basin, as provided. Current law requires members of the board of directors and the executive, as defined, of a groundwater sustainability agency to file statements of economic interests with the Fair Political Practices Commission using the commission's online system for filing statements of economic interests. This bill would require each groundwater sustainability agency to publish the membership of its board of directors on its internet website, or on the local agency's internet website, as provided. The bill would also require each groundwater sustainability agency to publish a link on its internet website or its local agency's internet website to the location on the Fair Political Practices Commission's internet website where the statements of economic interests, filed by the members of the board and executives of the agency, can be viewed. (Based on 01/22/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**[AB 295](#) ([Macedo, R](#)) California Environmental Quality Act: environmental leadership development projects: water storage, water conveyance, and groundwater recharge projects: streamlined review.**

**Location:** 02/10/2025 - Assembly Natural Resources

**Summary:** The Jobs and Economic Improvement Through Environmental Leadership Act of 2021 authorizes the Governor, until January 1, 2032, to certify environmental leadership development projects that meet specified requirements for certain streamlining benefits related to the California Environmental Quality Act (CEQA). The act, among other things, requires a lead agency to prepare the record of proceedings for an environmental leadership development project, as provided, and to provide a specified notice within 10 days of the Governor certifying the project. The act is repealed by its own term on January 1, 2034. This bill would extend the application of the act to water storage projects, water conveyance projects, and groundwater recharge projects that provide public benefits and drought preparedness. Because a lead agency would be required to prepare the record of proceedings for water storage projects, water conveyance projects, and groundwater recharge projects pursuant to the act, this bill would impose a state-mandated local program. (Based on 01/23/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**AB 307 (Petrie-Norris, D) Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024:**  
**Department of Forestry and Fire Protection: fire camera mapping system.**

**Location:** 02/10/2025 - Assembly Natural Resources

**Summary:** The Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 authorized the issuance of bonds in the amount of \$10,000,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate-smart, sustainable, and resilient farms, ranches, and working lands, park creation and outdoor access, and clean air programs. Of these funds, the act makes available \$1,500,000,000, upon appropriation by the Legislature, for wildfire prevention, including, among other things, by making \$25,000,000 available, upon appropriation by the Legislature, to the Department of Forestry and Fire Protection for technologies that improve detection and assessment of new fire ignitions. This bill would require, of the \$25,000,000 made available to the department, \$10,000,000 be allocated for purposes of the ALERTCalifornia fire camera mapping system. (Based on 01/23/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**AB 372 (Bennett, D) Office of Emergency Services: state matching funds: water system infrastructure improvements.**

**Location:** 02/03/2025 - Assembly PRINT

**Summary:** Current law establishes, within the office of the Governor, the Office of Emergency Services (OES), under the direction of the Director of Emergency Services. Current law charges the OES with coordinating various emergency activities within the state. The California Emergency Services Act, contingent upon an appropriation by the Legislature, requires the OES to enter into a joint powers agreement pursuant to the Joint Exercise of Powers Act with the Department of Forestry and Fire Protection to develop and administer a comprehensive wildfire mitigation program relating to structure hardening and retrofitting and prescribed fuel modification activities. Current law authorizes the joint powers authority to establish financial assistance limits and matching funding or other recipient contribution requirements for the program, as provided. This bill, contingent on funding being appropriated pursuant to a bond act, as specified, would establish the Rural Water Infrastructure for Wildfire Resilience Program within the OES for the distribution of state matching funds to communities within the Wildland Urban Interface in designated high fire hazard severity zones or very high fire hazard severity zones to improve water system infrastructure, as prescribed. (Based on 02/03/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**AB 404 (Sanchez, R) California Environmental Quality Act: exemption: prescribed fire, reforestation, habitat restoration, thinning, or fuel reduction projects.**

**Location:** 02/18/2025 - Assembly Natural Resources

**Summary:** The California Environmental Quality Act (CEQA) requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. Current law, until January 1, 2028, except for the issuance of a permit or other permit approval, exempts from the requirements of CEQA prescribed fire, reforestation, habitat restoration, thinning, or fuel reduction projects, or related activities, undertaken, in whole or in part, on federal lands to reduce the risk of high-severity wildfire that have been reviewed under the federal National Environmental Policy Act of 1969 meeting certain requirements. Current law requires a lead agency, if it determines that a project qualifies for the above exemption and it determines to approve or carry out the project, to file a notice of exemption with the Office of Land Use and Climate Innovation and with the county clerk in the county in which the project will be located and to post the notice of exemption on its internet website together with a

description of where the documents analyzing the environmental impacts of the project under the federal act are available for review. Current law requires the lead agency, if it is not the Department of Forestry and Fire Protection, to provide the notice of exemption and certain information to the department. This bill would extend the above exemption and requirements on the lead agency indefinitely. (Based on 02/04/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**AB 430 (Alanis, R) State Water Resources Control Board: emergency regulations.**

**Location:** 02/18/2025 - Assembly Water, Parks and Wildlife

**Summary:** Current law provides that an emergency regulation adopted by the State Water Resources Control Board following a Governor's proclamation of a state of emergency based on drought conditions, for which the board makes specified findings, may remain in effect for up to one year, as provided, and may be renewed if the board determines that specified conditions relating to precipitation are still in effect. This bill would require the board, before the 2nd renewal of any emergency regulation or upon its repeal, to conduct a comprehensive economic study assessing the impacts of the regulation and would require the board to make the study publicly available on its internet website (Based on 02/05/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**AB 514 (Petrie-Norris, D) Water: emergency water supplies.**

**Location:** 02/24/2025 - Assembly Water, Parks and Wildlife

**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 by local water suppliers, and to support their use during times of drought or unplanned service or supply disruption, as provided. (Based on 02/10/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**AB 532 (Ransom, D) Water rate assistance program.**

**Location:** 02/11/2025 - Assembly PRINT

**Summary:** Current federal law, the Consolidated Appropriations Act, 2021, among other things, requires the federal Department of Health and Human Services to carry out a Low-Income Household Drinking Water and Wastewater Emergency Assistance Program, which is also known as the Low Income Household Water Assistance Program, for making grants to states and Indian tribes to assist low-income households that pay a high proportion of household income for drinking water and wastewater services, as provided. Current law requires the Department of Community Services and Development to administer the Low Income Household Water Assistance Program in this state, and to receive and expend moneys appropriated and allocated to the state for purposes of that program, pursuant to the above-described federal law. The Low Income Household Water Assistance Program was only operative until March 31, 2024. This bill would repeal the above-described requirements related to the Low Income Household Water Assistance Program. The bill would instead require, upon appropriation by the Legislature, the Department of Community Services and Development to establish and administer the California Low Income Household Water Assistance Program. (Based on 02/11/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**AB 580 (Wallis, R) Surface mining: Metropolitan Water District of Southern California.**

**Location:** 02/12/2025 - Assembly PRINT

**Summary:** The Surface Mining and Reclamation Act of 1975 prohibits a person, with exceptions, from conducting surface mining operations unless, among other things, a permit is obtained from, a specified reclamation plan is submitted to and approved by, and financial assurances for reclamation have been approved by, the lead agency for the operation of the surface mining operation. Current law authorizes the Metropolitan Water District of Southern California (MWD) to prepare a master reclamation plan, as provided, that identifies each individual surface mining operation in specified counties and satisfies all reclamation plan requirements for each individual surface mining site. Current law requires the State Mining and Geology Board to act as the lead agency for surface mining operations conducted by the MWD and authorizes the board to conduct an inspection of an individual surface mining operation once every 2 calendar years during a period when that individual surface mining operation is idle or the site has no mineral production. Current law requires the MWD to be the

lead agency for any environmental review of the master reclamation plan. Existing law repeals the provisions authorizing the preparation and approval of the master reclamation plan for the MWD on January 1, 2026. This bill would make those provisions operative indefinitely. (Based on 02/12/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**Notes:**

Proposed support - March 5th Workshop

**[AB 591](#) (Caloza, D) Emergency services: mutual aid: public works.**

**Location:** 02/12/2025 - Assembly PRINT

**Summary:** The California Emergency Services Act establishes the Office of Emergency Services within the Governor's office under the supervision of the Director of Emergency Services and makes the office responsible for the state's emergency and disaster response services. The office serves as the State Disaster Council for the purposes of the California Disaster and Civil Defense Master Mutual Aid Agreement. Current law states it is the purpose of the Legislature to facilitate the rendering of aid to areas stricken by an emergency and to make unnecessary the execution of written agreements customarily entered into by public agencies exercising joint powers, and that emergency plans duly adopted and approved as provided by the Governor shall be effective as satisfying the requirement for mutual aid operational plans provided in the Master Mutual Aid Agreement. Current law requires outside aid be rendered in accordance with approved emergency plans during any state of war emergency or state of emergency when the need arises in any county, city and county, or city. This bill would additionally state that it is the purpose of the Legislature to facilitate the rendering of public works resources critical for disaster response and recovery to areas stricken by an emergency. The bill would require that outside aid rendered during any state of war emergency or state of emergency includes public works personnel, equipment, and materials. (Based on 02/12/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**[AB 615](#) (Davies, R) Power facilities: emergency response and action plan.**

**Location:** 02/13/2025 - Assembly PRINT

**Summary:** Current law requires an application to be filed with the State Energy Resources Conservation and Development Commission for certification of a site and related facility which includes an electric transmission line or thermal powerplant, or both. Current law requires the application to contain, among other things, safety and reliability information, including planned provisions for emergency operations and shutdowns, as specified. This bill would require the application to also contain an emergency response and action plan that incorporates impacts to the surrounding areas in the event of an emergency and that would be conducted and coordinated with local emergency management agencies, unified program agencies, and local first response agencies. (Based on 02/13/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**[AB 707](#) (Soria, D) San Luis and Delta-Mendota Water Authority: B.F. Sisk Dam Raise and Reservoir Expansion Project.**

**Location:** 02/14/2025 - Assembly PRINT

**Summary:** Would appropriate \$455,500,000 from the General Fund to the San Luis and Delta-Mendota Water Authority for the purpose of funding the State Highway 152 Route improvements required to complete the B.F. Sisk Dam Raise and Reservoir Expansion Project. (Based on 02/14/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**[AB 794](#) (Gabriel, D) California Safe Drinking Water Act: emergency regulations.**

**Location:** 02/18/2025 - Assembly PRINT

**Summary:** The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. The state board's duties include, but are not limited to, enforcing the federal Safe Drinking Water Act (federal act) and adopting and enforcing regulations. Current law authorizes the state board to adopt as an emergency regulation, a regulation that is not more stringent than, and is not materially different in substance and effect than, the requirements of a regulation promulgated under the federal act, with a specified exception. This bill would provide that the authority of the state board to adopt an emergency regulation pursuant to these provisions includes the authority to adopt requirements of a specified federal regulation that was in effect on January 19, 2025, regardless of whether the requirements were repealed or amended to be less stringent. The bill would prohibit an emergency regulation adopted pursuant to these provisions from implementing less stringent drinking water

standards, as provided, and would authorize the regulation to include requirements that are more stringent than the requirements of the federal regulation. (Based on 02/18/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**SB 90 (Sevarto, R) Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024: grants: improvements to public evacuation routes: mobile rigid water storage.**

**Calendar:** 03/11/25 S-GOVERNMENTAL ORGANIZATION 9:30 a.m. - 1021 O Street, Room 1200 PADILLA, STEPHEN, Chair

**Location:** 01/29/2025 - Senate Governmental Organization

**Summary:** The Safe Drinking Water, Wildfire Prevention, Drought Preparedness, and Clean Air Bond Act of 2024 makes \$135,000,000 available, upon appropriation by the Legislature, to the Office of Emergency Services for a wildfire mitigation grant program to provide, among other things, loans, direct assistance, and matching funds for projects that prevent wildfires, increase resilience, maintain existing wildfire risk reduction projects, reduce the risk of wildfires to communities, or increase home or community hardening. The act provides that eligible projects include, but are not limited to, grants to local agencies, state agencies, joint powers authorities, tribes, resource conservation districts, fire safe councils, and nonprofit organizations for structure hardening of critical community infrastructure, wildfire smoke mitigation, evacuation centers, including community clean air centers, structure hardening projects that reduce the risk of wildfire for entire neighborhoods and communities, water delivery system improvements for fire suppression purposes for communities in very high or high fire hazard areas, wildfire buffers, and incentives to remove structures that significantly increase hazard risk. This bill would include in the list of eligible projects grants to the above-mentioned entities for improvements to public evacuation routes in very high and high fire hazard severity zones, mobile rigid dip tanks, as defined, to support firefighting efforts, prepositioned mobile rigid water storage, as defined, and improvements to the response and effectiveness of fire engines and helicopters. (Based on 01/22/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**SB 224 (Hurtado, D) Department of Water Resources: water supply forecasting.**

**Location:** 02/05/2025 - Senate Natural Resources and Water

**Summary:** Current law requires the Department of Water Resources to gather and correlate information and data pertinent to an annual forecast of seasonal water crop. Current law also requires the department 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." This bill would require the department, on or before January 1, 2027, to adopt a new water supply forecasting model and procedures that better address the effects of climate change and implement a formal policy and procedures for documenting the department's operational plans and the department's rationale for its operating procedures, including the department's rationale for water releases from reservoirs. (Based on 01/27/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**SB 239 (Arrequin, D) Open meetings: teleconferencing: subsidiary body.**

**Location:** 02/14/2025 - Senate Local Government

**Summary:** The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act generally requires for teleconferencing that the legislative body of a local agency that elects to use teleconferencing post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public. Current law also requires that, during the teleconference, at least a quorum of the members of the legislative body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction, except as specified. Current law, until January 1, 2026, authorizes specified neighborhood city councils to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if, among other requirements, the city council has adopted an authorizing resolution and 2/3 of the neighborhood city council votes to use alternate teleconference provisions, as specified. This bill would authorize a subsidiary body, as defined, to use alternative teleconferencing provisions and would impose requirements for notice, agenda, and public participation, as prescribed. The bill would require the subsidiary body to post the agenda at the primary physical meeting location. The bill would require the members of the subsidiary body to visibly appear on camera during the open portion of a meeting that is publicly accessible via the internet or other online platform, as specified. (Based on 01/30/2025 text)

**Position:** B. Watch

Priority: B. Watch

**[SB 348](#) ([Hurtado, D](#)) State Air Resources Board: Low-Carbon Fuel Standard.**

**Location:** 02/12/2025 - Senate Rules

**Summary:** The California Global Warming Solutions Act of 2006 requires the State Air Resources Board to adopt rules and regulations, as provided, to achieve the maximum technologically feasible and cost-effective greenhouse gas emissions reductions to ensure that the statewide greenhouse gas emissions are reduced to at least 40% below the statewide greenhouse gas emissions limit, as defined, no later than December 31, 2030. Pursuant to the act, the state board has adopted the Low-Carbon Fuel Standard, or regulations. This bill would state the intent of the Legislature to enact future legislation that would, among other things, require the board to revise the Low-Carbon Fuel Standard program, as provided. The bill would make related findings and declarations. (Based on 02/12/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

**Notes:**

Potential vehicle for ACF

**[SB 742](#) ([Pérez, D](#)) Water systems and water districts.**

**Location:** 02/21/2025 - Senate Rules

**Summary:** The California Water District Law provides for the establishment of water districts, and grants a district the power to acquire, plan, construct, maintain, improve, operate, and keep in repair the necessary works for the production, storage, transmission, and distribution of water for irrigation, domestic, industrial, and municipal purposes. This bill would state the intent of the Legislature to enact subsequent legislation related to the regulation of water systems and water districts. (Based on 02/21/2025 text)

**Position:** B. Watch

**Priority:** B. Watch

## spot bill

**[AB 497](#) ([Wilson, D](#)) San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan.**

**Location:** 02/10/2025 - Assembly PRINT

**Summary:** Current law makes available to the Natural Resources Agency bond funds for, among other things, implementing an updated State Water Resources Control Board's San Francisco Bay/Sacramento-San Joaquin Delta Estuary Water Quality Control Plan (Bay-Delta Water Quality Control Plan), which establishes water quality control measures and flow requirements needed to provide reasonable protection of beneficial uses in the watershed. This bill would state the intent of the Legislature to enact future legislation relating to the Bay-Delta Water Quality Control Plan. (Based on 02/10/2025 text)

**Position:** B. Watch

**Priority:** spot bill

**[AB 1146](#) ([Papan, D](#)) Water infrastructure: dams and reservoirs.**

**Location:** 02/20/2025 - Assembly PRINT

**Summary:** Existing law provides for the regulation and supervision of dams and reservoirs exclusively by the state. This bill would make a non-substantive change to that provision. (Based on 02/20/2025 text)

**Position:** B. Watch

**Priority:** spot bill

Total Measures: 33

Total Tracking Forms: 33





**ACTION ITEM**  
March 5, 2025

**TO:** Board of Directors

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

Staff Contact: Heather Baez

**SUBJECT: AB 259 (RUBIO) – OPEN MEETINGS: LOCAL AGENCIES:  
TELECONFERENCES**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors vote to adopt a support position on Assembly Bill 259 (Rubio) and join the California Special Districts Association’s (CSDA) coalition and outreach efforts.

**BILL SUMMARY**

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AB 259 eliminates the sunset on provisions added to the Brown Act by AB 2449 (Rubio, 2022), a bill that provided additional flexibility with alternative Brown Act meeting procedures able to be observed in the event of a board member’s absence in connection with a “just cause” or “emergency circumstances,” allowing for those members so-affected to participate in the meeting remotely consistent with the process detailed in the bill. The provisions of AB 2449 include restrictions on how often its provisions may be invoked and require that a majority of the board be present in-person in order to constitute a quorum.

**NEED FOR THIS PROPOSAL**

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Several special districts and other local agencies have utilized the procedures established by AB 2449, successfully facilitating remote participation that would otherwise been encumbered by illness, official travel, or medical emergency. Though the terms of AB 2449 have been amended since their passage, the sunset date associated with its terms has not been changed. The alternative Brown Act meeting procedures established by the bill expire at the end of 2025.

**ARGUMENTS IN SUPPORT**

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In support of the original legislation, AB 2449, author Assembly Member Blanca Rubio remarked that remote meetings held over the last few years “demonstrated the value of remote participation options when individuals are unable to attend a physical gathering. The

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

Brown Act ensures that officials and their constituents can have open and transparent meetings, which we now know can occur using modern technology. [...] AB 2449 would provide an avenue for constituents to interact with their representatives in situations where they might have not previously been able to." AB 2449 has been an effective tool for many local agencies, and removing the sunset would allow this practice to continue.

AB 259 is co-sponsored by the California Special Districts Association and Three Valleys Municipal Water District.

**ARGUMENTS IN OPPOSITION**

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None on file.

**ALIGNMENT WITH BOARD STRATEGIC PRIORITIES**

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- |  |   |
|--|---|
| <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**

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**Option #1:** Adopt a Support position on AB 259 (Rubio) and join CSDA’s letter and outreach efforts.

**Fiscal Impact:** None

**Option #2:** Take no action

**Fiscal Impact:** None

List of Attachments/Links:
<b>Attachment 1:</b> AB 259 Full Text

**ASSEMBLY BILL**

**No. 259**

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**Introduced by Assembly Member Blanca Rubio**

January 16, 2025

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An act to amend and repeal Sections 54953 and 54954.2 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 259, as introduced, Blanca Rubio. Open meetings: local agencies: teleconferences.

Existing law, the Ralph M. Brown Act, requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be open and public and that all persons be permitted to attend and participate. The act authorizes the legislative body of a local agency to use teleconferencing, as specified, and requires a legislative body of a local agency that elects to use teleconferencing to comply with specified requirements, including that the local agency post agendas at all teleconference locations, identify each teleconference location in the notice and agenda of the meeting or proceeding, and have each teleconference location be accessible to the public.

Existing law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing if, during the teleconference meeting, at least a quorum of the members of the legislative body participates in person from a singular physical location clearly identified on the agenda that is open to the public and situated within the boundaries of the territory over which the local agency exercises jurisdiction, and the legislative body complies with prescribed requirements. Existing law requires a member to satisfy specified requirements to participate in a meeting remotely pursuant to these

alternative teleconferencing provisions, including that specified circumstances apply. Existing law establishes limits on the number of meetings a member may participate in solely by teleconference from a remote location pursuant to these alternative teleconferencing provisions, including prohibiting such participation for more than 2 meetings per year if the legislative body regularly meets once per month or less.

This bill would remove the January 1, 2026, date from those provisions, thereby extending the alternative teleconferencing procedures indefinitely.

Existing law authorizes a member to participate remotely pursuant to the alternative teleconferencing provisions described above under specified circumstances, including participating due to emergency circumstances. Under existing law, the emergency circumstances basis for remote participation is contingent on a request to, and action by, the legislative body, as prescribed.

Existing law generally requires the legislative body of the local agency or its designee, at least 72 hours before a regular meeting, to post an agenda containing a brief general description of each item of business to be transacted or discussed at the meeting, including items to be discussed in closed session, as specified. Existing law, until January 1, 2026, authorizes a legislative body, notwithstanding that provision, to consider and take action on a request from a member to participate in a meeting remotely due to emergency circumstances if the request does not allow sufficient time to place the proposed action on the posted agenda for the meeting for which the request is made, as specified.

This bill would remove the January 1, 2026, date from that provision, thereby extending the authorization for a legislative body of a local agency to consider and take action on a request from a member to participate in a meeting remotely due to emergency circumstances as described above indefinitely.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires local agencies, for the purpose of ensuring public access to the meetings of public bodies and the writings of public officials and agencies, to comply with a statutory enactment that amends or enacts laws relating to public records or open

meetings and contains findings demonstrating that the enactment furthers the constitutional requirements relating to this purpose.

This bill would make legislative findings to that effect.

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

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

1 SECTION 1. Section 54953 of the Government Code, as  
2 amended by Section 1 of Chapter 389 of the Statutes of 2024, is  
3 amended to read:

4 54953. (a) All meetings of the legislative body of a local  
5 agency shall be open and public, and all persons shall be permitted  
6 to attend any meeting of the legislative body of a local agency,  
7 except as otherwise provided in this chapter.

8 (b) (1) Notwithstanding any other provision of law, the  
9 legislative body of a local agency may use teleconferencing for  
10 the benefit of the public and the legislative body of a local agency  
11 in connection with any meeting or proceeding authorized by law.  
12 The teleconferenced meeting or proceeding shall comply with all  
13 otherwise applicable requirements of this chapter and all otherwise  
14 applicable provisions of law relating to a specific type of meeting  
15 or proceeding.

16 (2) Teleconferencing, as authorized by this section, may be used  
17 for all purposes in connection with any meeting within the subject  
18 matter jurisdiction of the legislative body. If the legislative body  
19 of a local agency elects to use teleconferencing, the legislative  
20 body of a local agency shall comply with all of the following:

21 (A) All votes taken during a teleconferenced meeting shall be  
22 by rollcall.

23 (B) The teleconferenced meetings shall be conducted in a  
24 manner that protects the statutory and constitutional rights of the  
25 parties or the public appearing before the legislative body of a  
26 local agency.

27 (C) The legislative body shall give notice of the meeting and  
28 post agendas as otherwise required by this chapter.

29 (D) The legislative body shall allow members of the public to  
30 access the meeting and the agenda shall provide an opportunity  
31 for members of the public to address the legislative body directly  
32 pursuant to Section 54954.3.

1 (3) If the legislative body of a local agency elects to use  
2 teleconferencing, it shall post agendas at all teleconference  
3 locations. Each teleconference location shall be identified in the  
4 notice and agenda of the meeting or proceeding, and each  
5 teleconference location shall be accessible to the public. During  
6 the teleconference, at least a quorum of the members of the  
7 legislative body shall participate from locations within the  
8 boundaries of the territory over which the local agency exercises  
9 jurisdiction, except as provided in subdivisions (d) and (e).

10 (c) (1) No legislative body shall take action by secret ballot,  
11 whether preliminary or final.

12 (2) The legislative body of a local agency shall publicly report  
13 any action taken and the vote or abstention on that action of each  
14 member present for the action.

15 (3) Prior to taking final action, the legislative body shall orally  
16 report a summary of a recommendation for a final action on the  
17 salaries, salary schedules, or compensation paid in the form of  
18 fringe benefits of a local agency executive, as defined in  
19 subdivision (d) of Section 3511.1, during the open meeting in  
20 which the final action is to be taken. This paragraph shall not affect  
21 the public's right under the California Public Records Act (Division  
22 10 (commencing with Section 7920.000) of Title 1) to inspect or  
23 copy records created or received in the process of developing the  
24 recommendation.

25 (d) (1) Notwithstanding the provisions relating to a quorum in  
26 paragraph (3) of subdivision (b), if a health authority conducts a  
27 teleconference meeting, members who are outside the jurisdiction  
28 of the authority may be counted toward the establishment of a  
29 quorum when participating in the teleconference if at least 50  
30 percent of the number of members that would establish a quorum  
31 are present within the boundaries of the territory over which the  
32 authority exercises jurisdiction, and the health authority provides  
33 a teleconference number, and associated access codes, if any, that  
34 allows any person to call in to participate in the meeting and the  
35 number and access codes are identified in the notice and agenda  
36 of the meeting.

37 (2) Nothing in this subdivision shall be construed as  
38 discouraging health authority members from regularly meeting at  
39 a common physical site within the jurisdiction of the authority or  
40 from using teleconference locations within or near the jurisdiction

1 of the authority. A teleconference meeting for which a quorum is  
2 established pursuant to this subdivision shall be subject to all other  
3 requirements of this section.

4 (3) For purposes of this subdivision, a health authority means  
5 any entity created pursuant to Sections 14018.7, 14087.31,  
6 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
7 and Institutions Code, any joint powers authority created pursuant  
8 to Article 1 (commencing with Section 6500) of Chapter 5 of  
9 Division 7 for the purpose of contracting pursuant to Section  
10 14087.3 of the Welfare and Institutions Code, and any advisory  
11 committee to a county-sponsored health plan licensed pursuant to  
12 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
13 Health and Safety Code if the advisory committee has 12 or more  
14 members.

15 (e) (1) The legislative body of a local agency may use  
16 teleconferencing without complying with the requirements of  
17 paragraph (3) of subdivision (b) if the legislative body complies  
18 with the requirements of paragraph (2) of this subdivision in either  
19 of the following circumstances:

20 (A) The legislative body holds a meeting during a proclaimed  
21 state of emergency for the purpose of determining, by majority  
22 vote, whether as a result of the emergency, meeting in person  
23 would present imminent risks to the health or safety of attendees.

24 (B) The legislative body holds a meeting during a proclaimed  
25 state of emergency and has determined, by majority vote, pursuant  
26 to subparagraph (A), that, as a result of the emergency, meeting  
27 in person would present imminent risks to the health or safety of  
28 attendees.

29 (2) A legislative body that holds a meeting pursuant to this  
30 subdivision shall do all of the following:

31 (A) In each instance in which notice of the time of the  
32 teleconferenced meeting is otherwise given or the agenda for the  
33 meeting is otherwise posted, the legislative body shall also give  
34 notice of the means by which members of the public may access  
35 the meeting and offer public comment. The agenda shall identify  
36 and include an opportunity for all persons to attend via a call-in  
37 option or an internet-based service option.

38 (B) In the event of a disruption that prevents the legislative body  
39 from broadcasting the meeting to members of the public using the  
40 call-in option or internet-based service option, or in the event of

1 a disruption within the local agency's control that prevents  
2 members of the public from offering public comments using the  
3 call-in option or internet-based service option, the legislative body  
4 shall take no further action on items appearing on the meeting  
5 agenda until public access to the meeting via the call-in option or  
6 internet-based service option is restored. Actions taken on agenda  
7 items during a disruption that prevents the legislative body from  
8 broadcasting the meeting may be challenged pursuant to Section  
9 54960.1.

10 (C) The legislative body shall not require public comments to  
11 be submitted in advance of the meeting and must provide an  
12 opportunity for the public to address the legislative body and offer  
13 comment in real time.

14 (D) Notwithstanding Section 54953.3, an individual desiring to  
15 provide public comment through the use of an internet website, or  
16 other online platform, not under the control of the local legislative  
17 body, that requires registration to log in to a teleconference may  
18 be required to register as required by the third-party internet  
19 website or online platform to participate.

20 (E) (i) A legislative body that provides a timed public comment  
21 period for each agenda item shall not close the public comment  
22 period for the agenda item, or the opportunity to register, pursuant  
23 to subparagraph (D), to provide public comment until that timed  
24 public comment period has elapsed.

25 (ii) A legislative body that does not provide a timed public  
26 comment period, but takes public comment separately on each  
27 agenda item, shall allow a reasonable amount of time per agenda  
28 item to allow public members the opportunity to provide public  
29 comment, including time for members of the public to register  
30 pursuant to subparagraph (D), or otherwise be recognized for the  
31 purpose of providing public comment.

32 (iii) A legislative body that provides a timed general public  
33 comment period that does not correspond to a specific agenda item  
34 shall not close the public comment period or the opportunity to  
35 register, pursuant to subparagraph (D), until the timed general  
36 public comment period has elapsed.

37 (3) If a state of emergency remains active, in order to continue  
38 to teleconference without compliance with paragraph (3) of  
39 subdivision (b), the legislative body shall, not later than 45 days  
40 after teleconferencing for the first time pursuant to subparagraph



1 (A) or (B) of paragraph (1), and every 45 days thereafter, make  
2 the following findings by majority vote:

3 (A) The legislative body has reconsidered the circumstances of  
4 the state of emergency.

5 (B) The state of emergency continues to directly impact the  
6 ability of the members to meet safely in person.

7 (4) This subdivision shall not be construed to require the  
8 legislative body to provide a physical location from which the  
9 public may attend or comment.

10 (f) (1) The legislative body of a local agency may use  
11 teleconferencing without complying with paragraph (3) of  
12 subdivision (b) if, during the teleconference meeting, at least a  
13 quorum of the members of the legislative body participates in  
14 person from a singular physical location clearly identified on the  
15 agenda, which location shall be open to the public and situated  
16 within the boundaries of the territory over which the local agency  
17 exercises jurisdiction and the legislative body complies with all  
18 of the following:

19 (A) The legislative body shall provide at least one of the  
20 following as a means by which the public may remotely hear and  
21 visually observe the meeting, and remotely address the legislative  
22 body:

23 (i) A two-way audiovisual platform.

24 (ii) A two-way telephonic service and a live webcasting of the  
25 meeting.

26 (B) In each instance in which notice of the time of the  
27 teleconferenced meeting is otherwise given or the agenda for the  
28 meeting is otherwise posted, the legislative body shall also give  
29 notice of the means by which members of the public may access  
30 the meeting and offer public comment.

31 (C) The agenda shall identify and include an opportunity for all  
32 persons to attend and address the legislative body directly pursuant  
33 to Section 54954.3 via a call-in option, via an internet-based service  
34 option, and at the in-person location of the meeting.

35 (D) In the event of a disruption that prevents the legislative body  
36 from broadcasting the meeting to members of the public using the  
37 call-in option or internet-based service option, or in the event of  
38 a disruption within the local agency's control that prevents  
39 members of the public from offering public comments using the  
40 call-in option or internet-based service option, the legislative body

1 shall take no further action on items appearing on the meeting  
 2 agenda until public access to the meeting via the call-in option or  
 3 internet-based service option is restored. Actions taken on agenda  
 4 items during a disruption that prevents the legislative body from  
 5 broadcasting the meeting may be challenged pursuant to Section  
 6 54960.1.

7 (E) The legislative body shall not require public comments to  
 8 be submitted in advance of the meeting and must provide an  
 9 opportunity for the public to address the legislative body and offer  
 10 comment in real time.

11 (F) Notwithstanding Section 54953.3, an individual desiring to  
 12 provide public comment through the use of an internet website, or  
 13 other online platform, not under the control of the local legislative  
 14 body, that requires registration to log in to a teleconference may  
 15 be required to register as required by the third-party internet  
 16 website or online platform to participate.

17 (2) A member of the legislative body shall only participate in  
 18 the meeting remotely pursuant to this subdivision, if all of the  
 19 following requirements are met:

20 (A) One of the following circumstances applies:

21 (i) The member notifies the legislative body at the earliest  
 22 opportunity possible, including at the start of a regular meeting,  
 23 of their need to participate remotely for just cause, including a  
 24 general description of the circumstances relating to their need to  
 25 appear remotely at the given meeting. The provisions of this clause  
 26 shall not be used by any member of the legislative body for more  
 27 than two meetings per calendar year.

28 (ii) The member requests the legislative body to allow them to  
 29 participate in the meeting remotely due to emergency circumstances  
 30 and the legislative body takes action to approve the request. The  
 31 legislative body shall request a general description of the  
 32 circumstances relating to their need to appear remotely at the given  
 33 meeting. A general description of an item generally need not exceed  
 34 20 words and shall not require the member to disclose any medical  
 35 diagnosis or disability, or any personal medical information that  
 36 is already exempt under existing law, such as the Confidentiality  
 37 of Medical Information Act (Chapter 1 (commencing with Section  
 38 56) of Part 2.6 of Division 1 of the Civil Code). For the purposes  
 39 of this clause, the following requirements apply:

1 (I) A member shall make a request to participate remotely at a  
2 meeting pursuant to this clause as soon as possible. The member  
3 shall make a separate request for each meeting in which they seek  
4 to participate remotely.

5 (II) The legislative body may take action on a request to  
6 participate remotely at the earliest opportunity. If the request does  
7 not allow sufficient time to place proposed action on such a request  
8 on the posted agenda for the meeting for which the request is made,  
9 the legislative body may take action at the beginning of the meeting  
10 in accordance with paragraph (4) of subdivision (b) of Section  
11 54954.2.

12 (B) The member shall publicly disclose at the meeting before  
13 any action is taken, whether any other individuals 18 years of age  
14 or older are present in the room at the remote location with the  
15 member, and the general nature of the member’s relationship with  
16 any such individuals.

17 (C) The member shall participate through both audio and visual  
18 technology.

19 (3) (A) The provisions of this subdivision shall not serve as a  
20 means for any member of a legislative body to participate in  
21 meetings of the legislative body solely by teleconference from a  
22 remote location for more than the following number of meetings,  
23 as applicable:

24 (i) Two meetings per year, if the legislative body regularly meets  
25 once per month or less.

26 (ii) Five meetings per year, if the legislative body regularly  
27 meets twice per month.

28 (iii) Seven meetings per year, if the legislative body regularly  
29 meets three or more times per month.

30 (B) For the purpose of counting meetings attended by  
31 teleconference under this paragraph, a “meeting” shall be defined  
32 as any number of meetings of the legislative body of a local agency  
33 that begin on the same calendar day.

34 (g) The legislative body shall have and implement a procedure  
35 for receiving and swiftly resolving requests for reasonable  
36 accommodation for individuals with disabilities, consistent with  
37 the federal Americans with Disabilities Act of 1990 (42 U.S.C.  
38 Sec. 12132), and resolving any doubt in favor of accessibility. In  
39 each instance in which notice of the time of the meeting is  
40 otherwise given or the agenda for the meeting is otherwise posted,

1 the legislative body shall also give notice of the procedure for  
2 receiving and resolving requests for accommodation.

3 (h) The legislative body shall conduct meetings subject to this  
4 chapter consistent with applicable civil rights and  
5 nondiscrimination laws.

6 (i) (1) Nothing in this section shall prohibit a legislative body  
7 from providing the public with additional teleconference locations.

8 (2) Nothing in this section shall prohibit a legislative body from  
9 providing the public with additional physical locations in which  
10 the public may observe and address the legislative body by  
11 electronic means.

12 (j) For the purposes of this section, the following definitions  
13 shall apply:

14 (1) “Emergency circumstances” means a physical or family  
15 medical emergency that prevents a member from attending in  
16 person.

17 (2) “Just cause” means any of the following:

18 (A) A childcare or caregiving need of a child, parent,  
19 grandparent, grandchild, sibling, spouse, or domestic partner that  
20 requires them to participate remotely. “Child,” “parent,”  
21 “grandparent,” “grandchild,” and “sibling” have the same meaning  
22 as those terms do in Section 12945.2.

23 (B) A contagious illness that prevents a member from attending  
24 in person.

25 (C) A need related to a physical or mental disability as defined  
26 in Sections 12926 and 12926.1 not otherwise accommodated by  
27 subdivision (g).

28 (D) Travel while on official business of the legislative body or  
29 another state or local agency.

30 (3) “Remote location” means a location from which a member  
31 of a legislative body participates in a meeting pursuant to  
32 subdivision (f), other than any physical meeting location designated  
33 in the notice of the meeting. Remote locations need not be  
34 accessible to the public.

35 (4) “Remote participation” means participation in a meeting by  
36 teleconference at a location other than any physical meeting  
37 location designated in the notice of the meeting. Watching or  
38 listening to a meeting via webcasting or another similar electronic  
39 medium that does not permit members to interactively hear,

1 discuss, or deliberate on matters, does not constitute remote  
2 participation.

3 (5) “State of emergency” means a state of emergency proclaimed  
4 pursuant to Section 8625 of the California Emergency Services  
5 Act (Article 1 (commencing with Section 8550) of Chapter 7 of  
6 Division 1 of Title 2).

7 (6) “Teleconference” means a meeting of a legislative body,  
8 the members of which are in different locations, connected by  
9 electronic means, through either audio or video, or both.

10 (7) “Two-way audiovisual platform” means an online platform  
11 that provides participants with the ability to participate in a meeting  
12 via both an interactive video conference and a two-way telephonic  
13 function.

14 (8) “Two-way telephonic service” means a telephone service  
15 that does not require internet access, is not provided as part of a  
16 two-way audiovisual platform, and allows participants to dial a  
17 telephone number to listen and verbally participate.

18 (9) “Webcasting” means a streaming video broadcast online or  
19 on television, using streaming media technology to distribute a  
20 single content source to many simultaneous listeners and viewers.

21 ~~(k) This section shall remain in effect only until January 1, 2026,  
22 and as of that date is repealed.~~

23 SEC. 2. Section 54953 of the Government Code, as amended  
24 by Section 2 of Chapter 534 of the Statutes of 2023, is repealed.

25 ~~54953. (a) All meetings of the legislative body of a local  
26 agency shall be open and public, and all persons shall be permitted  
27 to attend any meeting of the legislative body of a local agency,  
28 except as otherwise provided in this chapter.~~

29 ~~(b) (1) Notwithstanding any other provision of law, the  
30 legislative body of a local agency may use teleconferencing for  
31 the benefit of the public and the legislative body of a local agency  
32 in connection with any meeting or proceeding authorized by law.  
33 The teleconferenced meeting or proceeding shall comply with all  
34 otherwise applicable requirements of this chapter and all otherwise  
35 applicable provisions of law relating to a specific type of meeting  
36 or proceeding.~~

37 ~~(2) Teleconferencing, as authorized by this section, may be used  
38 for all purposes in connection with any meeting within the subject  
39 matter jurisdiction of the legislative body. If the legislative body~~

1 of a local agency elects to use teleconferencing, the legislative  
2 body of a local agency shall comply with all of the following:

3 (A) All votes taken during a teleconferenced meeting shall be  
4 by rollcall.

5 (B) The teleconferenced meetings shall be conducted in a  
6 manner that protects the statutory and constitutional rights of the  
7 parties or the public appearing before the legislative body of a  
8 local agency.

9 (C) The legislative body shall give notice of the meeting and  
10 post agendas as otherwise required by this chapter.

11 (D) The legislative body shall allow members of the public to  
12 access the meeting and the agenda shall provide an opportunity  
13 for members of the public to address the legislative body directly  
14 pursuant to Section 54954.3.

15 (3) If the legislative body of a local agency elects to use  
16 teleconferencing, it shall post agendas at all teleconference  
17 locations. Each teleconference location shall be identified in the  
18 notice and agenda of the meeting or proceeding, and each  
19 teleconference location shall be accessible to the public. During  
20 the teleconference, at least a quorum of the members of the  
21 legislative body shall participate from locations within the  
22 boundaries of the territory over which the local agency exercises  
23 jurisdiction, except as provided in subdivisions (d) and (e).

24 (e) (1) No legislative body shall take action by secret ballot,  
25 whether preliminary or final.

26 (2) The legislative body of a local agency shall publicly report  
27 any action taken and the vote or abstention on that action of each  
28 member present for the action.

29 (3) Prior to taking final action, the legislative body shall orally  
30 report a summary of a recommendation for a final action on the  
31 salaries, salary schedules, or compensation paid in the form of  
32 fringe benefits of a local agency executive, as defined in  
33 subdivision (d) of Section 3511.1, during the open meeting in  
34 which the final action is to be taken. This paragraph shall not affect  
35 the public's right under the California Public Records Act (Division  
36 10 (commencing with Section 7920.000) of Title 1) to inspect or  
37 copy records created or received in the process of developing the  
38 recommendation.

39 (d) (1) Notwithstanding the provisions relating to a quorum in  
40 paragraph (3) of subdivision (b), if a health authority conducts a

1 teleconference meeting, members who are outside the jurisdiction  
2 of the authority may be counted toward the establishment of a  
3 quorum when participating in the teleconference if at least 50  
4 percent of the number of members that would establish a quorum  
5 are present within the boundaries of the territory over which the  
6 authority exercises jurisdiction, and the health authority provides  
7 a teleconference number, and associated access codes, if any, that  
8 allows any person to call in to participate in the meeting and the  
9 number and access codes are identified in the notice and agenda  
10 of the meeting.

11 (2) Nothing in this subdivision shall be construed as  
12 discouraging health authority members from regularly meeting at  
13 a common physical site within the jurisdiction of the authority or  
14 from using teleconference locations within or near the jurisdiction  
15 of the authority. A teleconference meeting for which a quorum is  
16 established pursuant to this subdivision shall be subject to all other  
17 requirements of this section.

18 (3) For purposes of this subdivision, a health authority means  
19 any entity created pursuant to Sections 14018.7, 14087.31,  
20 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare  
21 and Institutions Code, any joint powers authority created pursuant  
22 to Article 1 (commencing with Section 6500) of Chapter 5 of  
23 Division 7 for the purpose of contracting pursuant to Section  
24 14087.3 of the Welfare and Institutions Code, and any advisory  
25 committee to a county-sponsored health plan licensed pursuant to  
26 Chapter 2.2 (commencing with Section 1340) of Division 2 of the  
27 Health and Safety Code if the advisory committee has 12 or more  
28 members.

29 (e) (1) The legislative body of a local agency may use  
30 teleconferencing without complying with the requirements of  
31 paragraph (3) of subdivision (b) if the legislative body complies  
32 with the requirements of paragraph (2) of this subdivision in either  
33 of the following circumstances:

34 (A) The legislative body holds a meeting during a proclaimed  
35 state of emergency for the purpose of determining, by majority  
36 vote, whether as a result of the emergency, meeting in person  
37 would present imminent risks to the health or safety of attendees.

38 (B) The legislative body holds a meeting during a proclaimed  
39 state of emergency and has determined, by majority vote, pursuant  
40 to subparagraph (A), that, as a result of the emergency, meeting

1 in-person would present imminent risks to the health or safety of  
2 attendees:

3 (2) A legislative body that holds a meeting pursuant to this  
4 subdivision shall do all of the following:

5 (A) In each instance in which notice of the time of the  
6 teleconferenced meeting is otherwise given or the agenda for the  
7 meeting is otherwise posted, the legislative body shall also give  
8 notice of the means by which members of the public may access  
9 the meeting and offer public comment. The agenda shall identify  
10 and include an opportunity for all persons to attend via a call-in  
11 option or an internet-based service option.

12 (B) In the event of a disruption that prevents the legislative body  
13 from broadcasting the meeting to members of the public using the  
14 call-in option or internet-based service option, or in the event of  
15 a disruption within the local agency's control that prevents  
16 members of the public from offering public comments using the  
17 call-in option or internet-based service option, the legislative body  
18 shall take no further action on items appearing on the meeting  
19 agenda until public access to the meeting via the call-in option or  
20 internet-based service option is restored. Actions taken on agenda  
21 items during a disruption that prevents the legislative body from  
22 broadcasting the meeting may be challenged pursuant to Section  
23 54960.1.

24 (C) The legislative body shall not require public comments to  
25 be submitted in advance of the meeting and must provide an  
26 opportunity for the public to address the legislative body and offer  
27 comment in real time.

28 (D) Notwithstanding Section 54953.3, an individual desiring to  
29 provide public comment through the use of an internet website, or  
30 other online platform, not under the control of the local legislative  
31 body, that requires registration to log in to a teleconference may  
32 be required to register as required by the third-party internet  
33 website or online platform to participate.

34 (E) (i) A legislative body that provides a timed public comment  
35 period for each agenda item shall not close the public comment  
36 period for the agenda item, or the opportunity to register, pursuant  
37 to subparagraph (D), to provide public comment until that timed  
38 public comment period has elapsed.

39 (ii) A legislative body that does not provide a timed public  
40 comment period, but takes public comment separately on each



1 agenda item, shall allow a reasonable amount of time per agenda  
2 item to allow public members the opportunity to provide public  
3 comment, including time for members of the public to register  
4 pursuant to subparagraph (D), or otherwise be recognized for the  
5 purpose of providing public comment.

6 (iii) A legislative body that provides a timed general public  
7 comment period that does not correspond to a specific agenda item  
8 shall not close the public comment period or the opportunity to  
9 register, pursuant to subparagraph (D), until the timed general  
10 public comment period has elapsed.

11 (3) If a state of emergency remains active, in order to continue  
12 to teleconference without compliance with paragraph (3) of  
13 subdivision (b), the legislative body shall, not later than 45 days  
14 after teleconferencing for the first time pursuant to subparagraph  
15 (A) or (B) of paragraph (1), and every 45 days thereafter, make  
16 the following findings by majority vote:

17 (A) The legislative body has reconsidered the circumstances of  
18 the state of emergency.

19 (B) The state of emergency continues to directly impact the  
20 ability of the members to meet safely in person.

21 (4) This subdivision shall not be construed to require the  
22 legislative body to provide a physical location from which the  
23 public may attend or comment.

24 (f) The legislative body shall have and implement a procedure  
25 for receiving and swiftly resolving requests for reasonable  
26 accommodation for individuals with disabilities, consistent with  
27 the federal Americans with Disabilities Act of 1990 (42 U.S.C.  
28 Sec. 12132), and resolving any doubt in favor of accessibility. In  
29 each instance in which notice of the time of the meeting is  
30 otherwise given or the agenda for the meeting is otherwise posted,  
31 the legislative body shall also give notice of the procedure for  
32 receiving and resolving requests for accommodation.

33 (g) The legislative body shall conduct meetings subject to this  
34 chapter consistent with applicable civil rights and  
35 nondiscrimination laws.

36 (h) (1) Nothing in this section shall prohibit a legislative body  
37 from providing the public with additional teleconference locations.

38 (2) Nothing in this section shall prohibit a legislative body from  
39 providing the public with additional physical locations in which

1 the public may observe and address the legislative body by  
2 electronic means.

3 (i) For the purposes of this section, the following definitions  
4 shall apply:

5 (1) “State of emergency” means a state of emergency proclaimed  
6 pursuant to Section 8625 of the California Emergency Services  
7 Act (Article 1 (commencing with Section 8550) of Chapter 7 of  
8 Division 1 of Title 2):

9 (2) “Teleconference” means a meeting of a legislative body,  
10 the members of which are in different locations, connected by  
11 electronic means, through either audio or video, or both.

12 (j) This section shall become operative January 1, 2026.

13 SEC. 3. Section 54954.2 of the Government Code, as amended  
14 by Section 91 of Chapter 131 of the Statutes of 2023, is amended  
15 to read:

16 54954.2. (a) (1) At least 72 hours before a regular meeting,  
17 the legislative body of the local agency, or its designee, shall post  
18 an agenda containing a brief general description of each item of  
19 business to be transacted or discussed at the meeting, including  
20 items to be discussed in closed session. A brief general description  
21 of an item generally need not exceed 20 words. The agenda shall  
22 specify the time and location of the regular meeting and shall be  
23 posted in a location that is freely accessible to members of the  
24 public and on the local agency’s internet website, if the local  
25 agency has one. If requested, the agenda shall be made available  
26 in appropriate alternative formats to persons with a disability, as  
27 required by Section 202 of the Americans with Disabilities Act of  
28 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations  
29 adopted in implementation thereof. The agenda shall include  
30 information regarding how, to whom, and when a request for  
31 disability-related modification or accommodation, including  
32 auxiliary aids or services, may be made by a person with a  
33 disability who requires a modification or accommodation in order  
34 to participate in the public meeting.

35 (2) For a meeting occurring on and after January 1, 2019, of a  
36 legislative body of a city, county, city and county, special district,  
37 school district, or political subdivision established by the state that  
38 has an internet website, the following provisions shall apply:

39 (A) An online posting of an agenda shall be posted on the  
40 primary internet website home page of a city, county, city and

1 county, special district, school district, or political subdivision  
2 established by the state that is accessible through a prominent,  
3 direct link to the current agenda. The direct link to the agenda shall  
4 not be in a contextual menu; however, a link in addition to the  
5 direct link to the agenda may be accessible through a contextual  
6 menu.

7 (B) An online posting of an agenda, including, but not limited  
8 to, an agenda posted in an integrated agenda management platform,  
9 shall be posted in an open format that meets all of the following  
10 requirements:

11 (i) Retrievable, downloadable, indexable, and electronically  
12 searchable by commonly used internet search applications.

13 (ii) Platform independent and machine readable.

14 (iii) Available to the public free of charge and without any  
15 restriction that would impede the reuse or redistribution of the  
16 agenda.

17 (C) A legislative body of a city, county, city and county, special  
18 district, school district, or political subdivision established by the  
19 state that has an internet website and an integrated agenda  
20 management platform shall not be required to comply with  
21 subparagraph (A) if all of the following are met:

22 (i) A direct link to the integrated agenda management platform  
23 shall be posted on the primary internet website home page of a  
24 city, county, city and county, special district, school district, or  
25 political subdivision established by the state. The direct link to the  
26 integrated agenda management platform shall not be in a contextual  
27 menu. When a person clicks on the direct link to the integrated  
28 agenda management platform, the direct link shall take the person  
29 directly to an internet website with the agendas of the legislative  
30 body of a city, county, city and county, special district, school  
31 district, or political subdivision established by the state.

32 (ii) The integrated agenda management platform may contain  
33 the prior agendas of a legislative body of a city, county, city and  
34 county, special district, school district, or political subdivision  
35 established by the state for all meetings occurring on or after  
36 January 1, 2019.

37 (iii) The current agenda of the legislative body of a city, county,  
38 city and county, special district, school district, or political  
39 subdivision established by the state shall be the first agenda  
40 available at the top of the integrated agenda management platform.

1 (iv) All agendas posted in the integrated agenda management  
2 platform shall comply with the requirements in clauses (i), (ii),  
3 and (iii) of subparagraph (B).

4 (D) For the purposes of this paragraph, both of the following  
5 definitions shall apply:

6 (i) “Integrated agenda management platform” means an internet  
7 website of a city, county, city and county, special district, school  
8 district, or political subdivision established by the state dedicated  
9 to providing the entirety of the agenda information for the  
10 legislative body of the city, county, city and county, special district,  
11 school district, or political subdivision established by the state to  
12 the public.

13 (ii) “Legislative body” has the same meaning as that term is  
14 used in subdivision (a) of Section 54952.

15 (E) The provisions of this paragraph shall not apply to a political  
16 subdivision of a local agency that was established by the legislative  
17 body of the city, county, city and county, special district, school  
18 district, or political subdivision established by the state.

19 (3) No action or discussion shall be undertaken on any item not  
20 appearing on the posted agenda, except that members of a  
21 legislative body or its staff may briefly respond to statements made  
22 or questions posed by persons exercising their public testimony  
23 rights under Section 54954.3. In addition, on their own initiative  
24 or in response to questions posed by the public, a member of a  
25 legislative body or its staff may ask a question for clarification,  
26 make a brief announcement, or make a brief report on their own  
27 activities. Furthermore, a member of a legislative body, or the  
28 body itself, subject to rules or procedures of the legislative body,  
29 may provide a reference to staff or other resources for factual  
30 information, request staff to report back to the body at a subsequent  
31 meeting concerning any matter, or take action to direct staff to  
32 place a matter of business on a future agenda.

33 (b) Notwithstanding subdivision (a), the legislative body may  
34 take action on items of business not appearing on the posted agenda  
35 under any of the conditions stated below. Prior to discussing any  
36 item pursuant to this subdivision, the legislative body shall publicly  
37 identify the item.

38 (1) Upon a determination by a majority vote of the legislative  
39 body that an emergency situation exists, as defined in Section  
40 54956.5.

1 (2) Upon a determination by a two-thirds vote of the members  
2 of the legislative body present at the meeting, or, if less than  
3 two-thirds of the members are present, a unanimous vote of those  
4 members present, that there is a need to take immediate action and  
5 that the need for action came to the attention of the local agency  
6 subsequent to the agenda being posted as specified in subdivision  
7 (a).

8 (3) The item was posted pursuant to subdivision (a) for a prior  
9 meeting of the legislative body occurring not more than five  
10 calendar days prior to the date action is taken on the item, and at  
11 the prior meeting the item was continued to the meeting at which  
12 action is being taken.

13 (4) To consider action on a request from a member to participate  
14 in a meeting remotely due to emergency circumstances, pursuant  
15 to Section 54953, if the request does not allow sufficient time to  
16 place the proposed action on the posted agenda for the meeting  
17 for which the request is made. The legislative body may approve  
18 such a request by a majority vote of the legislative body.

19 (c) This section is necessary to implement and reasonably within  
20 the scope of paragraph (1) of subdivision (b) of Section 3 of Article  
21 I of the California Constitution.

22 (d) For purposes of subdivision (a), the requirement that the  
23 agenda be posted on the local agency's internet website, if the  
24 local agency has one, shall only apply to a legislative body that  
25 meets either of the following standards:

26 (1) A legislative body as that term is defined by subdivision (a)  
27 of Section 54952.

28 (2) A legislative body as that term is defined by subdivision (b)  
29 of Section 54952, if the members of the legislative body are  
30 compensated for their appearance, and if one or more of the  
31 members of the legislative body are also members of a legislative  
32 body as that term is defined by subdivision (a) of Section 54952.

33 ~~(e) This section shall remain in effect only until January 1, 2026,~~  
34 ~~and as of that date is repealed.~~

35 SEC. 4. Section 54954.2 of the Government Code, as amended  
36 by Section 92 of Chapter 131 of the Statutes of 2023, is repealed.

37 ~~54954.2. (a) (1) At least 72 hours before a regular meeting,~~  
38 ~~the legislative body of the local agency, or its designee, shall post~~  
39 ~~an agenda containing a brief general description of each item of~~  
40 ~~business to be transacted or discussed at the meeting, including~~

1 items to be discussed in closed session. A brief general description  
2 of an item generally need not exceed 20 words. The agenda shall  
3 specify the time and location of the regular meeting and shall be  
4 posted in a location that is freely accessible to members of the  
5 public and on the local agency's internet website, if the local  
6 agency has one. If requested, the agenda shall be made available  
7 in appropriate alternative formats to persons with a disability, as  
8 required by Section 202 of the Americans with Disabilities Act of  
9 1990 (42 U.S.C. Sec. 12132), and the federal rules and regulations  
10 adopted in implementation thereof. The agenda shall include  
11 information regarding how, to whom, and when a request for  
12 disability-related modification or accommodation, including  
13 auxiliary aids or services, may be made by a person with a  
14 disability who requires a modification or accommodation in order  
15 to participate in the public meeting.

16 (2) For a meeting occurring on and after January 1, 2019, of a  
17 legislative body of a city, county, city and county, special district,  
18 school district, or political subdivision established by the state that  
19 has an internet website, the following provisions shall apply:

20 (A) An online posting of an agenda shall be posted on the  
21 primary internet website home page of a city, county, city and  
22 county, special district, school district, or political subdivision  
23 established by the state that is accessible through a prominent,  
24 direct link to the current agenda. The direct link to the agenda shall  
25 not be in a contextual menu; however, a link in addition to the  
26 direct link to the agenda may be accessible through a contextual  
27 menu.

28 (B) An online posting of an agenda, including, but not limited  
29 to, an agenda posted in an integrated agenda management platform,  
30 shall be posted in an open format that meets all of the following  
31 requirements:

32 (i) Retrievable, downloadable, indexable, and electronically  
33 searchable by commonly used internet search applications.

34 (ii) Platform independent and machine readable.

35 (iii) Available to the public free of charge and without any  
36 restriction that would impede the reuse or redistribution of the  
37 agenda.

38 (C) A legislative body of a city, county, city and county, special  
39 district, school district, or political subdivision established by the  
40 state that has an internet website and an integrated agenda

1 management platform shall not be required to comply with  
2 subparagraph (A) if all of the following are met:

3 (i) ~~A direct link to the integrated agenda management platform~~  
4 ~~shall be posted on the primary internet website home page of a~~  
5 ~~city, county, city and county, special district, school district, or~~  
6 ~~political subdivision established by the state. The direct link to the~~  
7 ~~integrated agenda management platform shall not be in a contextual~~  
8 ~~menu. When a person clicks on the direct link to the integrated~~  
9 ~~agenda management platform, the direct link shall take the person~~  
10 ~~directly to an internet website with the agendas of the legislative~~  
11 ~~body of a city, county, city and county, special district, school~~  
12 ~~district, or political subdivision established by the state.~~

13 (ii) ~~The integrated agenda management platform may contain~~  
14 ~~the prior agendas of a legislative body of a city, county, city and~~  
15 ~~county, special district, school district, or political subdivision~~  
16 ~~established by the state for all meetings occurring on or after~~  
17 ~~January 1, 2019.~~

18 (iii) ~~The current agenda of the legislative body of a city, county,~~  
19 ~~city and county, special district, school district, or political~~  
20 ~~subdivision established by the state shall be the first agenda~~  
21 ~~available at the top of the integrated agenda management platform.~~

22 (iv) ~~All agendas posted in the integrated agenda management~~  
23 ~~platform shall comply with the requirements in clauses (i), (ii),~~  
24 ~~and (iii) of subparagraph (B).~~

25 (D) ~~For the purposes of this paragraph, both of the following~~  
26 ~~definitions shall apply:~~

27 (i) ~~“Integrated agenda management platform” means an internet~~  
28 ~~website of a city, county, city and county, special district, school~~  
29 ~~district, or political subdivision established by the state dedicated~~  
30 ~~to providing the entirety of the agenda information for the~~  
31 ~~legislative body of the city, county, city and county, special district,~~  
32 ~~school district, or political subdivision established by the state to~~  
33 ~~the public.~~

34 (ii) ~~“Legislative body” has the same meaning as that term is~~  
35 ~~used in subdivision (a) of Section 54952.~~

36 (E) ~~The provisions of this paragraph shall not apply to a political~~  
37 ~~subdivision of a local agency that was established by the legislative~~  
38 ~~body of the city, county, city and county, special district, school~~  
39 ~~district, or political subdivision established by the state.~~

1     ~~(3) No action or discussion shall be undertaken on any item not~~  
 2 ~~appearing on the posted agenda, except that members of a~~  
 3 ~~legislative body or its staff may briefly respond to statements made~~  
 4 ~~or questions posed by persons exercising their public testimony~~  
 5 ~~rights under Section 54954.3. In addition, on their own initiative~~  
 6 ~~or in response to questions posed by the public, a member of a~~  
 7 ~~legislative body or its staff may ask a question for clarification,~~  
 8 ~~make a brief announcement, or make a brief report on their own~~  
 9 ~~activities. Furthermore, a member of a legislative body, or the~~  
 10 ~~body itself, subject to rules or procedures of the legislative body,~~  
 11 ~~may provide a reference to staff or other resources for factual~~  
 12 ~~information, request staff to report back to the body at a subsequent~~  
 13 ~~meeting concerning any matter, or take action to direct staff to~~  
 14 ~~place a matter of business on a future agenda.~~

15     ~~(b) Notwithstanding subdivision (a), the legislative body may~~  
 16 ~~take action on items of business not appearing on the posted agenda~~  
 17 ~~under any of the conditions stated below. Prior to discussing any~~  
 18 ~~item pursuant to this subdivision, the legislative body shall publicly~~  
 19 ~~identify the item.~~

20     ~~(1) Upon a determination by a majority vote of the legislative~~  
 21 ~~body that an emergency situation exists, as defined in Section~~  
 22 ~~54956.5.~~

23     ~~(2) Upon a determination by a two-thirds vote of the members~~  
 24 ~~of the legislative body present at the meeting, or, if less than~~  
 25 ~~two-thirds of the members are present, a unanimous vote of those~~  
 26 ~~members present, that there is a need to take immediate action and~~  
 27 ~~that the need for action came to the attention of the local agency~~  
 28 ~~subsequent to the agenda being posted as specified in subdivision~~  
 29 ~~(a).~~

30     ~~(3) The item was posted pursuant to subdivision (a) for a prior~~  
 31 ~~meeting of the legislative body occurring not more than five~~  
 32 ~~calendar days prior to the date action is taken on the item, and at~~  
 33 ~~the prior meeting the item was continued to the meeting at which~~  
 34 ~~action is being taken.~~

35     ~~(e) This section is necessary to implement and reasonably within~~  
 36 ~~the scope of paragraph (1) of subdivision (b) of Section 3 of Article~~  
 37 ~~I of the California Constitution.~~

38     ~~(d) For purposes of subdivision (a), the requirement that the~~  
 39 ~~agenda be posted on the local agency's internet website, if the~~



1 ~~local agency has one, shall only apply to a legislative body that~~  
2 ~~meets either of the following standards:~~

3 ~~(1) A legislative body as that term is defined by subdivision (a)~~  
4 ~~of Section 54952.~~

5 ~~(2) A legislative body as that term is defined by subdivision (b)~~  
6 ~~of Section 54952, if the members of the legislative body are~~  
7 ~~compensated for their appearance, and if one or more of the~~  
8 ~~members of the legislative body are also members of a legislative~~  
9 ~~body as that term is defined by subdivision (a) of Section 54952.~~

10 ~~(e) This section shall become operative January 1, 2026.~~

11 SEC. 5. The Legislature finds and declares that Sections 1 and  
12 2 of this act, which amend and repeal Section 54953 of the  
13 Government Code, and Sections 3 and 4 of this act, which amend  
14 and repeal Section 54954.2 of the Government Code, impose a  
15 limitation on the public's right of access to the meetings of public  
16 bodies or the writings of public officials and agencies within the  
17 meaning of Section 3 of Article I of the California Constitution.  
18 Pursuant to that constitutional provision, the Legislature makes  
19 the following findings to demonstrate the interest protected by this  
20 limitation and the need for protecting that interest:

21 By extending the alternative teleconferencing procedure  
22 provisions and provisions relating to requests from members to  
23 participate in those meetings remotely due to emergency  
24 circumstances indefinitely, this act allows for greater accessibility  
25 to, and public participation in, teleconference meetings while  
26 preserving the public's right to access information concerning the  
27 conduct of the people's business.

28 SEC. 6. The Legislature finds and declares that Sections 1 and  
29 2 of this act, which amend and repeal Section 54953 of the  
30 Government Code, and Sections 3 and 4 of this act, which amend  
31 and repeal Section 54954.2 of the Government Code, further,  
32 within the meaning of paragraph (7) of subdivision (b) of Section  
33 3 of Article I of the California Constitution, the purposes of that  
34 constitutional section as it relates to the right of public access to  
35 the meetings of local public bodies or the writings of local public  
36 officials and local agencies. Pursuant to paragraph (7) of  
37 subdivision (b) of Section 3 of Article I of the California  
38 Constitution, the Legislature makes the following findings:

- 1 This act is necessary to ensure greater accessibility to, and public
- 2 participation in, teleconference meetings.

O



**ACTION ITEM**

March 5, 2025

**TO:** Board of Directors

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

Staff Contact: Heather Baez

**SUBJECT: SB 394 (ALLEN) – WATER THEFT: FIRE HYDRANTS**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors vote to adopt a support position on Senate Bill 394 (Allen) and join the Association of California Water Agencies’ (ACWA) coalition and outreach efforts.

**BILL SUMMARY**

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SB 394 increases fines for water theft from a fire hydrant would be punishable as follows:

- A fine not exceeding \$2,500 for a first violation
- A fine not exceeding \$5,000 for a second violation
- A fine not exceeding \$10,000 for the third and each additional violation

In addition, this bill would also remove the one-year reset on existing penalties for the third and additional violations of water theft committed via meter tampering and other forms of water theft. Lastly, this bill would also help agencies recover damages because of water theft from a fire hydrant by authorizing a utility to bring a civil action for damages against any person who, without authorization, tampers with or diverts water from a fire hydrant.

**NEED FOR THIS PROPOSAL**

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Water theft from fire hydrants poses serious risks to public health and safety, water affordability, and water efficiency.

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

**Public Health and Safety:** (1) Bad actors may not be connecting to fire hydrants properly, such as not using public safety devices. This improper use could lead to contamination of potable water in the system and other public safety concerns; (2) Unauthorized use of the hydrant can lead to dropping water pressure in the system, which could jeopardize response to emergency situations such as fire; (3) Illegal connections often result in damage to the hydrant that can impair its function.

**Water Affordability:** The revenue lost from water theft, and the cost of damage to infrastructure because of theft is ultimately borne by law-abiding paying customers, having a negative impact on water affordability.

**Water Efficiency:** Water theft also works against efforts by water districts to comply with State water loss standards under the State’s newly adopted water use efficiency framework.

**ARGUMENTS IN SUPPORT**

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The current penalties for water theft are an insufficient deterrent and fail to prevent this criminal activity from occurring. SB 394 recognizes and addresses these inefficiencies in existing penalties by authorizing local agencies that provide water services to adopt an ordinance with enhanced penalties specifically for water theft from a fire hydrant.

SB 394 is cosponsored by the ACWA and Las Virgines Municipal Water District.

**ARGUMENTS IN OPPOSITION**

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None on file.

**ALIGNMENT WITH BOARD STRATEGIC PRIORITIES**

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- |  |   |
|--|---|
| <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**

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**Option #1:** Adopt a Support position on SB 394 (Allen) and join ACWA’s coalition and outreach efforts.

**Fiscal Impact:** None

**Option #2:** Take no action  
**Fiscal Impact:** None

List of Attachments/Links:
<b><i>Attachment 1:</i></b> SB 394 Full Text

**Introduced by Senator Allen**February 14, 2025

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An act to amend Sections 1882.1 and 1882.3 of the Civil Code, and to amend Section 53069.45 of, and to add Section 53069.46 to, the Government Code, relating to water theft.

## LEGISLATIVE COUNSEL'S DIGEST

SB 394, as introduced, Allen. Water theft: fire hydrants.

Existing law authorizes a utility to bring a civil action for damages against any person who commits, authorizes, solicits, aids, abets, or attempts certain acts, including, diverting or causing to be diverted, utility services by any means whatsoever. Existing law creates a rebuttable presumption that there is violation of these provisions if, on premises controlled by the customer or by the person using or receiving the direct benefit of utility service, certain actions occur, including that there is an instrument, apparatus, or device primarily designed to be used to obtain utility service without paying the full lawful charge for the utility.

This bill would add to the list of acts for which a utility may bring a civil cause of action under these circumstances to include tampering with a fire hydrant, fire hydrant meter, or fire detector check, or diverting water, or causing water to be diverted, from a fire hydrant with knowledge of, or reason to believe, that the diversion or unauthorized connection existed at the time of use for nonfirefighting purposes or without authorization from the appropriate water system or fire department. The bill would also expand the rebuttable presumption for a violation of these provisions to include, among other things, if a person tampers with or uses a fire hydrant, fire hydrant meter, or fire detector

check without authorization to obtain water and without paying the full lawful charge of the water.

Existing law authorizes the legislative body of a local agency, as defined, that provides water services to adopt an ordinance that prohibits water theft, as defined, subject to an administrative fine or penalty, as specified. Existing law sets forth a schedule of fines for a violation of an ordinance adopted pursuant to these provisions, including, if the violation is committed via meter tampering, a fine not exceeding \$1,300 for a third or additional violation of the same ordinance within one year of the first violation, and for a violation of all other forms of water theft, a fine not exceeding \$3,000 for a third or additional violation of the same ordinance within one year.

This bill would revise those fines to apply to the third or additional violation without regard to whether the violation occurred within one year of the first violation.

This bill would authorize a legislative body of a local agency, as defined, that provides retail water services, to adopt an ordinance that prohibits unauthorized connection to a fire hydrant, as defined, subject to an administrative fine or penalty, as specified. The bill would set forth a schedule of fines for a violation of the ordinance. The bill would prohibit a local agency from imposing a fine for the same offense under both an ordinance adopted by a local agency pursuant to these provisions that prohibits unauthorized connection to a fire hydrant and an ordinance adopted by the local agency pursuant to the provisions described above that prohibits water theft.

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

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

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) Unauthorized connection to and use of a fire hydrant and
- 4 unauthorized use of a fire hydrant meter to take water from a fire
- 5 hydrant is water theft, is typically conducted by commercial actors
- 6 subverting the law for profit, and undermines the local water
- 7 system process.
- 8 (b) The state supports the Making Conservation a California
- 9 Way of Life regulation adopted by the State Water Resources
- 10 Control Board and finds that theft of water from fire hydrants

1 violates those goals by leading to water loss that is not adequately  
2 deterred by current statutory authorities.

3 (c) Unauthorized connections to fire hydrants can lead to public  
4 health and safety issues, including potential contamination of a  
5 drinking water source due to a lack of backflow prevention and  
6 damage to water system facilities and infrastructure, or  
7 depressurization of the water system, which could make  
8 communities more vulnerable in the event of a fire.

9 (d) Affordability of water is impacted by water theft from a fire  
10 hydrant as the cost of water loss and damages to infrastructure is  
11 ultimately borne by ratepayers.

12 (e) It is the intent of the Legislature to uphold its values of water  
13 efficiency, affordability, and public health and safety by enacting  
14 a statute that is a greater deterrent to water theft via the  
15 unauthorized connection to a fire hydrant or unauthorized use of  
16 a hydrant meter.

17 SEC. 2. Section 1882.1 of the Civil Code is amended to read:

18 1882.1. A utility may bring a civil action for damages against  
19 any person who commits, authorizes, solicits, aids, abets, or  
20 attempts any of the following acts:

21 (a) Diverts, or causes to be diverted, utility services by any  
22 means whatsoever.

23 (b) Makes, or causes to be made, any connection or reconnection  
24 with property owned or used by the utility to provide utility service  
25 without the authorization or consent of the utility.

26 (c) Prevents any utility meter, or other device used in  
27 determining the charge for utility services, from accurately  
28 performing its measuring function by tampering or by any other  
29 means.

30 (d) Tampers with any property owned or used by the utility to  
31 provide utility services.

32 (e) Uses or receives the direct benefit of all, or a portion, of the  
33 utility service with knowledge of, or reason to believe that, the  
34 diversion, tampering, or unauthorized connection existed at the  
35 time of the use, or that the use or receipt, was without the  
36 authorization or consent of the utility.

37 (f) *Tampers with a fire hydrant, fire hydrant meter, or fire*  
38 *detector check, or diverts water, or causes water to be diverted,*  
39 *from a fire hydrant with knowledge of, or reason to believe, that*  
40 *the diversion or unauthorized connection existed at the time of use*



1 *for nonfirefighting purposes or without authorization from the*  
2 *appropriate water system or fire department.*

3 SEC. 3. Section 1882.3 of the Civil Code is amended to read:

4 1882.3. There is a rebuttable presumption that there is a  
5 violation of Section 1882.1 ~~if, or~~ *if either of the following occurs:*

6 (a) *On premises controlled by the customer or by the person*  
7 *using or receiving the direct benefit of utility service, including*  
8 *through the use of a vehicle, there is either, or both, of the*  
9 *following:*

10 (a)  
11 (1) *Any instrument, apparatus, or device primarily designed to*  
12 *be used to obtain utility service without paying the full lawful*  
13 ~~*charge therefor.*~~ *charge for the utility service.*

14 (b) ~~*Any*~~  
15 (2) *A meter that has been altered, tampered with, or bypassed*  
16 *so as to cause no measurement or inaccurate measurement of utility*  
17 *services.*

18 (b) *A person tampers with or uses a fire hydrant, fire hydrant*  
19 *meter, or fire detector check without authorization to obtain water*  
20 *and without paying the full lawful charge of the water.*

21 SEC. 4. Section 53069.45 of the Government Code is amended  
22 to read:

23 53069.45. (a) (1) *Notwithstanding any other law, the*  
24 *legislative body of a ~~“local agency,”~~ local agency, as defined in*  
25 *Section 54951, that provides water services, may adopt an*  
26 *ordinance that prohibits water theft and makes a violation of an*  
27 *ordinance enacted by the local agency regarding water theft subject*  
28 *to an administrative fine or penalty, as provided in this section.*

29 (2) *The local agency shall adopt an ordinance that sets forth the*  
30 *administrative procedure that shall govern the imposition,*  
31 *enforcement, collection, and administrative review by the local*  
32 *agency of the administrative fines or penalties for water theft.*

33 (3) *The local agency shall establish a process for granting a*  
34 *hardship waiver to reduce the amount of the fine imposed for water*  
35 *theft upon a showing by the responsible party that payment of the*  
36 *full amount of the fine would impose an undue financial burden*  
37 *on the responsible party.*

38 (b) *If the water theft is committed via meter tampering in*  
39 *violation of an ordinance adopted under this section, it is*  
40 *punishable as follows:*

1 (1) A fine not exceeding one hundred thirty dollars (\$130) for  
2 a first violation.

3 (2) A fine not exceeding seven hundred dollars (\$700) for a  
4 second violation of the same ordinance within one year of the first  
5 violation.

6 (3) A fine not exceeding one thousand three hundred dollars  
7 (\$1,300) for the third violation and each additional violation of  
8 the same ordinance within one year of the first violation. ordinance.

9 (c) All other forms of water theft in violation of an ordinance  
10 adopted under this section are punishable as follows:

11 (1) A fine not exceeding one thousand dollars (\$1,000) for a  
12 first violation.

13 (2) A fine not exceeding two thousand dollars (\$2,000) for a  
14 second violation of the same ordinance within one year.

15 (3) A fine not exceeding three thousand dollars (\$3,000) for  
16 each additional violation of the same ordinance within one year.  
17 ordinance.

18 (d) For purposes of this section, the following definitions apply:

19 (1) "Irrigation district" has the same meaning as "district," as  
20 that term is defined in Section 20513 of the Water Code.

21 (2) "Water theft" means an action to divert, tamper, or reconnect  
22 water utility services, as defined in Section 498 of the Penal Code.

23 (e) An irrigation district may impose fines or penalties for water  
24 theft in accordance with this section or Division 11 (commencing  
25 with Section 20500) of the Water Code. This section shall not cap  
26 or limit the fines that an irrigation district may impose in  
27 accordance with Division 11 (commencing with Section 20500)  
28 of the Water Code.

29 SEC. 5. Section 53069.46 is added to the Government Code,  
30 to read:

31 53069.46. (a) (1) Notwithstanding any other law, the legislative  
32 body of a local agency, as defined in Section 54951, that provides  
33 retail water services, may adopt an ordinance that prohibits  
34 unauthorized connection to a fire hydrant, and makes a violation  
35 of an ordinance enacted by the local agency regarding water theft  
36 committed via the unauthorized connection to a fire hydrant subject  
37 to an administrative fine or penalty, as provided in this section.

38 (2) The local agency shall adopt an ordinance that sets forth the  
39 administrative procedure that shall govern the imposition,  
40 enforcement, collection, and administrative review by the local

1 agency of the administrative fines or penalties for water theft  
2 committed via the unauthorized connection to a fire hydrant.

3 (b) Water theft committed via the unauthorized connection to  
4 a fire hydrant in violation of an ordinance adopted under this  
5 section is punishable as follows:

6 (1) A fine not exceeding two thousand five hundred dollars  
7 (\$2,500) for a first violation.

8 (2) A fine not exceeding five thousand dollars (\$5,000) for a  
9 second violation of the same ordinance.

10 (3) A fine not exceeding ten thousand dollars (\$10,000) for the  
11 third violation and each additional violation of the same ordinance.

12 (c) For purposes of this section, “unauthorized connection to a  
13 fire hydrant” includes the unauthorized use of a fire hydrant, fire  
14 hydrant meter, or fire detector check.

15 (d) (1) A local agency shall not impose fines under both this  
16 section and Section 53069.45 for the same offense.

17 (2) Except as provided in paragraph (1), this section does not  
18 preclude remedies available under any other law, including  
19 provisions in the Penal Code or the Civil Code.

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**ACTION ITEM**

March 5, 2025

**TO:** Board of Directors

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

Staff Contact: Heather Baez

**SUBJECT: AB 580 (WALLIS) – SURFACE MINING: METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA**

**STAFF RECOMMENDATION**

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Staff recommends the Board of Directors vote to adopt a support position on AB 580 (Wallis) and send a letter of support to the author and the Orange County delegation.

**BILL SUMMARY**

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Assembly Bill 580 eliminates the sunset that authorizes the Metropolitan Water District of Southern California (Metropolitan) to prepare a single reclamation plan for earth-moving operations on lands owned, leased, or with easements, for repairs or maintenance to its water infrastructure systems that cross multiple counties in Southern California for the delivery of water to homes, businesses, farms, and the environment.

**NEED FOR THIS PROPOSAL**

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When Metropolitan completed construction of the Colorado River Aqueduct (CRA) and began operation in 1941, it retained ownership of the land beneath and adjacent to the CRA, including the excess stone, gravel, and sand used to construct the project. To this day, Metropolitan uses those materials to restore CRA facilities from storm and flood damage and make repairs to the CRA, adjacent roads, and related infrastructure.

Enacted in 1975, the Surface Mining and Reclamation Act (SMARA) provides for the regulation of surface mining operations to encourage mineral production and conservation

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

and to ensure mined lands are reclaimed to a usable condition to prevent environmental effects and ensure public health and safety.

In 2017, the County of San Bernardino notified Metropolitan that it needed to comply with SMARA for its use of materials obtained from land owned by Metropolitan for repair and maintenance activities on its conveyance and distribution system in the County. Riverside County followed suit.

Metropolitan's distribution system crosses six counties with differing regulations and processes. Therefore, compliance with SMARA for each county would be both costly and inefficient, requiring the preparation of separate reclamation plans, associated CEQA documents, regulatory permits, and annual inspections.

In 2021, Metropolitan sponsored AB 442 (Mayes), which allowed them to use a single reclamation plan for repairs and maintenance on the CRA. However, it is scheduled to sunset on January 1, 2026. This bill would remove that sunset provision. AB 442 passed both the Assembly and Senate with zero "no" votes.

## **ARGUMENTS IN SUPPORT**

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Maintaining critical water infrastructure requires coordinated regulatory compliance. Like AB 442 in 2021, AB 580 proposes special status under SMARA, so Metropolitan can consistently administer and enforce SMARA compliance for the purpose of responding to emergencies, repairing, maintaining, or replacing any pipelines, infrastructure, or related transmission systems used for the distribution of water located in Los Angeles, Orange, Riverside, San Bernardino, San Diego, and Ventura counties.

Metropolitan must work quickly and efficiently to protect, maintain, and operate critical infrastructure across a vast area to ensure the delivery of reliable and safe water to nearly 19 million people in its service area – or one in every two Californians.

AB 580 would not exempt Metropolitan from SMARA compliance. In fact, Metropolitan would still complete a reclamation plan and comply with CEQA. What would be different is Metropolitan staff would perform the annual inspections and submit the annual report directly to the California Department of Conservation rather than going through individual counties. This approach would make compliance with SMARA more efficient and generate cost savings for ratepayers.

## **ARGUMENTS IN OPPOSITION**

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None on file.

## **ALIGNMENT WITH BOARD STRATEGIC PRIORITIES**

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- |   |  |
|---|--|
| <input checked="" type="checkbox"/> <i>Clarifying MWDOC's mission and role; defining functions and actions.</i> | <input type="checkbox"/> <i>Work with member agencies to develop water supply and demand objectives.</i> |
|---|--|

- Balance support for Metropolitan’s regional mission and Orange County values and interests.*
- Strengthen communications and coordination of messaging.*
- Solicit input and feedback from member agencies.*
- Invest in workforce development and succession planning.*

**BOARD OPTIONS**

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**Option #1:** Adopt a Support position on AB 580 (Wallis) and send a letter of support to the author’s office and the Orange County delegation.

**Fiscal Impact:** None

**Option #2:** Take no action

**Fiscal Impact:** None

List of Attachments/Links:
<b>Attachment 1:</b> AB 580 Full Text

**ASSEMBLY BILL**

**No. 580**

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**Introduced by Assembly Member Wallis**

February 12, 2025

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An act to amend Section 2715.6 of the Public Resources Code, relating to mining.

LEGISLATIVE COUNSEL'S DIGEST

AB 580, as introduced, Wallis. Surface mining: Metropolitan Water District of Southern California.

(1) The Surface Mining and Reclamation Act of 1975 prohibits a person, with exceptions, from conducting surface mining operations unless, among other things, a permit is obtained from, a specified reclamation plan is submitted to and approved by, and financial assurances for reclamation have been approved by, the lead agency for the operation of the surface mining operation. Existing law authorizes the Metropolitan Water District of Southern California (MWD) to prepare a master reclamation plan, as provided, that identifies each individual surface mining operation in specified counties and satisfies all reclamation plan requirements for each individual surface mining site. Existing law requires the State Mining and Geology Board to act as the lead agency for surface mining operations conducted by the MWD and authorizes the board to conduct an inspection of an individual surface mining operation once every 2 calendar years during a period when that individual surface mining operation is idle or the site has no mineral production. Existing law requires the MWD to be the lead agency for any environmental review of the master reclamation plan. Existing law repeals the provisions authorizing the preparation and

approval of the master reclamation plan for the MWD on January 1, 2026.

This bill would make those provisions operative indefinitely. To the extent this bill would require a local government acting as a lead agency for environmental review of the master reclamation plan to perform those additional duties indefinitely, the bill would impose a state-mandated local program.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute for the Metropolitan Water District of Southern California.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

1 SECTION 1. Section 2715.6 of the Public Resources Code is  
2 amended to read:

3 2715.6. (a) For purposes of this section, the following  
4 definitions apply:

5 (1) “Metropolitan Water District” means the Metropolitan Water  
6 District of Southern California.

7 (2) “Metropolitan Reclamation Plan” means a master  
8 reclamation plan that may be approved pursuant to this section for  
9 all surface mining operations conducted by the Metropolitan Water  
10 District within the Counties of Los Angeles, Orange, Riverside,  
11 San Bernardino, San Diego,~~or~~ and Ventura. The master  
12 reclamation plan shall identify each individual surface mining  
13 operation and satisfy all reclamation plan requirements for each  
14 individual surface mining site.

15 (b) Unless otherwise provided in this section, the requirements  
16 of this chapter, Section 2207, and Chapter 8 (commencing with  
17 Section 3500) of Division 2 of Title 14 of the California Code of  
18 Regulations shall apply to surface mining operations conducted  
19 by the Metropolitan Water District within the Counties of Los



1 Angeles, Orange, Riverside, San Bernardino, San Diego, and  
2 Ventura.

3 (c) The board shall act as the lead agency pursuant to this chapter  
4 and Section 2207 for surface mining operations conducted by the  
5 Metropolitan Water District.

6 (d) In addition to any other requirements in statute or regulation,  
7 the Metropolitan Reclamation Plan shall include both of the  
8 following:

9 (1) A map that identifies the location of each individual surface  
10 mining operation conducted on lands Metropolitan Water District  
11 owns or leases, or upon which easements or rights-of-way have  
12 been granted to the Metropolitan Water District.

13 (2) Maintenance measures that become effective when any  
14 individual surface mining operation is idle or the site has no  
15 mineral production. Maintenance measures shall maintain the site  
16 in compliance with this chapter while the surface mining operation  
17 is idle or the site has no mineral production.

18 (e) The Metropolitan Reclamation Plan is exempt from the  
19 requirements of subdivision (h) of Section 2770, except that  
20 financial assurances required by Section 2773.1 shall remain in  
21 effect during any idle period.

22 (f) Notwithstanding subdivision (b) of Section 2774, the board  
23 may conduct an inspection of an individual surface mining  
24 operation once every two calendar years during a period when that  
25 individual surface mining operation is idle or the site has no  
26 mineral production.

27 (g) (1) In the annual report required pursuant to Section 2207,  
28 the Metropolitan Water District shall provide a separate subreport  
29 for each individual surface mining operation that provides the  
30 information and documentation required in that section.

31 (2) The Metropolitan Water District shall pay an annual  
32 reporting fee pursuant to subdivision (d) of Section 2207.

33 (3) The board, in its role as the lead agency, may collect  
34 reasonable inspection costs pursuant to subdivision (f) of this  
35 section, and paragraph (1) of subdivision (b) of Section 2774 and,  
36 excluding Section 3696.5 of Title 14 of the California Code of  
37 Regulations, may impose an administration fee pursuant to  
38 subdivision (e) of Section 2207 in an amount not to exceed the  
39 board's reasonable costs in carrying out this chapter.

1 (h) Notwithstanding any other law, the Metropolitan Water  
2 District shall not be required to secure approval of a reclamation  
3 plan from any city or county or obtain a use permit from any city  
4 or county under this chapter to conduct the operations under the  
5 approved Metropolitan Reclamation Plan.

6 (i) The Metropolitan Water District shall not sell or allow any  
7 materials produced by its surface mining operations from lands it  
8 owns, leases, or upon which easements or rights-of-way have been  
9 granted to be sold or used for the benefit of any other person.

10 (j) For purposes of the California Environmental Quality Act  
11 (Division 13 (commencing with Section 21000)), the Metropolitan  
12 Water District shall be the lead agency for any environmental  
13 review of the Metropolitan Reclamation Plan.

14 ~~(k) This section shall remain in effect only until January 1, 2026,~~  
15 ~~and as of that date is repealed.~~

16 SEC. 2. The Legislature finds and declares that a special statute  
17 is necessary and that a general statute cannot be made applicable  
18 within the meaning of Section 16 of Article IV of the California  
19 Constitution because the service area of the Metropolitan Water  
20 District of Southern California covers six counties, providing water  
21 to 26 member agencies that serve approximately 19,000,000 people  
22 across the Counties of Los Angeles, Orange, Riverside, San  
23 Bernardino, San Diego, and Ventura; the district’s Colorado River  
24 Aqueduct and other critical drinking water infrastructure are unique  
25 in that the district crosses multiple counties and it is essential to  
26 the district’s mission to provide its service area with adequate and  
27 reliable supplies of high-quality water to meet present and future  
28 needs in an environmentally and economically responsible way;  
29 it is necessary for the district to use stone, gravel, and sand to  
30 operate and maintain its critical infrastructure, including the use  
31 of materials to repair storm and flood damage, and repairs to the  
32 rights-of-way and appurtenant facilities necessary to ensure the  
33 safe operation of its critical drinking water infrastructure and, thus,  
34 ensure delivery of water to approximately 19,000,000 people in  
35 southern California; the implementation of the Surface Mining  
36 and Reclamation Act of 1975 (Chapter 9 (commencing with  
37 Section 2710) of Division 2 of the Public Resources Code) by  
38 multiple counties as to the district may lead to the conflicting  
39 application of the law to a single special district; and the  
40 implementation of the Surface Mining and Reclamation Act of

1 1975 by the district with the oversight of the Department of  
2 Conservation will ensure more uniform and efficient application  
3 of the law.

4 SEC. 3. No reimbursement is required by this act pursuant to  
5 Section 6 of Article XIII B of the California Constitution because  
6 a local agency or school district has the authority to levy service  
7 charges, fees, or assessments sufficient to pay for the program or  
8 level of service mandated by this act, within the meaning of Section  
9 17556 of the Government Code.

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**DISCUSSION ITEM**

March 5, 2025

**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**

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

**DETAILED REPORT**

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

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

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

Water Transactions for February 2025 (for water delivered in December 2024) totaled 243.7 thousand acre-feet (TAF), which was 139.3 TAF higher than the budget of 104.3 TAF and translates to \$269.6 million in receipts for February 2025, which was \$166.3 million higher than the budget of \$103.3 million.

Year-to-date water transactions through February 2025 (for water delivered in May 2024 through December 2024) were 996.2 TAF, which was 15.1 TAF higher than the budget of 981.1 TAF.

Year-to-date water receipts through February 2025 were \$1,083 million, which was \$46.2 million higher than the budget of \$1,036 million.

Month		Acre-Feet (AF) <sup>2</sup>		Variance		Revenue (\$) <sup>1</sup>		Variance	
Delivered/ Billed In	To be Collected in	Budget	Actual	AF	%	Budget	Actual	\$	%
May	July	111,381	93,988	(17,393)	-16%	115,411,844	111,844,425	(3,567,419)	-3%
June	August	119,830	101,259	(18,571)	-15%	142,766,424	100,440,378	(42,326,046)	-30%
July	September	133,150	113,715	(19,435)	-15%	141,775,001	121,901,017	(19,873,984)	-14%
August	October	136,454	116,650	(19,804)	-15%	145,410,622	129,047,328	(16,363,294)	-11%
September	November	127,137	114,291	(12,846)	-10%	133,836,426	124,663,850	(9,172,576)	-7%
October	December	123,989	115,743	(8,246)	-7%	128,665,932	122,055,973	(6,609,959)	-5%
November	January	124,881	96,871	(28,010)	-22%	125,782,252	103,605,338	(22,176,914)	-18%
December	February	104,337	243,696	139,359	38%	103,324,010	269,626,583	166,302,573	39%
<b>YTD Total</b>		<b>981,159</b>	<b>996,213</b>	<b>15,054</b>	<b>2%</b>	<b>1,036,972,511</b>	<b>1,083,184,892</b>	<b>46,212,381</b>	<b>4%</b>
January	March	88,988	-	-	0%	95,074,177	-	-	0%
February	April	77,291	-	-	0%	81,911,825	-	-	0%
March	May	82,757	-	-	0%	88,153,603	-	-	0%
April	June	107,565	-	-	0%	116,431,176	-	-	0%
<b>FY Total</b>		<b>1,337,760</b>	<b>996,213</b>	<b>N/A</b>	<b>N/A</b>	<b>1,418,543,292</b>	<b>1,083,184,892</b>	<b>N/A</b>	<b>N/A</b>

## ISSUE BRIEF #B

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

### **RECENT ACTIVITY**

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The 2024-25 Water Year (2024-25 WY) officially started on October 1, 2024. Thus far, Northern California accumulated precipitation (8-Station Index) reported **43.2. inches or 126% of normal as of February 25<sup>th</sup>**. The Northern Sierra Snow Water Equivalent is at **23.7 inches as of February 25<sup>th</sup>**, which is **94% of normal** for that day. The Department of Water Resources (DWR) has increased the State Water Project (SWP) **“Table A” allocation to 35% as of February 2025.**

The Upper Colorado River Basin accumulated precipitation is reporting **12.7 inches or 94% of normal as of February 24<sup>th</sup>**. On the Colorado River system, snowpack is measured across four states in the Upper Colorado River Basin. The Upper Colorado River Basin Snow Water Equivalent was at **11.3 inches as of February 25<sup>th</sup>**, which is **92% 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 1<sup>st</sup>, 2022 (Below 1,075 feet storage level)**. As of February 2025, **there is a 93% chance of shortage continuing in CY 2026, an 83% chance in CY 2027 and an 80% chance in CY 2028. In addition, there is a 7% chance of a California (Below 1,045 feet storage level) shortage in 2027.**

As of February 24<sup>th</sup> Lake Oroville storage is at **84% of total capacity and 131% of normal**. As of February 24<sup>th</sup> San Luis Reservoir has a current volume of **81% of the reservoir's total capacity and is 102% of normal**.

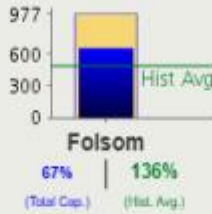
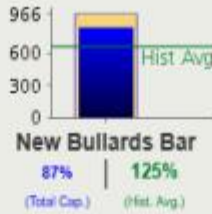
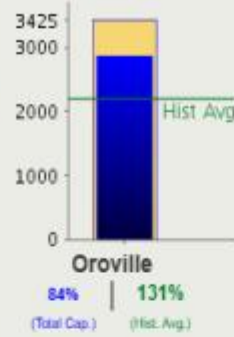
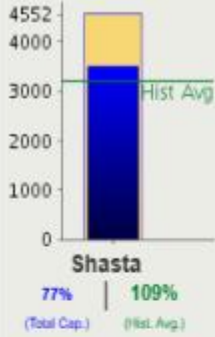
With CY 2025 estimated total demands and losses of 1.45 million acre-feet (MAF) and with a 35% SWP Table A Allocation, Metropolitan is projecting that demands will equal supply levels in Calendar Year (CY) 2025. Based on this, estimated total dry-year storage for Metropolitan at the end of **CY 2025 will remain at approximately 3.8 MAF.**

A projected dry-year storage supply of **3.8 MAF would be approximately 2.8 MAF from a typical level where Metropolitan's 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. In addition, Colorado River Basin States have been meeting for months to negotiate new post 2026 operations at Glen Canyon Dam at Lake Powell and Hoover Dam at Lake Mead.**

**CURRENT CONDITIONS: MAJOR WATER SUPPLY RESERVOIRS:24-FEB-2025**

Data as of Midnight: 24-Feb-2025

Change Date:

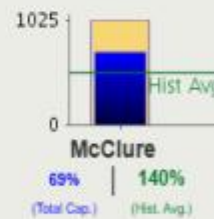
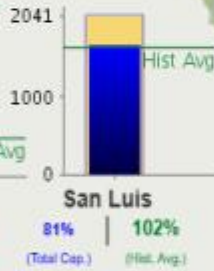
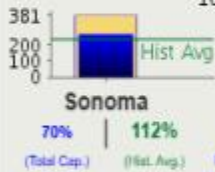
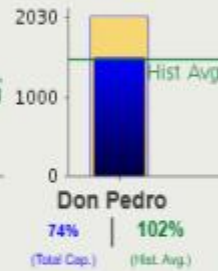
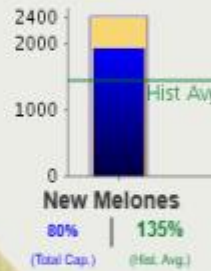
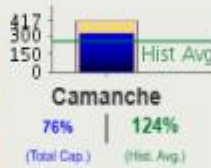
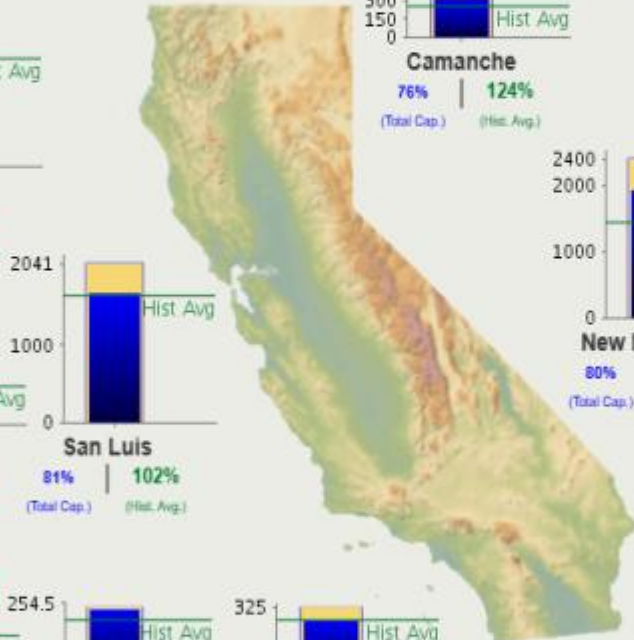
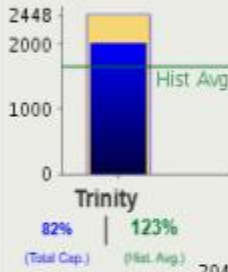


**LEGEND**

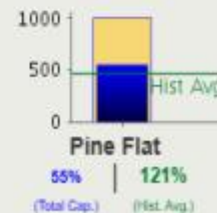
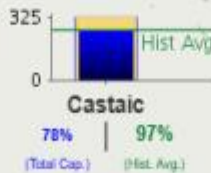
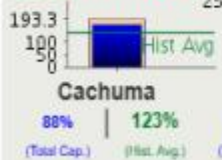
- Blue Bar: Storage level for date
- Gold Bar: Total reservoir capacity
- Green Line: Historic level for date.

Capacity (TAF) | Historical Avg Mark

**% of Capacity | % Hist. Avg.**  
(Click res. 3 char. code for details)



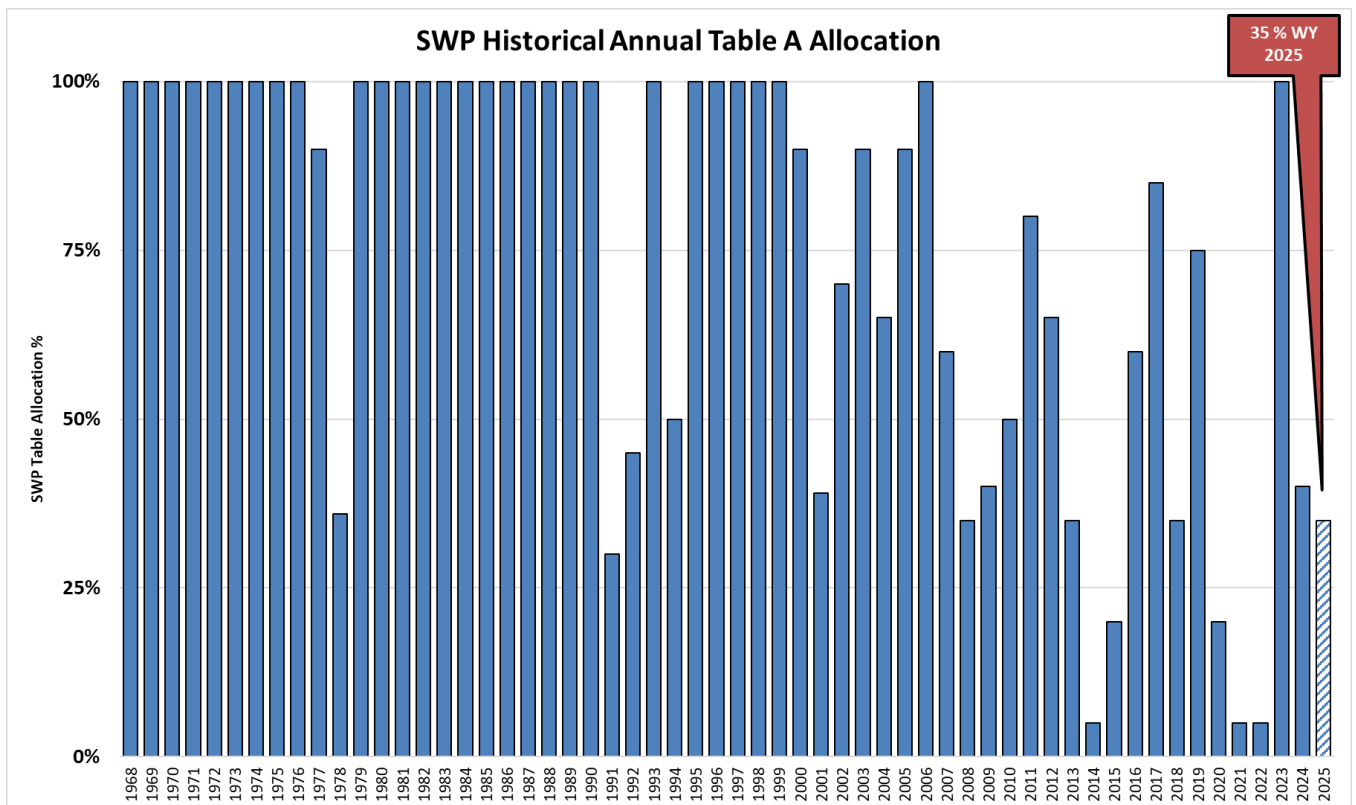
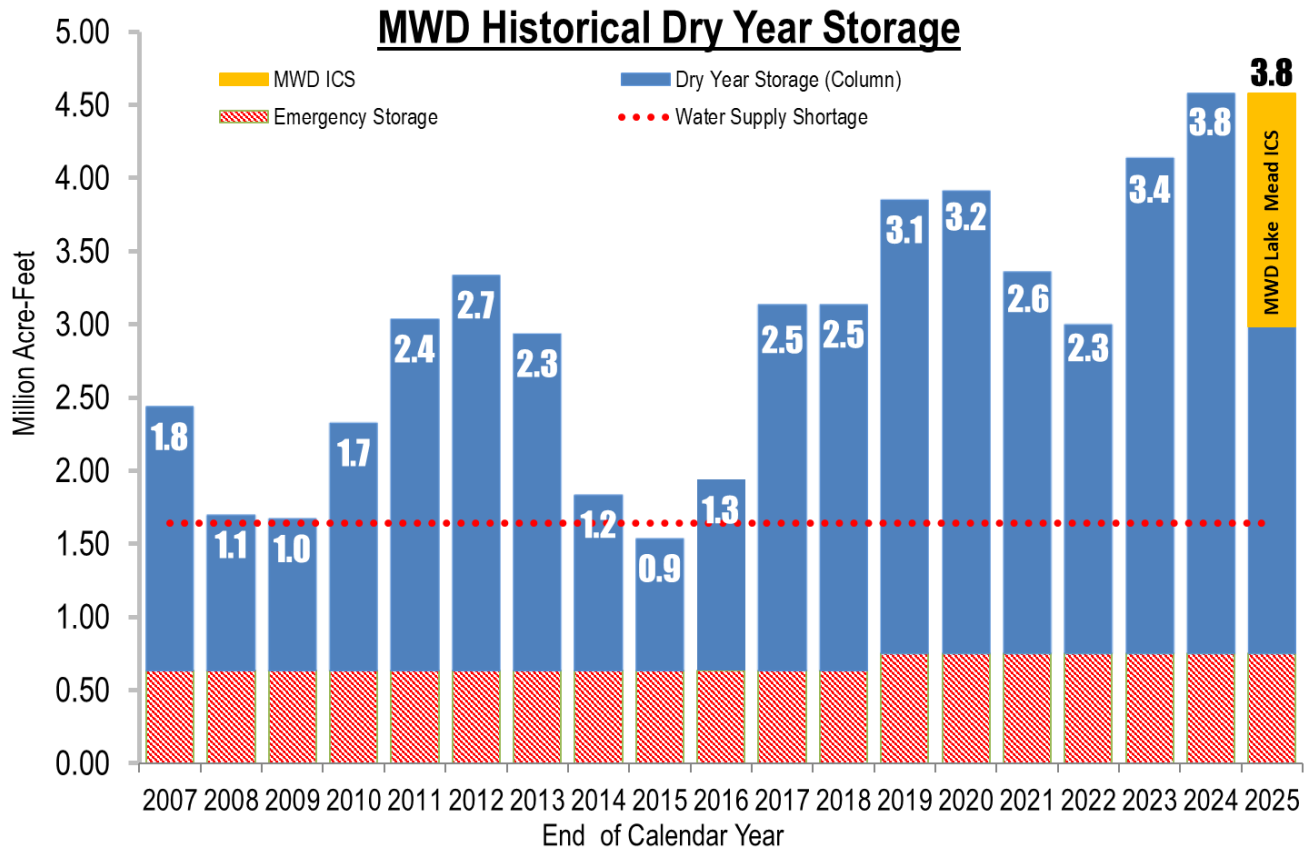
Data from: 02/23



[Click for printable version of current data.](#)

Report Generated: 25-Feb-2025 10:37 AM

The CSI link has been disabled to zoom in, for the lack of historical data.





## 2025 WSDM Storage Detail

	1/1/2025 Estimated Storage Levels <sup>1</sup>	CY 2025 Take Capacity <sup>2</sup>	2025 Total Storage Capacity
<b>WSDM Storage</b>			
Colorado River Aqueduct Delivery System	1,596,000	161,000	1,622,000
Lake Mead ICS	1,596,000 <sup>3</sup>	161,000 <sup>4</sup>	1,622,000 <sup>3</sup>
State Water Project System	1,163,000	681,000	2,341,000
MWD & DWCV Carryover	383,000	383,000	532,000 <sup>5</sup>
MWD Articles 14(b) and 12(e)	0	0	0
Castaic and Perris DWR Flex Storage	219,000	219,000	219,000
Arvin-Edison Storage Program	100,000	0	350,000
Semitropic Storage Program	227,000	47,000	350,000
Kern Delta Storage Program	142,000	32,000	250,000
Mojave Storage Program	19,000	0	330,000
AVEK Storage Program	27,000	0	30,000
AVEK High Desert Water Bank Program	45,000	0	280,000
<b>In-Region Supplies and WSDM Actions</b>	<b>1,060,000</b>	<b>645,000</b>	<b>1,246,000</b>
Diamond Valley Lake	788,000	531,000	810,000
Lake Mathews and Lake Skinner	188,000	76,000	226,000
Conjunctive Use Programs (CUP)	84,000	38,000	210,000 <sup>6</sup>
<b>Other Programs</b>	<b>762,000</b>	<b>39,000</b>	<b>1,181,000</b>
Other Emergency Storage	381,000	0	381,000
DWCV Advanced Delivery Account	381,000	39,000	800,000
<b>Total</b>	<b>4,581,000</b>	<b>1,525,000</b>	<b>6,390,000</b>
Emergency	750,000	0	750,000
<b>Total WSDM Storage (AF) <sup>7</sup></b>	<b>3,831,000</b>	<b>1,525,000</b>	<b>5,640,000</b>

<sup>1</sup> Preliminary start of year balances, subject to DWR adjustments and USBR final accounting in May 2025.

<sup>2</sup> Take capacity assumed under a 15 percent SWP Table A Allocation. Storage program losses included where applicable.

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

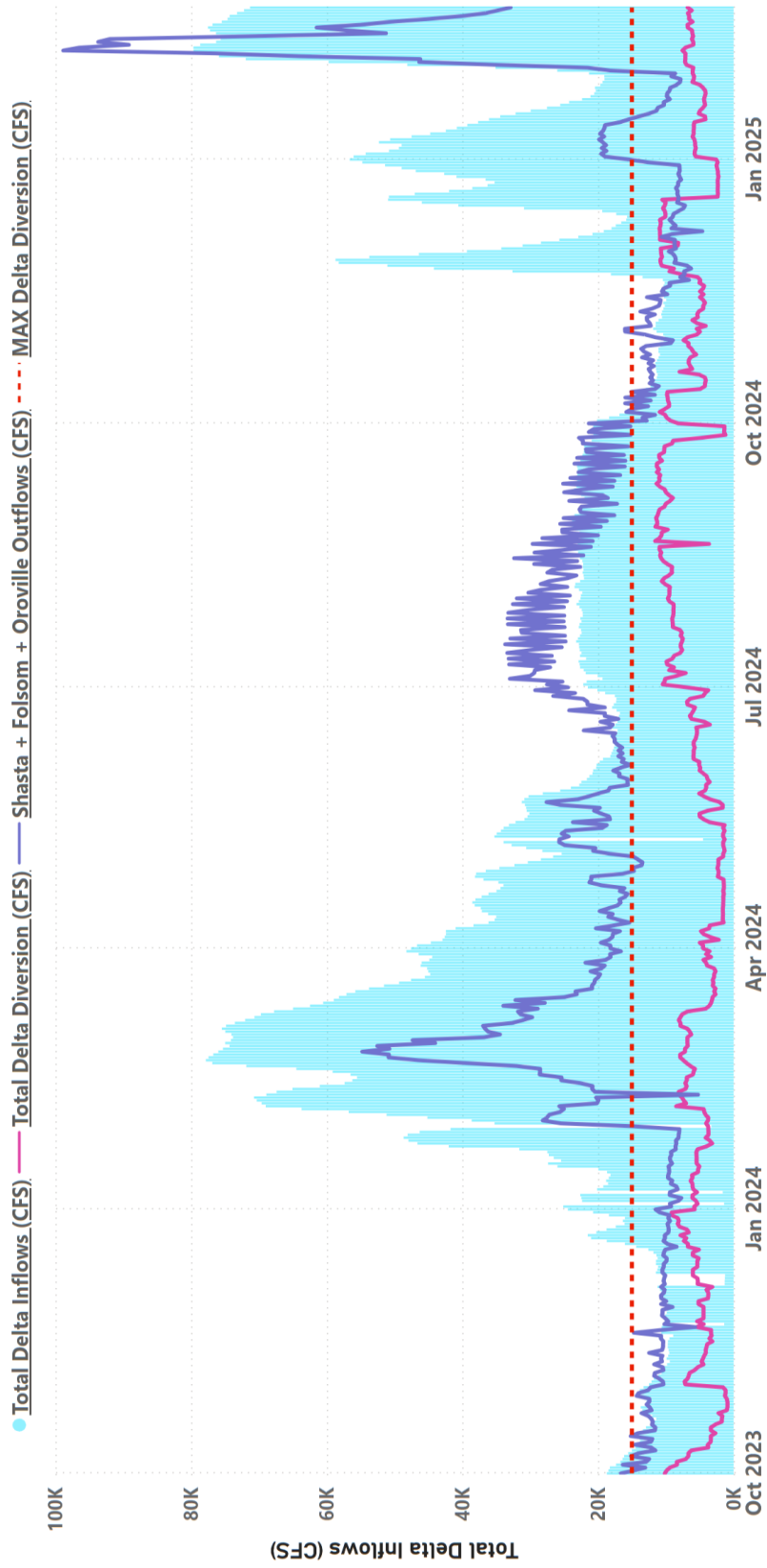
<sup>4</sup> Take capacity will be based on planned maintenance activities and current CRA supply estimate.

<sup>5</sup> Total storage capacity varies year-to-year as the contractual annual storage limit, based on the SWP Table A allocation, is combined with the remaining balance from the previous year. There is a potential risk that Metropolitan's stored water be converted to SWP contractor water if San Luis Reservoir approaches full capacity.

<sup>6</sup> Total of all CUP programs including IEUA/TVMWD (Chino Basin); Long Beach (Central Basin); Long Beach (Lakewood); Foothill (Raymond and Monk Hill); MWDOC (Orange County Basin); Three Valleys (Live Oak); Three Valleys (Upper Claremont); and Western.

<sup>7</sup> Total WSDM Storage level subject to change based on accounting adjustments. Total may not sum due to rounding.

### Bay Delta Daily Historical Water Operations



DATE

10/1/2023

2/26/2025



## **ISSUE BRIEF #C**

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

### **RECENT ACTIVITY**

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#### **Water System Operations**

Metropolitan member agency water deliveries were 84,800 acre-feet (AF) for January with an average of 2,700 AF per day, which was about 1,600 AF per day lower than in December. Metropolitan suspended delivering water to the Cyclic and Conjunctive Use Programs in 2025 considering the initial low SWP Allocation. Treated water deliveries were 200 AF lower than in December for a total of 57,200 AF, or 67 percent of total deliveries for the month. The Colorado River Aqueduct (CRA) pumped a total of 65,000 AF in January. State Water Project (SWP) imports averaged 660 AF per day, totaling about 20,400 AF for the month. The target SWP blend is 0% for Skinner, Weymouth, and Diemer.

With the end of 2024 marking a record storage level of over 3.8 million AF, Metropolitan has sufficient imported supplies and storage to meet demands in 2025. Water continues to be managed according to Water Surplus and Drought Management principles and operational objectives with an emphasis on positioning SWP supplies to meet future demands in the SWP-Dependent Area. The California Department of Water Resources has increased the SWP Allocation from the initial 5% to 35%. Metropolitan is continuing to minimize the use of Table A supplies to preserve supplies for the SWP-Dependent Area and guard against potential drought conditions.

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

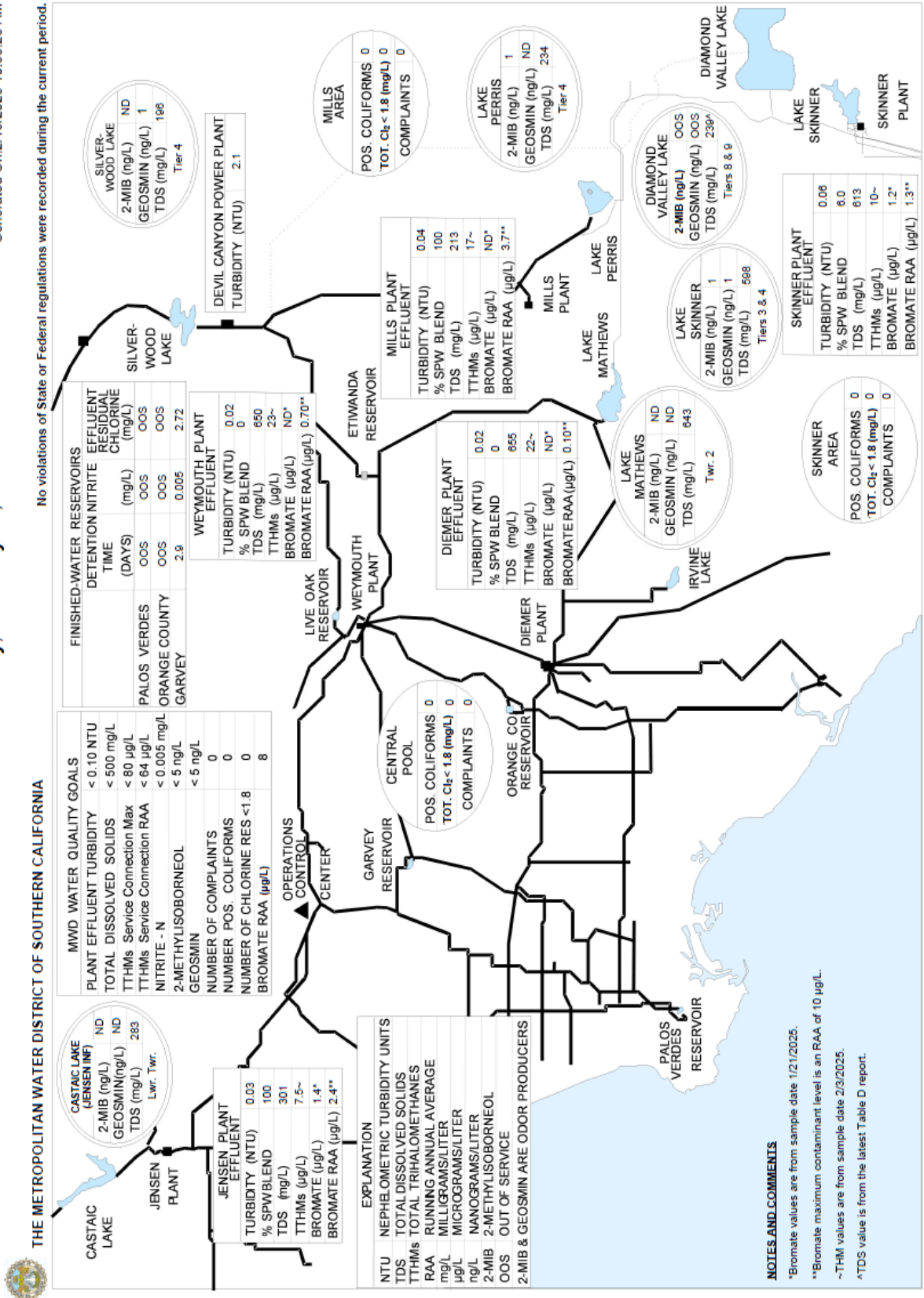
The SWP target blend entering the Weymouth and Diemer plants, and Lake Skinner remained at zero percent in January. Flow-weighted running annual averages for total dissolved solids from October 2023 through September 2024 for Metropolitan's treatment plants capable of receiving a blend of supplies from the SWP and the CRA were 518, 571, and 523 mg/L for the Weymouth, Diemer, and Skinner plants, respectively.

Metropolitan staff began the Jensen plant chlorine ejector building modifications project. The manifold water piping modification work is being completed in two stages to reduce operational impact and improve plant reliability. To limit the shutdown duration, Metropolitan staff constructed and coated the manifold piping at the weld shop at the Lake Mathews and La Verne Shops prior to installing it during the planned Jensen plant shutdown in January.

# Weekly Water Quality System Status

Wednesday, February 19, 2025

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# The Metropolitan Water District of Southern California

## Weekly Operations Plan

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

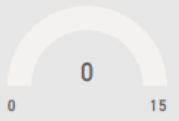
02/20/2025 - 02/27/2025

Colorado River Aqueduct:  
4-pump flow

Total System Demands  
2,030 AF/Day

Forecast  
February  
Deliveries

Hydroelectric Generation:  
0.0 MW  
0 plant(s) in operation



Change in Total System Demands\*  
▼ 160 AF/Day

64 TAF

### East Branch SPW Imports

Rialto Pipeline	150 AF/day	▲
Santa Ana Valley Pipeline	110 AF/day	▲
Inland Feeder	0 AF/day	▼

### Water Quality

Plant Name	Targeted Blend (% SPW)	TDS (mg/L)	TTHMs (µg/L)
	As of 2/19/2025	As of 2/19/2025	As of 2/3/2025
Weymouth	0	650	23.0
Diemer	0	655	22.0
Skinner	0	613	10.0
Jensen	100	301	7.5
Mills	100	213	17.0

### West Branch SPW Imports

Castaic Lake	430 AF/day	▼
SCVWA (formerly CLWA)	70 AF/day	▲

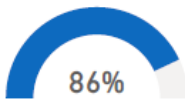
### Terminal Reservoirs

as of 2/19/2025

#### Lake Mathews

156,200 AF

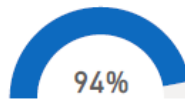
▲ 2,000 AF\*



#### Lake Skinner

41,500 AF

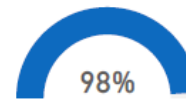
▲ 1,000 AF\*



#### Diamond Valley Lake

794,400 AF

▲ 7,800 AF\*



\* = data from 2/13/2025

## **ISSUE BRIEF #D**

**SUBJECT: Colorado River Issues**

### **RECENT ACTIVITY**

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#### **Post-2026 Colorado River Operational Guidelines Alternatives Report**

The Colorado River Basin States were not able to reach a seven-state consensus on an alternative to provide to the Bureau of Reclamation (Reclamation) in time to be included in the post-2026 Colorado River Guidelines. Instead, the Lower Division States and Upper Division States each submitted to Reclamation their own proposals for consideration in 2024, with refinements in early 2025. Other proposed alternatives were also submitted, including one from the Gila River Indian Community.

On January 17, Reclamation released the Post-2026 Colorado River Operations Alternatives Report, outlining four action alternatives for managing the Colorado River system after the current guidelines expire in 2026. Reclamation intends to also analyze these alternatives and a No Action Alternative (as required by the National Environmental Policy Act) in the Post-2026 Operational Guidelines Environmental Impact Statement (EIS). Reclamation does not intend to analyze the alternatives submitted by the Lower Division States, Upper Division States, or the Gila River Indian Community. Instead, components of each of the submitted alternatives will be analyzed in the Basin Hybrid Alternative.

The Alternatives Reclamation has identified for analysis in the EIS are summarized below:

#### **FEDERAL AUTHORITIES ALTERNATIVE**

- Emphasizes infrastructure protection based on existing legal authorities; would not require new federal statutory authorities or stakeholder agreements.
- Lake Powell releases adjusted based on reservoir elevations, ranging from 9.5 to 5.0 million acre-feet (MAF), with potential reductions to protect Glen Canyon Dam infrastructure.
- Lower Basin shortages up to 3.5 MAF, distributed according to the priority system, triggered by combined storage levels of Lake Powell and Lake Mead.
- No new Intentionally Created Surplus (ICS) delivery or storage mechanisms.

#### **FEDERAL AUTHORITIES HYBRID ALTERNATIVE**

- Combines reservoir elevations, 10-year hydrology, and Lower Division States deliveries to determine Lake Powell releases, with potential increases from other reservoirs to protect infrastructure.
- Introduces new delivery and storage mechanisms for both lakes, including federal and non-federal storage pools with maximum flexibility.
- Basin-wide shared contributions, with Upper Division States conservation stored in Lake Powell and Lower Division States shortages starting at 1.5 MAF and reaching up to 3.5 MAF, triggered by combined storage levels.
- Shortages distributed pro-rata.
- Some elements may require additional federal statutory authorities and stakeholder agreements.

### COOPERATIVE CONSERVATION ALTERNATIVE

- Informed by the Cooperative Conservation alternative submitted by a group of environmental organizations.
- Lake Powell releases between 11.0 and 5.0 MAF, determined by total Upper Division States storage and recent hydrology, switching to “run-of-river” below 3,510 feet elevation.
- Basin-wide shared contributions, including up to 4.0 MAF of Lower Division States shortages triggered by combined seven-reservoir storage and recent hydrology.
- Includes voluntary water conservation in both basins.
- Some elements may require additional federal authorities and stakeholder agreements.

### BASIN HYBRID ALTERNATIVE

- Includes some components from the alternatives submitted by Upper and Lower Division States and the Gila River Indian Community.
- Lake Powell releases primarily based on its elevation, considering Lake Mead’s elevation in some scenarios, ranging from 12.0 to 5.0 MAF, with potential increases from other reservoirs to protect infrastructure.
- Introduces new delivery and storage mechanisms for both Lake Powell and Lake Mead, incentivizing conservation and managing reductions, affording equal ability to Tribal and non-Tribal entities to participate.
- Basin-wide shared contributions, including Upper Division States conservation stored in Lake Powell and up to 2.1 MAF of Lower Division States shortages triggered by combined seven-reservoir storage.
- Analyzes shortage distribution using both priority and pro-rata approaches, with and without shortages to Tribes.
- Some elements may require additional federal authorities and stakeholder agreements.

### NO ACTION ALTERNATIVE

- Reverts operations to pre-2007 guidelines, with Lake Powell releasing 8.23 MAF annually unless adjustments are necessary.
- Lower Division States shortages capped at 600,000 acre-feet, based on priority.
- No new mechanisms for ICS beyond existing agreements.

The report emphasizes that all action alternatives aim to provide a broad range of operations to capture potential environmental impacts of new guidelines post 2026. Reclamation will continue refining these alternatives with input from partners and stakeholders as they develop the Draft EIS. The door remains open, however, for inclusion of a Basin State alternative in the Final EIS, which is likely to be released in early 2026. If a Basin State alternative is developed, staff will provide a detailed review to the Board.

## **ISSUE BRIEF #E**

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

### **RECENT ACTIVITY**

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#### **Delta Conveyance**

On January 17, 2025, the Delta Stewardship Council dismissed the four appeals of the California Department of Water Resources' Certification of Consistency for 2024-2026 geotechnical work. The appeals were dismissed for lack of jurisdiction because the 2024-2026 geotechnical work is not a covered action.

#### **Delta Conveyance Related Joint Powers Authority**

At the January 16 Delta Conveyance Finance Authority (DCFA) Board of Directors meeting, the DCFA Board made decisions to re-elect several members to leadership positions. Paul Sethy, representing Alameda County Water District, remains as President of the board; Miguel Angel Luna, representing Metropolitan, is now the Vice President; Robert Cheng, representing the Coachella Valley Water District, stays on as Secretary, and Metropolitan's Katano Kasaine has been reinstated as Treasurer. On January 14, Valley Water voted to support continued funding for Delta Conveyance Project planning; all participating agencies are expected to vote by the end of March 2025.

#### **Science Activities**

Metropolitan staff co-authored two papers that were published in January 2025. The first paper, titled "Insights from a Year of Field Deployments Inform the Conservation of An Endangered Estuarine Fish," was published in Conservation Physiology. The second paper, titled "Influence of an Impacted Estuary on The Reproduction of an Endangered Endemic Fish," was published in Science of the Total Environment.

Metropolitan staff executed agreements with the Plumas Community Protection I Forest Resilience Bond LLC, the North Feather I Forest Resilience Bond LLC, and the Upper Butte Creek I Forest Resilience Bond LLC per the Board's authorization in September 2024. The North Feather I Forest Resilience Bond is expected to officially launch in the next couple of months, with the others following later this year

#### **Delta Island Activities**

Metropolitan staff executed a short-term lease for farming on Webb Tract. The lease will ensure crop insurance can be maintained for the island while providing revenue and weed control.



**Summary Report for  
The Metropolitan Water District of Southern California  
Board Meeting  
February 11, 2025**

**CONSENT CALENDAR OTHER ITEMS – ACTION**

Approved Chairs and Vice Chairs for the term commencing on February 11, 2025, governance changes to Committees and Committee formation including the modification of Standing Committees and the creation and elimination of Ad Hoc Committees as set in the board letter, and direct staff to bring back the required changes to the Administrative Code for Board approval. **(Agenda Item 6B)**

**CONSENT CALENDAR ITEMS – ACTION**

A. Awarded a \$2,556,478.19 construction contract to MasTec Network Solutions LLC for upgrades to the desert microwave communication tower sites; B. awarded a \$1,531,044 procurement contract to Logicalis Inc. for communications site network equipment; C. authorized an increase of \$591,000 to the agreement with Nokia of America Corporation for a new not-to-exceed amount of \$5,888,000 for network materials and manufacturer’s field services; and D. authorized an increase of \$680,000 to the agreement with Hatfield & Dawson Consulting Engineers LLC for a new not-to-exceed amount of \$1,410,000 to provide specialized technical support during construction and commissioning. **(Agenda Item 7-1)**

Awarded a \$1,931,217 contract to Fencecorp. Inc. for perimeter fencing for housing and playground areas and shade improvements for the playground area at four CRA pumping plant villages. **(Agenda Item 7-2)**

Authorized an agreement with Computer Aid, Inc. in an amount not to exceed \$6 million for co-managed support services for the operation and maintenance of the Metropolitan Cybersecurity Operations Center. **(Agenda Item 7-3)**

Authorized the General Manager to enter into an agreement with Palo Verde Irrigation District to jointly fund community investment in Palo Verde Irrigation District’s service area. **(Agenda Item 7-4)**

Authorized the General Manager to approve a new three-year agreement with WaterWise Consulting Inc. for the Large Landscape and Residential Survey Program, for a total agreement not to exceed \$200,000/year. **(Agenda Item 7-5)**

Authorized the General Manager to expand the Bard Seasonal Fallowing Program and amend the System Conservation Implementation Agreement for Bard Seasonal Fallowing Program to increase its program size from 3,000 acres to 6,000 acres for the years 2025 and 2026. **(Agenda Item 7-6)**

Reviewed and considered the Lead Agency's certified Environmental Impact Report and Initial Study, took related CEQA actions, and adopted a resolution for the 117<sup>th</sup> Fringe Area Annexation concurrently to Eastern Municipal Water District and Metropolitan. **(Agenda Item 7-7)**

### **OTHER BOARD ITEMS - ACTION**

Authorized the General Manager to execute transfers, exchanges, and other State Water Project management transactions during 2025 and 2026 and grant final decision-making authority to the General Manager subject to the terms set forth in this letter with the understanding that 1) such transactions will only be pursued under conditions when Metropolitan projects adding to or spilling stored supplies accessible by the State Water Project -dependent areas; 2) staff will monitor, evaluate, and report on the efficacy and impacts of this program as it progresses; and 3) an Ad Hoc Committee will be established to provide ongoing oversight and review of this program. **(Agenda Item 8-1)**

Authorize the execution of lease amendments with existing tenants, D&L Farms, Inc., Dinelli Farms, and Sierra Cattle Company, to extend the term up to two years for Dinelli Farms, Sierra Cattle, and provide D&L Farms with up to a one-year, move-out period while adjusting the rent for all three tenants, thereby allowing the existing tenants to continue farming on Metropolitan's fee-owned property in the Sacramento-San Joaquin Delta, subject to the price and terms direction given in closed session and with temporary tenant replacement and land preservation procedures in the event of tenant default or surrender of land. **(Agenda Item 8-2)**

Authorized an increase in the maximum amount payable under contract for legal services in Ryan Tieg v. Metropolitan Water District of Southern California with Seyfarth Shaw LLP in the amount of \$300,000 for a total amount not to exceed \$825,000. **(Agenda Item 8-3)**

### **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 - Final - Revised 1

March 11, 2025

12:00 PM

<p>Tuesday, March 11, 2025 Meeting Schedule</p>
<p>08:30 a.m. FAAME 10:15 a.m. LEGAL 11:30 a.m. Break 12:00 p.m. BOD</p>

Agendas, live streaming, meeting schedules, and other board materials are available here: <https://mwdh2o.legistar.com/Calendar.aspx>. Written public comments received by 5:00 p.m. the business days before the meeting is scheduled will be posted under the Submitted Items and Responses tab available here: <https://mwdh2o.legistar.com/Legislation.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 teleconference. To participate via teleconference 1-833-548-0276 and enter meeting ID: 815 2066 4276 or to join by computer [click here](#).

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

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## 1. Call to Order

- a. Invocation: Director Brenda Dennstedt, Western Municipal Water District of Riverside County
- 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 [21-4296](#)
- B. Chair's Monthly Activity Report [21-4297](#)
- C. General Manager's summary of activities [21-4298](#)
- D. General Counsel's summary of activities [21-4299](#)
- E. General Auditor's summary of activities [21-4300](#)
- F. Ethics Officer's summary of activities [21-4301](#)
- G. Presentation of Commendation to Eduardo Rosado, LuxBus Company [21-4378](#)
- H. Presentation of 35-year Service Pin to Director John Morris, City of San Marino [21-4317](#)

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

**6. CONSENT CALENDAR OTHER ITEMS - ACTION**

- A. Approval of the Minutes of the Special Joint Meeting of the Executive Committee and Board of Directors for January 21, 23, and 29, 2025 and Board of Directors Meeting for February 11, 2025 [21-4302](#)
- B. Nomination and Election of nonofficer members of the Executive Committee for two-year term effective March 11, 2025 [21-4315](#)
- C. Approve Committee Assignments

**7. CONSENT CALENDAR ITEMS - ACTION**

- 7-1 Award a \$407,740.66 procurement contract to Ireland Inc. (dba Core-Rosion Products) to furnish two sodium hypochlorite tanks for the Copper Basin Reservoir;the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) [21-4303](#)

**Attachments:** [03112025 EOT 7-1 B-L](#)

- 7-2** Award procurement contracts in the amount of \$321,575 to Integrated 8a Solutions, Inc. for two 24-inch knife gate valves and in the amount of \$2,151,947 to Bailey Valve for two 24-inch sleeve valves for the Hollywood Tunnel pressure control structure; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) [21-4304](#)

**Attachments:** [03112025 EOT 7-2 B-L](#)

- 7-3** Authorize an increase of \$1.0 million to a professional services agreement with Grid Subject Matter Experts, LLC for a new not-to-exceed total amount of \$1.245 million for electric transmission planning and National Electric Reliability Corporation related electric reliability compliance services; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (EOT) [21-4305](#)

- 7-4** Authorize the General Manager to enter into agreements with City of San Buenaventura and Calleguas Municipal Water District for wheeling and emergency delivery of State Water Project water; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (OWA) [21-4307](#)

- 7-5** Authorize the General Manager to terminate six inactive Conjunctive Use Program agreements; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (OWA) [21-4308](#)

**Attachments:** [03112025 OWA 7-5 B-L](#)

- 7-6** Authorize the General Manager to enter into a Stormwater for Recharge Pilot Program agreement with the City of Anaheim with a maximum amount up to \$980,000 for the State College Stormwater Tank Project; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (OWA) [21-4309](#)

**Attachments:** [03112025 OWA 7-6 B-L](#)

- 7-7** Authorize the General Manager to forbear water conserved by two Coachella Valley Water District projects, thus allowing the conserved water to be added to Lake Mead under U.S. Bureau of Reclamation's Lower Colorado River Basin System Conservation and Efficiency Program; the General Manager has determined the proposed action is exempt or otherwise not subject to CEQA (OWA) [21-4310](#)
- Attachments:** [03112025 OWA 7-7 B-L](#)
- 7-8** Review and consider the County of Riverside negative declaration and Authorize the General Manager to execute a new ground license agreement with Verizon Wireless for up to 25 years for a new telecommunication site on Metropolitan's fee-owned property in the unincorporated community of Winchester, identified as County of Riverside Assessor Parcel Number 964-030-005 (FAAME) [21-4311](#)
- 7-9** Review and consider the County of Riverside Final Environmental Impact Report, adopt the Lead Agency's findings and authorize the General Manager to execute a thirty-year license agreement with Intersect Power, LLC for renewable energy infrastructure purposes on Metropolitan fee-owned property in the County of Riverside and identified as Assessor Parcel Numbers 808-023-022 and 808-023-030 (FAAME) [21-4312](#)
- 7-10** Approve amendments to the Metropolitan Water District Administrative Code to conform surplus water provisions to current law and practice, update the list of active District funds, and clarify employee benefits for unrepresented employees; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA. [ITEM DEFERRED 2/26/2025] (LC) [21-4204](#)
- 7-11** Authorize an increase of \$100,000, to an amount not-to-exceed \$600,000, for a contract for legal services with Hanson Bridgett LLP to provide legal advice on deferred compensation plans, other employee benefits, taxes, and CalPERS matters; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (LC) [21-4367](#)
- 7-12** Approve amendments to the Metropolitan Water District Administrative Code to modify the structure and duties of various committees and the roles of specified board and committee officers; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (LC) [21-4365](#)

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

**8. OTHER BOARD ITEMS - ACTION**

- 8-1 Authorize an increase of the maximum amount payable under the contract with Richardson & Company LLP for auditing services related to State Water Project charges from \$5,125,000 to an amount not to exceed \$8,900,000 and extend the term by three years to March 31, 2028; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA (OWA) [21-4306](#)
- 8-2 Approve New General Manager Employment Agreement; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [21-4375](#)
- 8-3 Report on litigation in Ryan Tiegs v. Metropolitan Water District of Southern California, Riverside County Superior Court Case No. CVPS2306176; the General Manager has determined that the proposed action is exempt or otherwise not subject to CEQA [Conference with legal counsel – existing litigation; to be heard in closed session pursuant to Gov. Code Section 54956.9(d)(1)] (LC) [21-4366](#)

**9. BOARD INFORMATION ITEMS**

- 9-1 Report on Conservation Program [21-4316](#)

**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.