A REGULAR MEETING OF THE BOARD OF DIRECTORS
UPPER SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT
602 E. HUNTINGTON DRIVE, SUITE B, MONROVIA, CA 91016
9:00 A.M. – APRIL 22, 2020

SPECIAL NOTICE
Teleconference Accessibility
Pursuant to Executive Order N-29-20 issued by Governor Newsom in response to the COVID-19 outbreak and as a precaution to protect both staff, our constituents, and elected officials, the Upper District will hold its board meeting via teleconference or the most rapid means of communication available at the time. Instructions to participate in the teleconference are below:

Zoom Meeting ID link
https://us04web.zoom.us/j/78539147953
Meeting ID: 785 3914 7953

Dial by your location
1 (669) 900-6833 US
Meeting ID: 785 3914 7953

Public comments may be made through teleconference when prompted by the President during the public comment period. Public comments may also be provided by emailing christy@usgvmwd.org in advance of or during the meeting. Please indicate “PUBLIC COMMENT” in the subject line.

If you have difficulty connecting to the teleconference line, please call (626) 443-2297 or email ruben@usgvmwd.org. It may take a few minutes to join Zoom or connect via telephone so please join early.

AGENDA

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL OF BOARD OF DIRECTORS

3. ADOPTION OF AGENDA [1]

4. PUBLIC COMMENT
   Anyone wishing to discuss items should do so now. The Board of Directors may allow additional input during the meeting. A three-minute time limit on remarks is requested.

5. COMMITTEE REPORTS [2]
   (a) Government Affairs and Community Outreach (Santana, Chair – Fellow, Vice-Chair)
      Minutes of meeting held on April 14, 2020 enclosed.

6. CONSENT CALENDAR [1]
   (a) Approve minutes of a regular meeting of the Board of Directors held on April 8, 2020 at 9:00 a.m.

   (b) Adoption of Resolution No. 4-20-609, Requesting the Board of Supervisors of the County of Los Angeles to Permit the Registrar-Recorder/County Clerk to Render Election Services for the General Election to be held on November 3, 2020. (Resolution No. 4-20-609 enclosed.)
7. ACTION/DISCUSSION ITEMS [1]

(a) Approve Recommended Legislative Position. *(Staff memorandum enclosed.)*

**Recommendation**

The Government Affairs and Community Outreach Committee recommends that the Board of Directors approve federal and state legislative bill positions: S. 1932, AB 2093, AB 7364, AB 2840, AR 3256, and SB 996 which are consistent with Upper District’s 2019-20 Legislative Policy Principles adopted by the Board in February 2019.

(b) Update Regarding PFAS. *(Dr. Mic Stewart, MWD’s Water Quality Manager, will provide a presentation.)*

**Recommendation**

This item is for information only. No action is anticipated.

8. INFORMATION ITEMS (These items are for the information of the Board of Directors and require no action) [2]

(a) Newspaper Articles.

9. ATTORNEY’S REPORT [2]

10. GENERAL MANAGER’S REPORT [2]

11. DIRECTOR’S COMMENTS [2]

12. FUTURE AGENDA ITEMS [1]

13. ADJOURN TO CLOSED SESSION

14. RESUME REGULAR MEETING AND REPORT ON CLOSED SESSION

15. ADJOURNMENT - To a regular meeting of the Board of Directors to be held on May 13, 2020 at 9:00 a.m. via teleconference or the most rapid means of communication available at the time.

**LEGEND:** [1] INDICATES ACTION ANTICIPATED BY BOARD OF DIRECTORS ON THIS ITEM  
[2] INDICATES INFORMATION ITEM - NO BOARD ACTION NECESSARY

**PRESIDENT ED CHAVEZ, PRESIDING**
MEMORANDUM

April 15, 2020

TO: BOARD OF DIRECTORS

FROM: GOVERNMENT AFFAIRS AND COMMUNITY OUTREACH COMMITTEE

SUBJECT: MINUTES OF THE GOVERNMENT AFFAIRS AND COMMUNITY OUTREACH COMMITTEE AND SPECIAL MEETING OF THE BOARD OF DIRECTORS
April 14, 2020

SPECIAL NOTICE - Teleconference Meeting
Pursuant to Executive Order N-29-20 issued by Governor Newsom in response to the COVID-19 outbreak and as a precaution to protect both staff, its constituents, and elected officials, Upper District held its Government Affairs and Community Outreach Committee meeting and special meeting of the Board of Directors via teleconference on April 14, 2020.

ATTENDANCE: Jennifer Santana (Chair)  Robert Tock
            Anthony Fellow (Vice Chair)  Steve O’Neill
            Al Contreras  Ana Schwab
            Tom Love  Margarita Vargas
            Patty Cortez  Javier Vargas
            Nichol Delgado  David Muse
            Christy Hawkins  Lenet Pacheco
            Kelly Gardner

1. Call to Order.

2. Public Comment: Christy Hawkins, Board Secretary, confirmed that no public comments have been received.

3. Legislative Update.

a. Washington D.C.
   Ana Schwab, Best, Best & Krieger, provided an update on federal water policy and update on COVID-19 supplemental appropriations legislation. Upper District signed onto a letter in March seeking provisions within H.R. 6201, Families First Coronavirus Response Act, to explicitly clarify that state and local governmental employers and public agencies fully qualify for payroll tax credits to offset the costs of paid sick leave and family medical leave. Upper District signed onto a second letter with three asks addressing a number of issues that public agencies are facing but were not corrected in H.R. 6201. The three asks call for the following: provide payroll tax credits for state and local public agencies, create a fund to allow public agencies to apply for federal assistance from the costs that they had to absorb from deferring public shutoffs and deferred payments, and lastly allowing funds to be made available for infrastructure projects to protect existing jobs.
Ana reported that Speaker Nancy Pelosi is favorably towards a CARES Act 2.0 and believes it may be a fourth coronavirus package will take place. Ana also stated that CARES Act 2.0 will be very similar to CARES 1.0. The Speaker’s office said they want to focus on COVID-19 related mitigation funding, so Ana does not anticipate infrastructure funding to be included. Congresswoman Napolitano is very supportive of our funding requests and has offered her assistance on these measures. Ana mentioned she is worked with our trade associations to ensure all agencies are on the same page and requests align with industry goals. The House was expected to return next week but is now extended to May 4th.

Tom Love, General Manager, added that COVID-19 has had an economic impact on the community. The Governor has ordered a deferment in water shutoff and other utilities, without subject to penalties. Although its full economic impact is unknown at this point, there is a concern that delinquencies in payments from customers who are unable to make payments will affect the financials of many water agencies. Upper District is monitoring this issue and is in communication with its water retailers and Metropolitan Water District. MWD is reworking its budget and its rate increase will take effect June 2021.

Director Santana asked if the MWD rate increase was already in effect. Tom clarified stating that the 3% rate increase for 2021 and a 4% for 2022 will be voted on by the full MWD Board later that afternoon.

b. Sacramento

Steve Baker of Aaron Read and Associates, provided a state update and revised legislative calendar. He mentioned that California and specifically Sacramento saw the effects of coronavirus starting March 16th. The legislature passed a bill to appropriate expenditures to Governor Newsom to address COVID-19 issues. They then adjourned and went into recess until April 18th, which was later extended to May 4th. Steve reported that committee chairs have been releasing memos on how to proceed with legislation and hearing deadlines due to an abbreviated legislative calendar. The Assembly Speaker has allowed each chair the authority to determine how to move forward with bill prioritizations. Chair Friedman of the Natural Resources Committee asked all legislators to trim down their bill packages to only legislation directly related to COVID or fire protections.

Steve mentioned that although the legislature is expected to return May 4th, Los Angeles County has a shutdown until May 15th. The deadline for bills to pass out of its policy committees is April 24th. It is expected that the legislature will have to waive the deadlines to ensure critical bills do not die in committee. Steve has been talking to legislators, legislative staff and others regarding the outlook of the legislative schedule, but there is still no clear path moving forward. The Governor has been issuing many executive orders, specifically the deferment of water bill payments, utility shutoffs, Brown Act modifications, and DMV waivers.

As for the budget, the deadline to pass the FY 2020/21 budget is June 15th, a constitutional deadline. Governor Newsom released a statement informing all to disregard the January budget and will submit a new budget on May 15th, with an August revise. Steve reported that the state has $8 billion in COVID related costs and expects $5 billion to be paid back by the federal government. The legislature has scheduled two budget oversight committee hearings related to Governor Newsom’s COVID expenditures. The Senate will hold its hearing on Thursday and the Assembly Budget oversight hearing will be held on Monday.

Steve mentioned there have been rumors that the usual summer break will not be taken, rather the legislature will work through summer recess. Steve recommended that Upper District continue to take positions that are important and align with its legislative goals.

Patty Cortez, Director of Government and Community Affairs, asked Steve the likelihood of SB 45 or any of the other proposed bond bills moving forward in today’s climate? Steve stated three bond bills remain, but rather than focusing on them individually, we should focus on the language and priority amounts since negotiations are still taking place and ultimately one bond measure will move forward.
4. **State and Federal Bill Positions.**

Patty Cortez, Director of Government and Community Affairs, presented federal and state legislative bill positions:

S. 1932 (Feinstein, Gardner): Drought Resiliency and Water Supply Infrastructure Act – SUPPORT
AB 2093 (Gloria): Public records: writing transmitted by electronic mail: retention – OPPOSE
AB 2364 (Rubio) Municipal Separate Storm sewer systems: financial capability analysis – SUPPORT
AB 2840 (Rubio): MCL Compliance Period (Spot Bill) – WATCH
SB 996 (Portantino): State Water Resources Control Board: Constituents of Emerging Concern Program – SUPPORT

Patty also provided a regulatory update on the Delta operations. The California Department of Fish and Wildlife (DFW) issued an Incidental Take Permit (ITP) to the Department of Water Resources (DWR) for long-term operations of the State Water Project (SWP). Patty stated that the permit covers four species protected under the California Endangered Species Act; however, the state permit creates conflicting standards for delta operations compared to the federal standards. Metropolitan Water District expressed its disappointment and concern with DWR and will be reviewing its implications.

Director Fellow asked for clarification about the Delta issues and Garamendi’s “western tunnel” option. He asked Tom to include this item and provide an overview to the Board at an upcoming committee meeting. Director Santana seconded the request of Director Fellow. Director Fellow also asked for an update on the Bay Delta and Delta Conveyance project. Tom stated he would work with staff to schedule a Bay Delta workshop for the Directors.

5. **Update on Upper District’s Communications and Outreach.**

Patty provided an update on the communications and outreach efforts in response to COVID-19 and the “Stay at Home” Order. Director Fellow stated he was very pleased with the communications strategy staff had created and requested that staff look into the cost of radio ads and perhaps shift print advertising dollars to radio. Director Santana had a question regarding the recommended or preferred social media platform. Patty recommended Twitter as the preferred social media platform for information. Director Contreras agreed with Director Fellow’s request to research radio advertising.

6. **Other Matters.**

Director Santana opened discussion on the future meeting times for the committee. After Director discussion and consultation with lobbyists’ schedules, future committee meetings will be held at 1:00pm on the second Tuesday of every month.

**NEXT MEETING:** Tuesday, May 12, 2020 at 1:00 p.m.
cc: General Manager
A REGULAR MEETING OF THE BOARD OF DIRECTORS
OF THE UPPER SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT
602 E. HUNTINGTON DRIVE, SUITE B, MONROVIA, CALIFORNIA 91016
9:00 A.M. – April 8, 2020

Pursuant to Executive Order N-29-20 issued by Governor Newsom in response to the COVID-19 outbreak and as a precaution to protect both staff, its constituents, and elected officials, the Upper District held a regular meeting of the Board of Directors via zoom teleconference on April 8, 2020 at the hour of 9:00 a.m.

ROLL CALL

DIRECTORS PRESENT: Santana, Contreras, Chavez, Fellow, and Treviño.

DIRECTORS ABSENT: None.

STAFF PRESENT: Tom Love, General Manager; Steve O’Neill, District Counsel; Steve Johnson, Consulting Engineer; Robert Tock, Assistant General Manager/Chief Engineer; Evelyn Rodriguez, Director of Finance and Administration; Patricia Cortez, Director of Government and Community Affairs; Christy Hawkins, Executive Assistant; Ruben Gallegos, Project Assistant; Nichol Delgado, Government and Community Affairs Assistant; Valeria Rodriguez, Secretary/Receptionist; and Priscilla Lu, Accounting/Financial Analyst.

OTHERS PRESENT: Dan Arrighi, Che Venegas, Jose Martinez, Jared Macias, Lynda Noriega, Myra Macias, Joe Velasco, Ben Lewis, Katie Ward, Colleen Malaiba, Greg Galindo, Tony Zampiello, Lenet Pacheco, David Muse, and Kelly Gardner.

ADOPTION OF AGENDA

Treasurer Treviño moved to adopt the agenda as presented. Secretary Fellow seconded the motion which was adopted by the following roll call vote:

SANTANA: AYE
CONTRERAS: AYE
CHAVEZ: AYE
FELLOW: AYE
TREVINO: AYE

PUBLIC COMMENT

None.

COMMITTEE REPORTS

(a) Water Resources and Facility Management (Treviño, Chair – Contreras, Vice Chair) - Minutes of meeting held on March 24, 2020 was enclosed in the board agenda packet.

(b) Administration and Finance (Contreras, Chair – Treviño, Vice Chair) - Minutes of meeting held on March 26, 2020 was enclosed in the board agenda packet.

ITEMS REMOVED FROM CONSENT CALENDAR

President Chavez discussed removing the “Items Removed from Consent Calendar” from future board meeting agendas to streamline information and eliminate redundancy. He added that Directors would still be allowed to request removal of any items presented on the consent calendar. All Directors agreed with President Chavez’s recommendation.
CONSENT CALENDAR

Secretary Fellow moved to approve Consent Calendar items a through c. Director Santana seconded the motion, which was approved by the following roll call vote:

SANTANA: AYE
CONTRERAS: AYE
CHAVEZ: AYE
TREVINO: AYE
FELLOW: AYE

(a) Approve minutes of a regular meeting of the Board of Directors held on March 25, 2020 at 9:00 a.m.
(b) Approve List of Demands.
(c) Financial Reports – February 2020.
   1. Financial Statements
   2. Director’s Public Outreach

ADOPT RESOLUTION NO. 4-20-608, INITIATING PROCEEDINGS FOR THE ESTABLISHMENT OF A WATER AVAILABILITY STANDBY CHARGE FOR FISCAL YEAR 2020/21.

Treasurer Treviño moved to adopt Resolution No. 4-20-608, initiating proceedings for the establishment of a water availability standby charge for fiscal year 2020/21, as recommended by the Administration and Finance Committee. Secretary Fellow seconded the motion:

The General Manager stated that the item was discussed by the Administration and Finance Committee as part of Upper District’s annual process for the administration of the standby charge. The action includes adoption of a resolution establishing the time and place of a public hearing set for May 27, 2020 and instructing the General Manager to publish notice of the hearing as required by statute. The motion was approved by the following roll call vote:

SANTANA: AYE
CONTRERAS: AYE
CHAVEZ: AYE
TREVINO: AYE
FELLOW: AYE

LOS ANGELES COUNTY LOCAL AGENCY FORMATION COMMISSION (LAFCO) BALLOT FOR SPECIAL DISTRICT LAFCO REPRESENTATIVE.

The General Manager stated that the candidates for the Los Angeles County Local Agency Formation Commission (LAFCO) ballot for special district LAFCO representative are Donald Dear, Director of West Basin Municipal Water District, and Sharon Raghavachary, Director of Crescenta Valley Water District. He added that in the past, Upper District supported Mr. Dear for the LAFCO appointment.

Secretary Fellow nominated Donald Dear to serve as LAFCO representative. Vice President Contreras seconded the nomination. With no other nominations received, the motion to nominate Donald Dear as LAFCO representative was approved by the following roll call vote:

SANTANA: ABSTAIN
CONTRERAS: AYE
CHAVEZ: AYE
TREVINO: AYE
FELLOW: AYE

DISCUSSION OF DISTRICT POSITION REGARDING POSTPONEMENT OR CANCELLATION OF INDUSTRY CONFERENCES AND/OR DISTRICT EVENTS.

Vice President Contreras discussed his concerns regarding COVID impacts and requested cancelling all scheduled events through June 30th.

The General Manager clarified that Vice President Contreras’ request included discussion of not only Upper District events but also outside events, including the ACWA 2020 Spring Conference. The General Manager discussed programs and events that have either been cancelled, postponed or moved online. He then
reported on Upper District’s recent external communications and event programming in response to COVID-19.

President Chavez stated that since most affected events or programs have either been postponed or cancelled, the board does need to take further action.

Vice President Contreras recommended cancelling Upper District’s 60th anniversary luncheon to save staff time and district money.

Secretary Fellow echoed President Chavez’s comments and praised staff efforts for the 60th anniversary luncheon. He emphasized the importance of celebrating Upper District’s accomplishments for the last 60 years and recommended postponing the event to a later date to be determined once the COVID crisis is resolved.

Director Santana agreed with Secretary Fellow’s comments. She added that the COVID crisis continues to evolve and that no action should be taken until the full scope of the current pandemic situation has been determined.

The board deferred further discussion of the matter.

INFORMATION ITEMS

The following items listed on the agenda for the information of the Board were read and ordered, received and filed:

(a) Press Releases
(b) Newspaper Articles

ATTORNEY’S REPORT

District Counsel reported on recent discussions with Upper District staff on emerging issues related to the COVID-19 pandemic as well as leasing and infrastructure matters concerning the new district property. He stated that he has been communicating with the General Manager, Assistant General Manager and the Director of Finance and Administration regarding the Los Angeles County public health orders. District Counsel also explained that for purposes of interpreting the health orders, Upper District is considered an essential service provider.

ENGINEER’S REPORT

The District Engineer stated that Stetson Engineers continue to support essential services provided by water agencies and will continue working either in the office or remotely. The District Engineer also reported on water deliveries into the Basin, reservoir storage and water releases. He stated that on March 20, 2020, the Baldwin Park Key Well groundwater elevation was 208.0 feet. He then discussed rainfall average and key well elevation changes over time stating that decline in key well elevation has slowed due to recent rainfall. Finally, he reported that no notices of wells shutdown due to contamination were received.

The following is a summary of contamination ranges found in samples under Title 22 from 75 wells during February 2020.

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<th>Range (ppb)</th>
<th>MCL (ppb)</th>
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<td>PCE</td>
<td>ND – 2.0</td>
<td>5*</td>
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<tr>
<td>TCE</td>
<td>ND – 3.1</td>
<td>5*</td>
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A detailed written engineer’s report on hydrologic conditions was also provided to the Board.
GENERAL MANAGER’S REPORT

The General Manager reported on Upper District’s response to COVID-19. He stated that Upper District followed Metropolitan Water District’s lead in dealing with the pandemic, with successful results. He outlined Upper District priorities - maintaining health and safety of staff, the board and the public; maintaining essential functions; adjusting external communication themes in response to the ongoing outbreak; and maintaining staff productivity. The General Manager commended staff’s continued dedication and professionalism during these challenging times.

The General Manager presented Upper District’s messaging plan related to COVID-19.

METROPOLITAN REPORT

Treasurer Treviño stated that the Metropolitan Water District is moving forward with vetting a new General Manager to replace Jeffrey Kightlinger.

A Metropolitan summary report was provided in the Board’s agenda packet.

WATER QUALITY AUTHORITY REPORT

President Chavez stated that the Water Quality Authority board voted unanimously to select Randy Schoellerman as the new executive director to replace Ken Manning.

A Water Quality Authority summary report was provided in the Board’s agenda packet.

WATERMASTER REPORT

A Watermaster summary report was provided in the Board’s agenda packet.

AB 1234 COMPLIANCE REPORT

None.

DIRECTOR’S COMMENTS

Director Santana thanked the board and staff for their continued dedication and efficient response to the pandemic situation.

Secretary Fellow mentioned that the COVID-19 situation is expected to worsen in the next two weeks. He then praised Tony Zampiello’s presentation during Rep. Napolitano’s recent forum. He mentioned that Supervisor Solis expressed interest in moving some water infrastructure in the San Gabriel Valley under the jurisdiction of the county. Secretary Fellow requested the General Manager to look into the matter for potential discussion at a future meeting.

Vice President Contreras discussed recent developments in the presidential race as well as his attendance at various council meetings. He then asked whether wearing masks is mandatory.

Director Santana stated that based on information she has received, face coverings are mandatory to enter certain establishments e.g. hospitals. She emphasized the importance of not touching one’s face with potentially contaminated hands.

President Chavez mentioned that March 13th was the last class he has taught in person, giving him opportunity to attend other district and city meetings remotely. He then thanked staff for implementing teleconference meetings and conducting business remotely.

FUTURE AGENDA ITEMS

None.

ADJOURN TO CLOSED SESSION

None.

RESUME REGULAR MEETING AND REPORT ON CLOSED SESSION

None.
ADJOURNMENT

President Chavez asked if there were other business to come before the Board.

The General Manager thanked the public for their participation. The District Engineer reminded the public that the producer meeting at 11:00 a.m. will be held via Zoom teleconference.

The meeting was duly adjourned to regular meeting of the Board of Directors to be held on April 22, 2020 at 9:00 a.m. via teleconference or the most rapid means of communication available at the time.

________________________
PRESIDENT

ATTEST

________________________
SECRETARY

SEAL
Demands numbered 20695 through 20726 on the General Fund Account of the Upper District at Citizens Business Bank, in the amount of $430,183.85 and demands numbered 897 through 901 on the Water Fund Account at the same bank in the amount of $195,949.97.

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**TOTAL**

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**TOTAL**

$195,949.97
RESOLUTION NO. 4-20-609

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
UPPER SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT
REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY
OF LOS ANGELES TO PERMIT THE REGISTRAR-RECORDER/COUNTY CLERK
TO RENDER ELECTION SERVICES FOR A GENERAL DISTRICT ELECTION
TO BE HELD ON NOVEMBER 3, 2020

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE UPPER SAN
GABRIEL VALLEY MUNICIPAL WATER DISTRICT as follows:

1. A general district election is called for November 3, 2020, for the purpose
of electing three members to the Board of Directors for the full term of four years to
Divisions 2, 3 and 4.

2. Pursuant to Elections Code Section 10403, the Board of Supervisors of the
County of Los Angeles is requested to consent and agree to conduct the general district
election on Tuesday, November 3, 2020, at the same time as the general election.

3. The Registrar-Recorder/County Clerk is authorized to canvass the returns
of the general district election and the Board of Supervisors is requested to issue
instructions to the Registrar-Recorder/County Clerk to take steps necessary for the
holding of the election. The District shall pay in full its pro rata share of the expenses
for the conduct of the election.

4. Pursuant to Elections Code Section 10012, each candidate for elective
office to be voted for at the general district election may prepare a candidate’s
statement on an appropriate form provided by the Registrar-Recorder/County Clerk.
The statement may include the name, age and occupation of the candidate and a brief
description of no more than 200 words of the candidate’s education and qualifications
expressed by the candidate. The statement shall not include party affiliation of the
candidate, nor membership or activity in partisan political organizations. The statement
shall be filed in the official of the Registrar-Recorder/County Clerk at the time the
candidate’s nomination papers are filed. The statement may be withdrawn, but not
changed, during the period for filing nomination papers and until 5:00 p.m. of the next
working day after the close of the nomination period. No candidate shall include
additional materials in the sample ballot package.

5. The Registrar-Recorder/County Clerk shall estimate the total cost of
printing, handling, translating, and mailing the candidates’ statements filed, pursuant to
the Elections Code, and require each candidate filing a statement to pay in advance a
pro rata share as a condition of having the statement included in the voter’s pamphlet.
The Registrar-Recorder/County Clerk shall bill each candidate for costs in excess of the deposit and shall refund, within thirty days of the election, the unused portion of the deposit. The Registrar-Recorder/County Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

6. The General Manager is directed to file a certified copy of this resolution with the Board of Supervisors and the Registrar Recorder/County Clerk of the County of Los Angeles.

PASSED, APPROVED, AND ADOPTED this 22nd day of April, 2020.

AYES:
NOES:
ABSTAIN:
ABSENT:

______________________________
Ed Chavez, President

ATTEST:

______________________________
Anthony R. Fellow, Secretary

(SEAL)

APPROVED AS TO FORM:

______________________________
Steven P. O'Neill, District Counsel
DATE: April 9, 2020
TO: Government and Community Affairs Committee and Board of Directors
FROM: General Manager
SUBJECT: Federal and State Legislative Bill Summaries & Regulatory Update

RECOMMENDATION
Approve staff recommendations for federal and state legislative bill positions: S. 1932, AB 2093, AB 2364, AB 2840, AB 3256, and SB 996 which are consistent with Upper District’s 2019-20 Legislative Policy Principles adopted by the Board in February 2019.

Federal Legislation
S. 1932 (Feinstein, Gardner): Drought Resiliency and Water Supply Infrastructure Act
Introduced: 6/20/19
Status: Senate - 07/18/2019 Committee on Energy and Natural Resources Senate Subcommittee on Water and Power. Hearings held
Summary: (As Introduced) To support water infrastructure in Reclamation states and for other purposes. The bill includes a 5-year, $100 million reauthorization of the Bureau of Reclamation’s Title XVI Water Reclamation and Reuse competitive grant program, originally authorized in the 2016 Water Infrastructure Improvements for the Nation (WIIN) Act (Title XVI-WIIN). In addition to the key Title XVI-WIIN Competitive Grant Program, the legislation includes $60 million for desalination, additional funding for surface and groundwater storage, and a new low-interest loan program for the financing of a range of water infrastructure projects.
Analysis: As of February 2020, a compromise has been reached between the authors on the major funding categories for the bill. In summary, the compromise consists of $750 million for surface and groundwater storage projects; $160 million for water recycling projects; $80 million for desalination projects; and $640 million for WaterSMART. During our February trip to ACWA DC, a meeting was held with Senator Feinstein’s Legislative Director John Watts regarding the compromise and a request for support was made.
RECOMMENDATION: Support

State Legislation
AB 2093 (Gloria): Public records: writing transmitted by electronic mail: retention.
Introduced: 2/5/20
Location: Asm. Appropriations; Status: 3/10/20 passed Asm. Judiciary Committee and Referred to Asm. Appropriations.
Summary: This bill would require all public agencies to retain all email relating to the public’s business. Currently, the California Public Records Act requires that public agencies make all records in their possession available to the public, with no mention of how long agencies are required to file those records. While there are...
retention requirements found elsewhere in the Government code they vary based on the kind of record and the agency. This bill would create a two-year retention standard across all of the state’s public agencies with the aim of increasing transparency in state and local government. AB 2093 is a reiteration of last year’s bill AB 1184 that was vetoed by the Governor. In his veto message of AB 1184 in 2019, the Governor said “This bill does not strike the appropriate balance between the benefits of greater transparency through the public’s access to public records, and the burdens of a dramatic increase in records retention requirements, including associated personnel and data-management costs to taxpayer.”

**Analysis:** In the bill’s analyses, some large agencies claim that a two-year retention standard would trigger an unfunded mandate. Some large agencies have estimated that their additional costs would be the following: The Department of Insurance at an annual cost of $545,000, Department of Forestry and Fire at an annual cost of $280,000 and Caltrans at an annual cost of $450,000. The bill is opposed by the California Special Districts Association. The truncated legislative session in 2020 will present new challenges for AB 2093 moving forward this year. Members have been instructed that non-urgent bills or bills that require additional funding for agencies will most likely not be moving forward in the current climate.

**RECOMMENDATION:** Oppose

AB 2364(Rubio) Municipal Separate Storm sewer systems: financial capability analysis.

**Introduced:** 2/18/20

**Location:** Asm. Environmental Safety and Toxic Materials; **Status:** 3/17/20 Hearing postponed by committee.

**Summary:** Under existing law, the State Water Resources Control Board (SWRCB) imposes a set of requirements for the discharge of storm water and wastewater to comply with the federal Clean Water Act and apply any other standards necessary to implement water quality control plans. This bill would mandate the SWRCB to establish financial capability assessment guidelines for cities and counties, or specifically municipal storm sewer system (MS4) permittees, by July 1, 2021 so they may comply with the law.

**Analysis:** The San Gabriel Valley Council of Governments (SGVCOG) is in support of this legislation. AB 2364 is a reintroduction of AB 1093 in 2019 and AB 2538 (2018) by Assemblymember Rubio. Both Governor Brown and Newsom vetoed this legislation, stating “the SWRCB is currently implementing and refining guidelines to assist local agencies in estimating and tracking the cost of compliance with their stormwater permits.” However, the guidelines referenced in the veto message are still in draft form and have not been adopted. On the other hand, this bill will allow local municipalities or communities enough time to comply with the statutes and incorporates cost assessment in determining alternative compliance pathways and achievable schedules for these local municipalities. It will help permittees develop cost-effective plans, secure grants or other necessary revenue sources to fund those plans. Upper District took a position of support for last year’s bill AB 1093.

**RECOMMENDATION:** Support

AB 2840(Rubio): MCL Compliance Period (Spot Bill)

**Introduced:** 2/20/20

**Location:** Assembly

**Summary:** AB 2840 is currently a spot bill related to sales and use tax. This bill is being held by Assemblymember Rubio for a potential proposal related to a Maximum Contaminant Level (MCL) compliance period. The original deadline to amend spot bills was March 18. However, we expect the deadline to be reset once the legislature reconvenes on May 4th. Under existing law, the California Safe Drinking Water Act, SWRCB adopted primary drinking water standards for contaminants in drinking water and requires the Office of Environmental Health Hazard Assessment to prepare and publish an assessment of the risks to public health posed by each contaminant. It also requires the SWRCB to consider the technological and economic feasibility of compliance when developing their drinking water standard. Currently, there is no defined compliance period for new MCLs adopted by the SWRCB. This bill would establish a 1-year compliance period for any new primary drinking water standards for contaminants in drinking water that are adopted by the SWRCB. The drinking water standard is also known as Maximum Contaminant Levels (MCL).
Analysis: ACWA and CMUA have developed a working group to work out the details of the potential bill and proposals for the author. Upper District is part of the ACWA working group and will continue to propose an extended compliance period of no less than 3-years as the preferred approach. An extended compliance period will grant reasonable timeframes for compliance of new drinking water standards to maintain safe drinking water. Upper District supported AB 1204 (Rubio) in March 2019 which allowed for 3 years. Upper District will continue to monitor this bill’s progress.

RECOMMENDATION: Watch

AB 3256(Garcia, E): Climate risks: bond measure.
Introduced: 2/21/20
Location: 2/21/20-Assembly Print; Status: 2/24/20-Read first time.
Summary: The bill would state the intent of the legislature to enact a bond measure that would address climate risks to the state of California. This bill has yet to be amended. Draft amendments have been submitted on March 11, 2020, but AB 3256 is currently still in “spot bill” form, since the legislature has not reconvened. The amendment language totals the bond to $6.98 billion.
Analysis: Based on the expected economic downturn and recession from COVID-19, voters may be reluctant to raise additional taxes on themselves for a climate resilience bond. In addition, the defeat of Proposition 13, School and College Facilities Bond, in March 2020 has some in the water industry concerned that voters may be disinclined to pass a large bond in November. The prospects of the successful passage of a climate resilience bond this year is uncertain. There are three versions of a climate resilience bond currently in the legislature—SB 45, AB 3246, and the Governor’s proposal. Upper District took a position of support for SB 45 by Senator Allen on June 11, 2019 which totals $5.51 billion. Governor Newsom has introduced trailer language for his own version which totals $4.75 billion. ACWA submitted amendments to the Governor’s bond language which includes provisions for regional and inter-regional water resilience, recycling and desalination, groundwater, and dam maintenance. ACWA is supportive of a climate resilience bond passing this year.

RECOMMENDATION: Watch

SB 996(Portantino): State Water Resources Control Board: Constituents of Emerging Concern Program.
Introduced: 2/15/20; Amended: 4/1/20
Location: Sen. Environmental Quality; Hearing Date: 4/15/20 (previously scheduled)
Summary: This bill would establish, maintain and direct an ongoing state-wide program called the Constituents of Emerging Concern (CECs) Drinking Water Program at the State Water Resources Control Board (SWRCB). This program would setup a consistent and science-based approach for analyzing and assessing CECs’ potential public health effects from drinking water sources. It would guide the SWRCB in evaluating and identifying which CECs would require further action and prioritization. This bill also creates a dedicated funding source to support and maintain the CEC program. Specifically, the program would allow the SWRCB to form a Science Advisory Panel that would perform the following 1) identify the highest priority CECs 2) coordinate existing and new scientific research 3) evaluate and recommend a framework for standardizing and validating detection methods, monitoring approaches, and reporting procedures for CECs to eliminate barriers and improve timelines for actions on CECs 4) solicit public input on matters associated with the program through a Stakeholder Advisory Group.
Analysis: SB 996 is sponsored by Metropolitan Water District and California Municipal Utilities Association. With growing concern of these synthetic and naturally occurring chemicals, state legislators have felt compelled to push for regulatory mandates without fully evaluating its public health risks through science-based approaches. This bill would be proactive and forward thinking without interfering with any existing regulations or programs focused on CECs. Rather it would incorporate recommendations where needed to help guide decision-making on solutions for these CECs. Upper District has signed onto a coalition letter in support of this bill.

RECOMMENDATION: Support
**Regulatory Update**

**Delta Operations:** The California Department of Fish and Wildlife (DFW) issued an Incidental Take Permit (ITP) to the Department of Water Resources (DWR) for long-term operations of the State Water Project (SWP). The permit covers four species protected under the California Endangered Species Act: Delta smelt, longfin smelt, winter-run Chinook salmon and spring-run Chinook salmon.

Under the California Endangered Species Act, DWR is required to obtain an ITP to minimize, avoid and fully mitigate impacts to threatened or endangered species as a result of State Water Project operations. In past years, DWR obtained coverage for SWP operations under CESA by securing a consistency determination from DFW based on federal biological opinions issued by federal regulatory agencies. In 2018, as federal agencies were working to update biological opinions, President Trump issued a Presidential Memorandum to greatly accelerate their completion. In February 2019, state agencies announced they would for the first time pursue a separate state permit to ensure SWP’s compliance with CESA. Pursuing a separate permit enables the state to avoid relying on federal permits but may create conflicting standards for delta operations.

In response to this order, the State Water Contractors issued a statement expressing their disappointment with DWR and believes the latest ruling does not support best adaptive management activities and imposes restrictions far beyond the impacts of SWP operations. Jennifer Pierre, General Manager of the State Water Contractors stated the permit conditions “fail to incorporate the best available science, burden ratepayers with obligations far exceeding the impacts of water operations and will make compliance with the Sustainable Groundwater Management Act and climate change adaptation substantially more difficult.”
San Gabriel Valley Tribune -4-17-20
'Megadrought' emerging in the western US might be worse than any in 1,200 years

Fueled in part by human-caused climate change, a “megadrought” appears to be emerging in the western U.S., a study published Thursday suggests.

In fact, the nearly-20-year drought is almost as bad or worse than any in the past 1,200 years, scientists say.

Megadroughts – defined as intense droughts that last for decades or longer – once plagued the Desert Southwest. Thanks to global warming, an especially fierce one appears to be coming back: "We now have enough observations of current drought and tree-ring records of past drought to say that we’re on the same trajectory as the worst prehistoric droughts," said study lead author A. Park Williams, a bioclimatologist at Columbia University, in a statement. This is "a drought bigger than what modern society has seen."

Scientists say that about half of this historic drought can be blamed on man-made global warming. Some of the impacts today include shrinking reservoirs and worsening wildfire seasons.

Since temperatures are projected to keep rising, it is likely the drought will continue for the near future – or fade briefly only to return, researchers say.

The study covers an area stretching across nine U.S. states from Oregon and Montana down through California, New Mexico and part of northern Mexico.

Daniel Swain, a UCLA climate scientist who wasn’t part of the study, called the research important because it provides evidence “that human-caused climate change transformed what might have otherwise been a moderate long-term drought into a severe event comparable to the ‘megadroughts’ of centuries past.”

What winter? Earth just had its second-warmest December-February on record

Williams said that "because the background is getting warmer, the dice are increasingly loaded toward longer and more severe droughts. We may get lucky, and natural variability will bring more precipitation for a while.

"But going forward, we’ll need more and more good luck to break out of drought, and less and less bad luck to go back into drought," he said.

Williams said the region could stay dry for centuries. "That’s not my prediction right now, but it’s possible."

Naturally occurring western megadroughts have taken place many times before. In fact, most of the USA’s droughts of the past century, even the 1930s Dust Bowl that forced migrations of Oklahomans and others from the Plains, "were exceeded in severity and duration multiple times by droughts during the preceding 2,000 years," the National Climate Assessment said.
The difference now, of course, is the western USA is home to more than 70 million people who weren't here for the previous medieval megadroughts. The implications are far more daunting. University of Michigan environment dean Jonathan Overpeck, who studies southwestern climate and was not part of the study, calls this drought “the first observed multidecadal megadrought in recorded U.S. history.”

To identify past droughts, scientists studied thousands of tree rings to find out how much — or little — rain fell hundreds of years ago. Scientists used historical data in combination with several computer model simulations to reach their conclusions.

One additional worrisome fact from the study was that the 20th century was the wettest century in the entire 1,200-year record. It was during that time that the population boomed in the western U.S., and that has continued.

"The 20th century gave us an overly optimistic view of how much water is potentially available," said study co-author Benjamin Cook, a NASA climate scientist, in a statement. "It goes to show that studies like this are not just about ancient history," he said. "They’re about problems that are already here."

The study was published Thursday in the peer-reviewed journal Science.

*Contributing: The Associated Press*
San Gabriel Valley Tribune - 4-15-20
Drought, schmround, water experts already fret the next dry year and still preach conservation
First time since 2011 no drought in California

L.A. rainfall is 158 percent of average. Ten of the 12 state reservoirs are filled to more than 100 percent of their historical average for mid-March — before the all-important snowpack which stands at 152 percent of normal has melted.

For the first time in 376 consecutive weeks, not 1 acre of California is in drought, according to new data released Thursday by The National Drought Mitigation Center, a joint project of the U.S. Department of Agriculture, the National Oceanic and Atmospheric Administration and the University of Nebraska.

Yet, even with all this wet news, local water manager still preach conservation and worry the drought will return next year and the year after. Also, they face the very real threat of climate change reducing snowpack forever, which may force them to stop relying on the open spigot from Northern California to keep water flowing through customers’ pipes and into SoCal homes and businesses.

“If you were to ask me when are you going to sleep soundly? Maybe after three-to-four years not only of above average rain, but rain we are able to capture,” said Tony Zampiello, executive officer of the Main San Gabriel Basin Watermaster.

Zampiello and others are like bankers of water, socking away all they can in times of plenty for the non-rainy days to come.

“Yes, maybe we are cut of the woods,” he said. “But if we have another drought, that gallon of water you save today, you’ll be drinking in five years.”

It’s all about groundwater
What he and other managers are concerned about is groundwater — parked throughout the region in various underground caverns — that supplies more than 60 percent of water for some areas. This water sustains life for tens of millions of Southern Californians as it is pulled up through wells owned by cities, for-profit water companies and mutual water districts.

But because of years of over-pumping to the point of wells going dry, the basins remain too low and have not returned to pre-drought levels. The damage from so little rain for so long will take more than one wet year to reverse, water experts said.

“When people open their umbrellas, they are not necessarily thinking we still have a long time to go to restore water levels of groundwater basins. One really wet year doesn’t make up for 10 years of dry,” said Robb Whitaker, general manager of the Water Replenishment District of Southern
California, who manages two basins: Central and West Coast, which include 43 cities from Norwalk to Hermosa Beach.

For example:
- The Orange County Ground Water Basin is about 78 percent full, up 12 percent from this time last year, according to John Kennedy, executive director of engineering and water resources. The basin serves 19 agencies and about 2.5 million people, the primary ground water source in Orange County.
- Main San Gabriel Basin is at about 60 percent or less. Another way to gauge the health is to measure the height of the water table. In 2010, before the drought kicked in, it was 237 feet above sea level. In November, it dropped down to 169.4 feet, the lowest in its history. As of Friday, it was at 182 feet, Zampiello said.
- Central and West Coast basins in Los Angeles County are about 60 percent full, Whitaker said. And that is after the rains rose the water table by 18 feet since March 2018, he said.
- San Bernardino Basin is filling up, but measurements won’t be taken until November, said Craig Miller, Western Municipal Water District’s general manager. “We know water is recharging into the aquifer because we are capturing rainwater,” he said, confidently.

Local runoff is key
The snow-capped San Gabriel’s on Friday are more than a picture postcard to water folks. They are liquid gold. Water from this tremendous watershed is already flowing down the San Gabriel River until it reaches a rubber dam that slows the flow and diverts it to giant, spreading basins at the 605/210 freeways interchange near Irwindale. There, water stops and percolates into the groundwater basin.
In addition to local runoff, agencies will buy supplemental State Water Project water from Northern California. The San Gabriel basin will reach 195 feet by the end of December, he said, just shy of the safe operating level of 200 feet.
“‘The rubber dam is fully inflated,’” said Kelly Gardner, assistant executive officer of the San Gabriel Basin Watermaster during a tour Friday. “It allows the water to pass through the concrete juncture to the spreading grounds.”
Water released beyond the Whittier Narrows Dam in Pico Rivera serves Long Beach and surrounding cities. All the cities in L.A. County must share this mountain water, according to a 1973 water rights adjudication in the courts. At first, about 700 acre-feet was let go to the ocean, but since the end of January, all the water in the soft-bottom San Gabriel River is captured and stored, Gardner said.
Just a few miles northeast of Irwindale, the Canyon Basin Spreading Grounds in Azusa are filling up with mountain runoff. Water managers can watch as the groundwater is replenished and dip in with wells that serve cities of Azusa and Glendora. This was working perfectly Friday, unlike during the drought years, when Glendora had to shut off some of its wells because they couldn’t reach the shrinking aquifer.
The Inland Empire — both Riverside and San Bernardino counties — use water from the San Bernardino Mountains. For example, for the first time in 10 years, water is filling up behind the
Seven Oaks Dam in Mentone, reaching 16,000 acre-feet of water. (One acre-foot is about 326,000 gallons or enough for a Southern California family for two years).
“For the last decade, we haven’t been seeing that,” said Miller. “It is a very good sign.”

**Adding other water**
Orange County Water District gets 60,000 acre-feet annually from rainfall and 50,000 acre-feet from runoff coming down the Santa Ana River. But it also adds 103,000 acre-feet from its recycled sewage water system, the largest such system in the world, Kennedy said. The extra recycled water helps make the area nearly drought-proof.
“Orange County typically receives about 14 inches of rain and, so far, we’ve received just over 21 inches,” he said. “But the next drought is around the corner. One wet year does not solve our water supply challenges, and we must all do what we can to practice ongoing conservation and support alternative water supply projects.”
Typically, water from the Santa Ana River escapes to the ocean about five days of the year, Kennedy said. Zampiello said the San Gabriel River water is captured after a first blush of rain — which contains contaminants — 100 percent of the time. On the other end of the spectrum is the Los Angeles River — mostly concrete — which rarely captures any of its runoff.
Although contacted, the Los Angeles Department of Water and Power did not provide comments for this story.
By summer, the Water Replenishment District will have put into place their own a water recycling project that recharges groundwater levels. When that happens, it will no longer need to buy water from Northern California or the Colorado River, Whitaker said.

**Conservation still preached**
Metropolitan Water District of Southern California, the largest water wholesaler in the world, announced a plan last week with a goal of Southern California saving 180,000 acre-feet of water by 2040. The agency doubled its turf removal rebate to encourage removal of lawns.
Adan Ortega, an MWD director from Fullerton and former manager of MWD’s water conservation efforts, said agencies need to tailor water savings to each community. For example, denser, lower-income regions don’t have extensive lawns.
“We’ve got to get to the point where every community addresses its greatest source of water loss. Some places, it’s lawns. Other places, you have to replace the old, leaky pipelines,” Ortega said.

**More news about California’s drought**
Water managers are gearing up for a different kind of water conservation campaign this summer, one that gets people to recognize the importance of filling up out-of-sight groundwater basins. Details for the new messaging are not available yet.
“The hills are green, but that doesn’t mean everything is OK,” he said.

**Reservoir Levels (% historical average)**
Trinity Lake, 98 percent
Lake Shasta, 112 percent
Lake Oroville, 103 percent
Folsom Lake, 110 percent
New Melones Lake, 138 percent
Don Pedro Reservoir, 118 percent
Lake McClure, 130 percent
San Luis Reservoir, 114 percent
Millerton Lake, 122 percent
Pine Flat Reservoir, 120 percent
Lake Perris, 103 percent
Castaic Lake, 93 percent

Metropolitan Water District Reservoir Levels
Lake Mathews, 91 percent full
Diamond Valley Lake, 91 percent full
Lake Skinner, 84 percent full
International Waterpower & Dam Construction- 4-14-20

Largest dam removal project in US takes further step forward

The Klamath River Renewal Corporation’s (KRRC) plans to remove four dams on the Klamath River in the US has taken a major step forward with the issuance of key documents from the California State Water Board.

The plan – the largest dam removal project in the US – would re-open 360 miles of the Klamath River and its tributaries to salmon. It involves the removal of the removal of the J.C. Boyle, Copco No. 1, Copco No. 2, and Iron Gate dams.

The four dams, located along the river in southern Oregon and northern California, impound water for hydroelectric facilities with a combined capacity of 163MW. The facilities include earth fill embankment and concrete gravity dams; a variety of intake, gate, and spillway types; a variety of water conveyance schemes including pipelines, tunnels, canals, and woodstave and steel penstocks; and powerhouses containing Francis-type turbines.

KRRC aims to remove these dams in a bid to restore volitional fish passage up and down the Klamath River, restore formerly inundated lands and channels, and implement required mitigation measures in compliance with all applicable federal, state, and local regulations.

Last week, the State Water Board issued a Final Water Quality Certification permit and Final Environmental Impact Report. The permit conditions will become part of the broader Lower Klamath Project License Surrender Order that must be issued by the Federal Energy Regulatory Commission (FERC) before the dams can be decommissioned and removed.

The action comes after an extensive process that began with the KRRC’s application for a Water Quality Certification in 2016. The process involved numerous public meetings in the project area and resulted in adoption of an environmental impact report that considered and responded to more than 2600 comments.

“Decades in the making, this historic and comprehensive project will help restore native fish populations, and improve water quality in the Klamath Basin,” said State Water Resources Control Board Chair E. Joaquin Esquivel. “The strategic removal of aging dams contributes to the restoration of our watersheds and reconnects our landscapes and ecosystems in critical ways. This major restoration project that began in 2008 to remove the dams is now one step closer to becoming a reality.”

As analyzed in the State Water Board’s Environmental Impact Report, long-term water quality benefits of dam removal include a more-natural range of water temperatures, reduced fish disease, and elimination or reduction of the growth of the toxic blue-green algae that threatens the health of humans, animals, and fish.
The project incorporates portions of the 2010 Klamath Hydroelectric Settlement Agreement, a collaboration that includes the owner of the dams (PacifiCorp), tribes, federal, state and local agencies, nongovernmental organizations, and conservation and fishing groups. PacifiCorp is asking FERC to transfer ownership to the nonprofit KRRC, which was formed in 2016 to carry out the dam-removal project.

The State Water Board supports efforts to improve the Klamath River watershed, but it is not a party to the Klamath Hydroelectric Settlement Agreement. California’s Natural Resources Agency and Department of Fish and Wildlife signed the document as representatives of the state.

In April last year it was announced that construction firm Kiewit Infrastructure West Co was awarded a dam removal design-build contract for the project. In May it was further announced that Knight Piésold would act as lead designer.
CBS – 4-13-20
2nd crew begins work at Carlsbad desalination plant amid COVID-19 pandemic

Starting March 19, the first crew of 10 "mission-critical employees" was stationed at the plant to continue operations, working two 12-hour shifts each day.
CARLSBAD, Calif. — A 10-person crew is in the midst of a three-week shelter-in-place shift at the Claude "Bud" Lewis Carlsbad Desalination Plant, relieving an initial crew that self-quarantined on site for three weeks to continue producing clean drinking water for county residents amid the COVID-19 pandemic.

Starting March 19, the first crew of 10 "mission-critical employees" was stationed at the plant to continue operations, working two 12-hour shifts each day and sleeping in RVs in the plant parking lot, according to Poseidon Water, which manages the plant. Food and other supplies were delivered daily.

The crew was relieved last Thursday, and the current crew will remain at the plant until April 30.

Gilad Cohen, CEO of plant operator IDE Americas Inc., said, "When we initially planned for the first lock-in team, we knew it was very possible that the situation would not be resolved in 21 days. Thanks to the careful planning and staff cooperation, we were able to relieve the first team of shelter in place employees so they can go home to their loved ones, and transition in a new team to assume responsibility for overseeing this critical regional facility."

Plant owners and operators say the plant produces 50 million gallons of drinking water per day, with the work of operating the plant usually performed by a staff of about 40 full-time employees.

Following the 21-day lock-in, the initial crew issued a statement saying, "Each and every one of us here at the Carlsbad Desalination Plant couldn’t have been prouder to provide safe and clean water to our community. We volunteered without hesitation at this uncertain time for the greater good of the San Diego area. While we are away from our family and friends, we are also honored to be helping them and the community by providing a reliable source of water. We also appreciate the outpouring of support we received from the community, from the creative artwork to inspiring letters sent by residents of all ages. We thank you!"

Carlos Riva, Poseidor Water CEO, said: "The health and safety of the employees and the San Diego region is of the utmost importance in this fluid situation. We are incredibly thankful to both teams of mission-critical employees for their willingness to remain onsite, away from their families and loved ones, to ensure the Carlsbad Desalination Plant continues providing San Diego County with 50 million gallons of high-quality drinking water every day."
California Department of Water Resources-4-13-20
Amid COVID-19, Essential Work Continues with Commitment to Public Engagement and Transparency

The COVID-19 pandemic underscores the need to protect public health and safety. For the Department of Water Resources (DWR), this means continuing essential functions such as reliable water delivery, flood protection, dam safety, infrastructure maintenance and environmental enhancement, while maintaining the highest standards for transparency.

While the pandemic makes it clear the state cannot proceed with business as usual, that does not mean we should pause efforts that are critical to the state. Climate change, sea level rise, flashy storms, atmospheric rivers and earthquakes will not pause for a pandemic. But while work continues during this crisis, it must not do so at the expense of public involvement and transparency.

The challenge we all face is that employees, partner agencies, project stakeholders, tribes, environmental justice communities and the public-at-large are under stay-at-home orders. It is incumbent on us to provide ongoing access to public information and opportunities for public engagement and comment.

The moment requires creativity and a commitment to transparency. We believe the best approach is to: 1) take advantage of California’s ingenuity, and deploy high-tech, online solutions, and 2) go old-school, simplify, and get back to basics.

To that end, DWR has already begun to utilize the following practices to ensure that while we continue our work in today’s circumstances, we do so in ways that provide reasonable accommodations and hopefully even increase public participation in our collective new normal. When feasible, and while following all public health protocols, DWR will:

1. Extend comment periods
2. Reach out to community-based organizations and other stakeholders who may be in direct communication with residents to enlist their help in using multiple channels to notify residents of remote options for public meetings.
3. Arrange for live participation in meetings via telephone and online tools, and record for later viewing
4. Provide ample time for public comment during meetings and offer multiple ways for the public to submit comments, including email, voice messages and other means.
5. Utilize digital tools like surveys, videos and virtual online “office hours” to expand ways to gain public input
6. Provide telephone access to staff, and ensure that there is direct staff response
7. Provide delivery of hard copy materials for those without access to the internet
8. Provide a written record of online meetings, including documentation of any Q&A or supporting materials
9. Help publicize telephone or online meetings being hosted by our partner or regulatory agencies
10. Provide telephone access to staff for technical assistance
11. Utilize social media channels for interaction with staff
12. Simplify and streamline processes to reduce the volume of information
13. Take communications back to basics: utilizing radio for publicizing meeting information; posting flyers at essential service locations (e.g. grocery stores, post offices); and allowing for telephone public comment.
14. Ensure all public meeting requirements are upheld and keep up to date with any new guidance or changes to meeting terms.

Public engagement in government-led processes is critical and we need to find ways to enable every member of the community to have access. People living their everyday lives don’t often have time for public meetings. But with the expansion of online and telephone resources, we have enhanced opportunities to engage and participate from home in ways we never have had before. Our anecdotal experience in the last few weeks is that the number of community members participating in meetings has significantly increased with options to join meetings by telephone and internet. We are hopeful that this may have the unexpected but welcome result of improving access and boosting participation, in a way that might even minimize our collective carbon footprint.

Californians are lead-ers; bold and creative. If we can work together to expand public information and public participation opportunities by harnessing technology and ingenuity, we will have contributed to paving a path for a better California. We welcome your ideas as we chart a better course in response to our new normal.
Utility Outreach to Congress Key to Inclusion of Water Funding in Future Stimulus Legislation

NACWA and the water sector continue to engage with Congress daily to ensure future stimulus legislation in response to the COVID-19 pandemic includes assistance to public clean water utilities. This assistance will help clean water agencies maintain critical services during the coronavirus pandemic and to mitigate projected losses of revenue and impacts to scheduled investments.

Members of Congress, however, need to hear directly from NACWA member public agencies and private sector companies about your specific challenges. NACWA encourages all members to use this template letter to write your federal House and Senate delegations to urge additional federal support to the water sector.

While the timing and makeup of the next stimulus package remains unclear, assistance to the water sector is actively in play in both the House and Senate in large part due to the Congressional advocacy of NACWA members which has helped lay the groundwork. But it is critical all members consistently and continuously reach out to their congressional delegations to ensure inclusion. Key congressional staff have continued to emphasize the need for public utilities to reach out to their respective Senators and Representatives and provide them with facts and figures on the direct economic impacts they are incurring or expect to incur as a result of the coronavirus pandemic.

NACWA’s conservative estimated revenue shortfall to the public clean water sector is approximately $12.5 billion, which assumes a 20% annual revenue loss. This estimate has been helpful in elevating the economic needs of the clean water sector to Congress, as has the growing media attention around the issue.

Going forward, individual utility outreach, especially to key members of Congressional leadership and committees, is critical to ensuring the sector’s economic needs are met in any future stimulus legislation, both for low income household assistance programs and industrial and business revenue losses.

NACWA requests that members reach out to their Senators and Representatives about the impacts of the pandemic on their utility and their ratepayers. NACWA’s legislative staff is happy to provide members with any needed contact information for specific Congressional offices. Please also send copies of any letters to Congress to NACWA by emailing contact Kristina Surfus or Jason Isakovic on NACWA’s legislative team.

The status of future stimulus legislation remains fluid on Capitol Hill, however NACWA will continue to provide updates as they occur. In the meantime, please contact Kristina Surfus or Jason Isakovic on NACWA’s legislative team to discuss further. As always, the entire NACWA staff welcomes your outreach and stands ready to offer any help we can during this challenging time.
The San Diego Tribune -4-10-20
Water safe to use and drink during pandemic, officials reassure

(Courtesy Sweetwater Authority)
No evidence virus is spread through water

By: Alexandra Mendoza
Water agencies are reminding the public that the water supply continues to be safe and reliable during the coronavirus pandemic.
The Sweetwater Authority in the South Bay reassured its customers that the water is safe to use and drink.
“In these difficult and uncertain times, the water that we deliver to our customers is as reliable as ever, and it continues to meet and exceed all federal and state requirements for water quality,” said Steve Castañeda, chairman of the Sweetwater board of directors.
The COVID-19 virus has not been detected in drinking-water supplies, reiterated the U.S. Environmental Protection Agency (EPA).

“Based on current evidence, the risk to water supplies is low. Americans can continue to use and drink water from their tap as usual,” according to the EPA.
Last month the San Diego County Water Authority and its 24 member agencies increased regional coordination to ensure the COVID-19 pandemic does not affect the region’s water service, officials said.
On its website the authority said: “Despite widespread fears about coronavirus, there’s no evidence that coronavirus is transmitted through water. In fact, coronavirus is a respiratory illness like the flu, and neither are spread through treated water supplies.”
Otay Water District, serving the communities of Spring Valley, La Presa, Rancho San Diego, Jamul, eastern Chula Vista, and eastern Otay Mesa, echoed the message and said the water is continually monitored and tested.
“There is no need to purchase bottled water, “said the agency on its website. “High-quality tap water flows directly from the District’s water system through your tap”.
In support of residents financially affected by the emergency, many water agencies until further notice have suspended the disconnection of water supply for failure to pay. Lobbies remain closed to the public. Customers can reach their water provider by phone or through the agencies’ websites.