

This meeting has been noticed according to the Brown Act rules. The Board of Directors meets regularly on the third Monday of each month, except in January and February. The meetings begin at 6:00 PM, *unless otherwise noted.*



AGENDA
Special and Regular Meeting
Board of Directors
Monterey Peninsula Water Management District

Monday, January 22, 2024 at 5:00 p.m. [PST]

Meeting Location: MPWMD – Main Conference Room
5 Harris Court, Building G, Monterey, CA 93940

[This is an In-Person meeting. Remote participation may be offered via Zoom, but this is optional as connectivity cannot be assured and thus is not a necessary requisite for the meeting to proceed in-person.]

To Join via Zoom- Teleconferencing means, please click the link below:

<https://mpwmd-net.zoom.us/j/81378371324?pwd=y1QOb7tHFyoUjw0ClxNJ2SJ42juT5L.1>

Or join at: <https://zoom.us/>

Webinar ID: 813 7837 1324

Passcode: 01222024

To Participate by Phone: (669) 900-9128

For detailed instructions on how to connect to the meeting, please see page 5 of this agenda.

You may also view the live webcast on AMP <https://accessmediaproductions.org/>
scroll down to the bottom of the page and select AMP 1.

This agenda was posted at the District website (www.mpwmd.net) and at 5 Harris Court, Bldg. G, Monterey, California on Thursday, January 18, 2024. Staff notes will be available on the District web site at <http://www.mpwmd.net/who-we-are/board-of-directors/bod-meeting-agendas-calendar/> by 5:00 P.M. on Friday, January 19, 2024.

CLOSED SESSION AT 5:00 P.M.

CALL TO ORDER / ROLL CALL

Board of Directors

Amy Anderson, Chair – Division 5
George Riley, Vice-Chair – Division 2
Alvin Edwards – Division 1
Marc Eisenhart – Division 3
Karen Paull – Division 4
Mary L. Adams– Monterey County Board of Supervisors Representative
Ian Oglesby– Mayoral Representative

General Manager

David J. Stoldt

Mission Statement

Sustainably manage and augment the water resources of the Monterey Peninsula to meet the needs of its residents and businesses while protecting, restoring, and enhancing its natural and human environments.

Vision Statement

Model ethical, responsible, and responsive governance in pursuit of our mission.

Board's Goals and Objectives

Are available online at: <https://www.mpwmd.net/who-we-are/mission-vision-goals/>

ADDITIONS AND CORRECTIONS TO THE AGENDA – *The General Manager will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.*

PUBLIC COMMENT ON THE CLOSED SESSION AGENDA – *Members of the public may address the Board on the item or items listed on the Closed Session agenda.*

CLOSED SESSION – *As permitted by Government code Section 54956.9 et seq., the Board may recess to closed session to consider specific matters dealing with pending or threatened litigation, certain personnel matters or certain property acquisition matters.*

- CS 1. Conference with Legal Counsel – Existing Litigation Pursuant to CA Gov Code Sec. 54956.9 of the Government Code) - MPWMD v. LAFCO – Case No. 22 CV 000935
- CS 2. Conference with Legal Counsel – Existing Litigation Pursuant to CA Gov Code Sec. 54956.9 of the Government Code) - MPWMD v. Cal-Am – Case No. 23 CV 004102
- CS 3. Public Employee Performance Evaluation, (Pursuant to CA Gov Code Sec. 54957 of the Government Code) - Title: General Manager

RECESS TO CLOSED SESSION

Any Closed Session Items not completed may be continued to after the end of all open session items.

REGULAR SESSION AT 6:00 P.M.

CALL TO ORDER / ROLL CALL

PLEDGE OF ALLEGIANCE

ADDITIONS AND CORRECTIONS TO THE AGENDA – *The General Manager will announce agenda corrections and proposed additions, which may be acted on by the Board as provided in Sections 54954.2 of the California Government Code.*

ORAL COMMUNICATIONS – *Anyone wishing to address the Board on Consent Calendar, Information Items, Closed Session items, or matters not listed on the agenda may do so only during Oral Communications. Please limit your comment to three (3) minutes. The public may comment on all other items at the time they are presented to the Board.*

**PRESENTATION TO MARY ADAMS, MONTEREY COUNTY BOARD OF SUPERVISORS
REPRESENTATIVE | 2023 BOARD CHAIR**

CONSENT CALENDAR - *The Consent Calendar consists of routine items for which staff has prepared a recommendation. Approval of the Consent Calendar ratifies the staff recommendation. Consent Calendar items may be pulled for separate consideration at the request of a member of the public, or a member of the Board. Following adoption of the remaining Consent Calendar items, staff will give a brief presentation on the pulled item. Members of the public are requested to limit individual comment on pulled Consent Items to three (3) minutes. Unless noted with double asterisks “**”, Consent Calendar items do not constitute a project as defined by CEQA Guidelines section 15378.*

- 1. Consider Adoption of Minutes of the Special and Regular Board Meeting on December 11, 2023
- 2. Consider Adoption of Resolution 2024-01 Rescinding Resolution 2023-15

3. Consider Approving a Contract with Tierra Plan in an Amount Not to Exceed \$8,000 to Maintain and Provide Additional Development to the MPWMD Stream Flow Data Portal as a Public-Facing Database Web Server
4. Consider Adoption of Treasurer's Report for November 2023
5. Review Annual Disclosure Statement of Employee/Board Reimbursements for Fiscal Year 2022-2023
6. Consider Approval of Annual Update on Investment Policy
7. Ratify Board Committee Assignments for Calendar Year 2024

GENERAL MANAGER'S REPORT

8. Status Report on California American Water Compliance with State Water Resources Control Board Order 2016-0016 and Seaside Groundwater Basin Adjudication Decision (*Verbal Report*)
9. Report on Legislative Outreach for Calendar Year 2023

REPORT FROM DISTRICT COUNSEL

10. Update on Pending Litigation

DIRECTORS' REPORTS (INCLUDING AB 1234 REPORTS ON TRIPS, CONFERENCE ATTENDANCE AND MEETINGS)

11. Oral Reports on Activities of County, Cities, Other Agencies/Committees/Associations

PUBLIC HEARINGS – *Public Comment will be received. Please limit your comments to three (3) minutes per item.*

12. Consider First Reading of Ordinance No. 194 Amending Rule 11 and Adding Rule 23.10 to Establish a Water Entitlement for the City of Seaside

Recommended Action: The Board will consider an ordinance to create a Water Entitlement of 13 Acre-Feet Annually based on adjudicated rights from the Seaside Groundwater Basin under a court-approved in-lieu groundwater storage program.

DISCUSSION ITEMS – *Discussion Only. No action will be taken by the Board. Public Comment will be received. Please limit your comments to three (3) minutes per item.*

13. Discuss Aquifer Storage & Recovery Third Injection Well Concept

INFORMATIONAL ITEMS/STAFF REPORTS - *The public may address the Board on Information Items and Staff Reports during the Oral Communications portion of the meeting. Please limit your comments to three minutes.*

14. Report on Activity/Progress on Contracts Over \$25,000
15. Status Report on Measure J / Rule 19.8 Phase II Spending
16. Letters Received and Sent Supplemental Letter Packet
17. Committee Reports
18. Monthly Allocation Report
19. Water Conservation Program Report
20. Carmel River Fishery Report for December 2023
21. Monthly Water Supply and California American Water Production Report
[Exempt from environmental review per SWRCB Order Nos. 95-10 and 2016-0016, and the Seaside Basin Groundwater Basin adjudication decision, as amended and Section 15268 of the California Environmental Quality Act (CEQA) Guidelines, as a ministerial project; Exempt from Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources]

22. Quarterly Carmel River Riparian Corridor Management Program Report

ADJOURNMENT

Board Meeting Schedule		
Monday, February 12, 2024	<i>Regular</i>	6:00 p.m.
Monday, March 18, 2024	<i>Regular</i>	6:00 p.m.

Board Meeting Television and On-Line Broadcast Schedule	
Television Broadcast	Viewing Area
Comcast Ch. 24 View live broadcast on meeting dates, and replays on Mondays, Tuesdays and Thursdays at 4:00 p.m.	All Peninsula Cities
Comcast Ch. 28 (Monterey County Government Channel) Replays only at 9:00 a.m. on Saturdays	Throughout the Monterey County Government Television viewing area.
Internet Broadcast	
AMP 1 View live broadcast on meeting dates, and replays on Mondays, Tuesdays, and Thursdays at 4:00 p.m. and at https://accessmediaproductions.org/ scroll to AMP 1 .	
Monterey County Government Channel Replays only at 9:00 a.m. on Saturdays at www.mgtvonline.com	
MPWMD YouTube Page – View live broadcast on meeting dates. Recording/Replays available five (5) days following meeting date - https://www.youtube.com/channel/UCg-2VgzLBmgV8AaSK67BBRg	

Accessibility

In accordance with Section 202 of the Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12132), MPWMD will make a reasonable effort to provide written agenda materials in appropriate alternative formats, or disability-related modification or accommodation, including auxiliary aids or services, to enable individuals with disabilities to participate in public meetings. MPWMD will also make a reasonable effort to provide translation services upon request. Submit requests at least 48 hours prior to the scheduled meeting date/time to Sara Reyes, Board Clerk by e-mail at sara@mpwmd.net or at (831) 658-5610.

Provide Public Comment at the Meeting

Attend In-Person

The Board meeting will be held in the Main Conference Room at **5 Harris Court, Building G, Monterey, CA 93942** and has limited seating capacity. Face coverings are encouraged, but not required. Please fill out a speaker card for each item you wish to speak on, and place in the speaker card box next to the Board Clerk.

Attend via Zoom: See below “Instructions for Connecting to the **Zoom Meeting**”

Submission of Public Comment via E-mail

Send comments to comments@mpwmd.net with one of the following subject lines "PUBLIC COMMENT ITEM #" (insert the item number relevant to your comment) or “PUBLIC COMMENT – ORAL COMMUNICATIONS.” Staff will forward correspondence received to the Board. Correspondence is not read during public comment portion of the meeting. However, all written public comment received becomes part of

the official record of the meeting and placed on the District's website as part of the agenda packet for the meeting.

Submission of Written Public Comment

All documents submitted by the public must have no less than fifteen (15) copies to be received and distributed by the **Clerk** prior to the Meeting.

Document Distribution

In accordance with Government Code §54957.5, any materials of public record relating to an agenda item for a meeting of the Board of Directors that are provided to a majority of the members less than 72 hours before the meeting will be made available at the **District Office, 5 Harris Court, Building G, Monterey, CA** during normal business hours. Materials of public record that are distributed during the meeting shall be made available for public inspection at the meeting if prepared by the Board or a member of its legislative/advisory body, or the next business day after the meeting if prepared by some other person.

Instructions for Connecting to the Zoom Meeting

The public may remotely view and participate in the meeting to make public comment by computer, by phone or smart device.

Please log on or call in as early as possible to address any technical issues that may occur and ensure you do not miss the time to speak on the desired item. Follow these instructions to log into Zoom from your computer, smart device or telephone. (Your device must have audio capability to participate).

To Join via Zoom- Teleconferencing means, please click the link below:

<https://mpwmd-net.zoom.us/j/81378371324?pwd=y1QOb7tHFyoUjw0ClxNJ2SJ42juT5L.1>

Or join at: <https://zoom.us/>

Webinar ID: 813 7837 1324

Passcode: 01222024

To Participate by Phone: (669) 900-9128

1. Use the “raise hand” function to join the queue to speak on the current agenda item when the Chair calls the item for Public Comment.

COMPUTER / SMART DEVICE USERS: You can find the raise hand option under your participant name.

TELEPHONE USERS: The following commands can be entered using your phone's dial pad:

- *6 – Toggle Mute / Unmute
- *9 – Raise Hand

2. Staff will call your name or the last four digits of your phones number when it is your time to speak.
3. You may state your name at the beginning of your remarks for the meeting minutes.
4. Speakers will have up to three (3) minutes to make their remarks. *The Chair may announce and limit time on public comment.*
5. You may log off or hang up after making your comments.

Refer to the Meeting Rules to review the complete Rules of Procedure for MPWMD Board and Committee Meetings:
<https://www.mpwmd.net/who-we-are/board-of-directors/meeting-rules-of-the-mpwmd/>

ITEM: CONSENT CALENDAR**1. CONSIDER ADOPTION OF MINUTES OF THE SPECIAL AND REGULAR BOARD MEETING ON DECEMBER 11, 2023**

Meeting Date:	January 22, 2024	Budgeted:	N/A
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From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
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Prepared By:	Sara Reyes	Cost Estimate:	N/A
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General Counsel Review: N/A**Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

SUMMARY: The Board will review, provide suggested edits, and consider approval of the draft meeting minutes of the Special and Regular Board Meeting on December 11, 2023, attached as **Exhibit 1-A**.**RECOMMENDATION:** The Board will consider approval of the draft minutes of the Special and Regular Board Meeting on December 11, 2023.**EXHIBIT****1-A** MPWMD Board of Director's Special and Regular Board Meeting on December 11, 2023

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EXHIBIT 1-A

**Draft Minutes
Special and Regular Meeting
Board of Directors
Monterey Peninsula Water Management District
December 11, 2023 at 5:00 P.M.**

Meeting Location: District Office, Main Conference Room
5 Harris Court, Building G, Monterey, CA 93940 AND
By Teleconferencing Means - *Zoom*

CLOSED SESSION AT 5:00 P.M.

CALL TO ORDER:

Chair Adams called the meeting to order at 5:02 PM.

ROLL CALL:

Board members present:	Mary Adams, Chair Amy Anderson, Vice Chair George Riley Marc Eisenhart Karen Paull Ian Oglesby Alvin Edwards
Board members absent:	None
District staff members present:	David Stoldt, General Manager Sara Reyes, Executive Assistant/Board Clerk
District staff members absent:	None
District Counsel present:	David Laredo with De Lay & Laredo

ADDITIONS AND CORRECTIONS TO THE AGENDA:

None

PUBLIC COMMENT ON THE CLOSED SESSION AGENDA:

Chair Adams opened Oral Communications; no comments were directed to the Board:

CLOSED SESSION:

District Counsel Laredo led the Board into Closed Session.

- CS 1. Public Employee Performance Evaluation, (Pursuant to CA Gov Code Sec. 54957 of the Government Code) - Title: General Manager

CS 2. Conference with Legal Counsel – Existing Litigation Pursuant to CA Gov Code Sec. 54956.9 of the Government Code) - MPWMD v. LAFCO - Case 22 CV 000935

CS 3. Conference with Legal Counsel – Existing Litigation Pursuant to CA Gov Code Sec. 54956.9 of the Government Code) - MPWMD v. Cal-Am – Case No. Not Yet Assigned

RECESS TO CLOSED SESSION:

The Board recessed Closed Session at 6:02 p.m.

REGULAR SESSION AT 6:00 P.M.

CALL TO ORDER:

Chair Adams called the meeting to order at 6:04 p.m.

ROLL CALL:

Board members present: Mary Adams, Chair
Amy Anderson, Vice Chair
George Riley
Marc Eisenhart
Karen Paull
Ian Oglesby
Alvin Edwards

Board members absent: None

District staff members present: David Stoldt, General Manager
Suresh Prasad, Administrative Services Manager/Chief Financial Officer
Nishil Bali, Administrative Services Manager/Chief Financial Officer
Jonathan Lear, Water Resources Manager
Simona Mossbacher, HR Coordinator/Contract Specialist
Stephanie Locke, Water Demand Manager
Maureen Hamilton, District Engineer
Sara Reyes, Executive Assistant/Board Clerk

District staff members absent: None

District Counsel present: David Laredo with De Lay & Laredo

PLEDGE OF ALLEGIANCE:

The assembly recited the Pledge of Allegiance.

ADDITIONS AND CORRECTIONS TO THE AGENDA:

None

ORAL COMMUNICATIONS:

Chair Adams opened Oral Communications; *the following comments were directed to the Board:*

- (1) Tom Rowley, emphasized when government puts too much reliance on one aquifer for 2/3 thirds of all the water that serves the Monterey Peninsula, then risks are being created. Mr. Rowley encouraged the Board to support the desal plant proposed by California American Water (CalAm) to eliminate reliance on the Seaside Basin Aquifer.

CONSENT CALENDAR:

Chair Adams introduced the matter.

Director Edwards asked to pull Item 3 for discussion. General Manager Stoldt introduced Nishil Bali, the new Chief Financial Officer/Administrative Services Manager for the Monterey Peninsula Water Management District. Mr. Stoldt stated that January 5, 2024 will be the last official day with the District for Suresh Prasad, the former Chief Financial Officer/Administrative Services Manager.

There being no further discussion, a motion was offered by Director Edwards with a second by Director Riley to approve the Consent Calendar. The motion passed by a voice vote of 7-Ayes (Adams, Oglesby, Eisenhart, Anderson, Paull, Edwards and Riley), and 0-Noes.

The following agenda items were accepted as part of the Consent Calendar:

- 1. Consider Adoption of Minutes of the Special Board Meeting on October 10, 2023 and the Special and Regular Board Meeting on November 13, 2023**
- 2. Consider Adoption of Treasurer’s Report for October 2023**
- 3. Consider Confirmation of Salary and Benefits for CFO/ASD Manager**
- 4. Consider Authorization of District Officers to Invest Monies in Local Agency Investment Fund**

GENERAL MANAGER’S REPORT:

Chair Adams introduced the matter.

- 5. Status Report on California American Water Compliance with State Water Resources Control Board Order 2016-0016 and Seaside Groundwater Basin Adjudication Decision**

General Manager Stoldt provided information on the status of this agenda item via slide-deck presentation titled “Status Report on Cal-Am Compliance with SWRCB Orders and Seaside Basin Decision as of December 1, 2023”. Board discussion ensued. *A copy of the presentation is available at the District office and can be found on the District website.*

6. Update on Water Supply Projects

General Manager Stoldt referred to the staff report in the meeting packet and stated there is a section on the desalination component of the Monterey Peninsula Water Supply Project that presents a more realist set of understandings about what it will take to meet the permit conditions of the Coastal Commission as well as some additional hurdles at the Public Utilities Commission. Board discussion ensued.

7. Progress Report on Strategic Goals Assigned to General Manager for 2023

General Manager Stoldt stated this item was being presented as a public information item and referred to the staff report in the meeting packet. Board discussion ensued.

Chair Adams opened the public comment for Item Nos. 5-7; *the following comments were directed to the Board:*

- (1) Margaret Ann Coppernoll, congratulated General Manager Stoldt on his report and analysis of the Monterey Peninsula Water Supply Project (MPWSP) and the Coastal Commission conditions remaining to be fulfilled. Ms. Coppernoll asked the Board to consider including statistical analysis by an expert Ph.D. Statistician in its reports about the MPWSP.

REPORT FROM DISTRICT COUNSEL:

Chair Adams introduced the matter.

8. Update on Pending Litigation

District Counsel reported the complaint is being prepared and it is anticipated it will be filed the week of December 11, 2023. A signed Order was received from Judge Wills in favor of the District and against the Local Agency Formation Commission of Monterey County (LAFCO) and CalAm.

9. Reportable Action from Closed Session on Monday, November 13, 2023

District Counsel Laredo reported the Board acted on pending litigation proposed for the Water Management District against California American Water concerning Measure J eminent domain action. The Board provided direction to staff and Counsel to prepare a complaint to acquire the California American Water Distribution System to fulfill the Measure J directive in accordance with the Resolution of Necessity adopted by the Board on October 10, 2023. The Board also designated Doug Dennington of Rutan and Tucker as lead litigation counsel and designated Edward Schexnayder with Shute, Mihaly & Weinberger as co-counsel for LAFCO issues and that the litigation team is to report to the General Manager and District Counsel Laredo. This was a unanimous decision by the Board.

Chair Adams opened the public comment for Item Nos. 8 and 9; no comments were directed to the Board:

DIRECTORS' REPORTS: (INCLUDING AB 1234 REPORTS ON TRIPS, CONFERENCE ATTENDANCE AND MEETINGS)

Chair Adams introduced the matter.

10. Oral Reports on Activities of County, Cities, Other Agencies/Committees/Associations

Director Paull reported she attended a Land Watch Event as a private citizen and was impressed with the presentation.

Director Edwards stated that he attempted to attend the November Monterey One Water Board meeting via Zoom but was unable to attend due to the meeting being locked for the duration of the meeting.

This item was informational only and no action was taken.

PUBLIC HEARING:

Chair Adams introduced the matter.

11. Consider Adoption of January through March 2024 Quarterly Water Supply Strategy and Budget

Jonathan Lear, Water Resources Manager, provided an overview of his staff report, answered questions and presented via slide-deck presentation titled "Consider Adoption of January-March 2024 Quarterly Water Supply Strategy and Budget for California American Water". Mr. Lear reported that when preparing the quarterly water budget, staff determines what should be expected with the Aquifer Storage and Recovery (ASR). Board discussion ensued. *A copy of the presentation is available at the District office and can be found on the District website.*

Chair Adams opened the public comment; *the following comments were directed to the Board:*

- (1) Nina Beety, stated in view of the recent Monterey County Weekly article of fish tagging performed by the District, she expressed opposition to this practice and requested staff to consider ASR retrieval from the Carmel River be reduced during the rainy season.

A motion was offered by Director Riley with a second by Director Oglesby to adopt the January through March 2024 Quarterly Water Supply Strategy and Budget. The motion passed by a voice vote of 7-Ayes (Edwards, Adams, Oglesby, Eisenhart, Anderson, Paull, and Riley) and 0-Noes.

12. Receive Pension Reporting Standards Government Accounting Standards Board (GASB) Statement No. 68 Accounting Valuation Report

Suresh Prasad, Chief Financial Officer/Administrative Services Manager, provided an overview of his staff report,

answered questions and presented via slide-deck presentation titled “Receive Pension Reporting Standards Government Accounting Standards Board (GASB) Statement No. 68 Accounting Valuation Report”. Board discussion ensued. *A copy of the presentation is available at the District office and can be found on the District website.*

Chair Adams opened the public comment; no comments were directed to the Board.

The Board received the GASB 68 Accounting Valuation Report prepared by CalPERS.

13. Receive Government Accounting Standards Board (GASB) Statement No. 75 Accounting and Financial Reporting for Post-Employment Benefits Other Than Pension

Suresh Prasad provided an overview of his staff report, answered questions and presented via slide-deck presentation titled “Receive Government Accounting Standards Board (GASB) Statement No. 75 Accounting and Financial Reporting for Post-Employment Benefits Other Than Pension”. Board discussion ensued. *A copy of the presentation is available at the District office and can be found on the District website.*

Chair Adams opened the public comment; no comments were directed to the Board.

The Board received the GASB 75 OPEB Valuation Report prepared by GovInvest.

ACTION ITEM:

Chair Adams introduced the matter.

14. Consider Adoption of Resolution 2023-15 Authorizing an Exception to the CalPERS 180-Day Wait Period for Hiring a Retiree (Suresh Prasad)

Simona Mossbacher provided an overview of her staff report and answered questions from the Board. Board discussion ensued.

Chair Adams opened the public comment; no comments were directed to the Board.

A motion was offered by Director Paull with a second by Director Anderson to adopt Resolution 2023-15 with the change of names in the fifth Whereas to read: **WHEREAS**, the Monterey Peninsula Water Management District Board of Directors, the Monterey Peninsula Water Management District, and David J. Stoldt certify that Suresh Prasad has not and will not receive a Golden Handshake or any other retirement-related incentive; and. The motion passed by a voice vote of 7-Ayes (Edwards, Adams, Oglesby, Eisenhart, Anderson, Paull, and Riley) and 0-Noes.

15. Consider Adoption of Resolution 2023-15 Authorizing an Exception to the CalPERS 180-Day Wait Period for Hiring a Retiree (Tom Lindberg)

General Manager Stoldt briefly reported on this item. Board discussion ensued.

Chair Adams opened the public comment; no comments were directed to the Board.

A motion was offered by Director Eisenhart with a second by Director Paull to adopt Resolution 2023-16 with the change of names in the fifth Whereas to read: **WHEREAS**, the Monterey Peninsula Water Management District Board of Directors, the Monterey Peninsula Water Management District, and David J. Stoldt certify that Tom Lindberg has not and will not receive a Golden Handshake or any other retirement-related incentive; and. The motion passed by a voice vote of 7-Ayes (Edwards, Adams, Oglesby, Eisenhart, Anderson, Paull, and Riley) and 0-Noes.

16. Review and Consider Adopting the Board Meeting Schedule for Calendar Year 2024 Through February 2025

General Manager Stoldt reported on this item. Board discussion ensued.
Chair Adams opened the public comment; no comments were directed to the Board.

The Board unanimously adopted the Board Meeting Schedule for January 2024 through February 2025.

17. Conduct Election of Board Officers for 2024

General Manager reported on this item. Board discussion ensued.

Chair Adams opened the public comment; no comments were directed to the Board.

A motion was offered by Director Eisenhart with a second by Director Edwards to confirm rotation according to the Meeting Rules 2 and 2.5 and to elect General Manager David J. Stoldt to serve as Secretary and Nishil Bali, Chief Financial Officer/Administrative Services Manager to serve as Treasurer for 2024. The motion passed by a voice vote of 7-Ayes (Edwards, Adams, Oglesby, Eisenhart, Anderson, Paull, and Riley) and 0-Noes.

INFORMATIONAL ITEMS/STAFF REPORTS:

- 18. Report on Activity/Progress on Contracts Over \$25,000**
- 19. Status Report on Measure J/Rule 19.8 Phase II Spending**
- 20. Letters Received**
- 21. Committee Reports**
- 22. Monthly Allocation Report**
- 23. Water Conservation Program Report**
- 24. Carmel River Fishery Report for November 2023**
- 25. Monthly Water Supply and California American Water Production Report**

These items were informational only and no action was taken. Copies of these reports are available at the District office and can be found on the District website.

ADJOURNMENT:

Chair Adams adjourned the meeting at 7:37 PM.

Sara Reyes, Deputy District Secretary

Minutes Approved by the MPWMD Board of Directors on Monday, January ____, 2024

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ITEM: CONSENT CALENDAR**2. CONSIDER ADOPTION OF RESOLUTION NO. 2024-01 RESCINDING RESOLUTION NO. 2023-15**

Meeting Date:	January 22, 2024	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Simona Mossbacher	Cost Estimate:	N/A

General Counsel Approval: N/A**Committee Recommendation: The Finance and Administration Committee reviewed this item on January 16, 2024 and recommended approval.****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

SUMMARY: The Board adopted Resolution No. 2023-15 on December 11, 2023 to Authorize an Exception to the Cal-PERS 180 day waiting period for the rehire of Suresh Prasad based on the assumption that his engagement as a retired annuitant would begin January 6th, 2024. Mr. Prasad's retirement date precedes the ordinary Cal-PERS "normal retirement age", and as such a mandatory 60-day waiting period must therefore be applied prior to his re-employment as a retired annuitant. As approved, Resolution 2023-15 is inaccurate because it does not accurately reflect this circumstance.

RECOMMENDATION: The Finance and Administration Committee recommends that the Board adopt Resolution No. 2024-01, **Exhibit 2-A**, rescinding Resolution No. 2023-15

IMPACTS TO STAFF/RESOURCES: None**EXHIBIT****2-A** Draft Resolution No. 2024-01

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DRAFT
EXHIBIT 2-A

RESOLUTION NO. 2024-01

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
RESCINDING RESOLUTION NO. 2023-15**

The Board of Directors of the Monterey Peninsula Water Management District, hereby adopts the following Resolution:

WHEREAS, The Board adopted Resolution No. 2023-15 on December 11, 2023 to Authorize an Exception to the Cal-PERS rehire limitation for Suresh Prasad based on the assumption that his engagement as a retired annuitant would begin January 6, 2024.

WHEREAS, Mr. Prasad's retirement date precedes the ordinary Cal-PERS "normal retirement age", a mandatory 60-day waiting period must therefore be applied prior to his re-employment. As approved, Resolution No. 2023-15 is inaccurate because it does not accurately reflect this circumstance.

THEREFORE, BE IT RESOLVED THAT the Monterey Peninsula Water Management District Board does hereby Rescind Resolution No. 2023-15.

PASSED AND ADOPTED on this 22nd day of January 2024 on a motion by Director _____ and second by Director _____, by the following vote, to wit:

AYES:

NAYES:

ABSENT:

I, David J. Stoldt, Secretary of the Board of Directors of the Monterey Peninsula Water Management District, hereby certify that the foregoing is a resolution duly adopted on the 22nd day of January 2024.

Dated: January __, 2024

David J. Stoldt,
Secretary to the Board

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ITEM: CONSENT CALENDAR**3. CONSIDER APPROVING A CONTRACT WITH TIERRA PLAN IN AN AMOUNT NOT TO EXCEED \$8,000 TO MAINTAIN AND PROVIDE ADDITIONAL DEVELOPMENT TO THE MPWMD STREAM FLOW DATA PORTAL AS A PUBLIC-FACING DATABASE WEB SERVER**

Meeting Date:	January, 22, 2024	Budgeted:	Yes
From:	Dave Stoldt General Manager	Program/ Line Item No.:	2-5-3 A
Prepared By:	Jonathan Lear	Cost Estimate:	\$8,000

General Counsel Approval: N/A**Committee Recommendation: The Finance and Administration Committee reviewed this item on January 16, 2024 and recommended approval.****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

SUMMARY: Currently, the District maintains 15 stream gages, 3 weather stations, and 2 water level monitoring stations. The stations collect 15-minute data and store the data locally to the stations on their data loggers. Last year, District Staff worked with Tierra Plan to develop an API based data server to make the data better accessible to District Staff and the Public. The Water Resources Division also underwent a stream gage upgrade adding telemetry to the remaining 10 gages and brought those stations into the Web Portal, so the stations are available in real time.

There was a desire from the Hydrology and Fish Biology Staff to have all that data collected into a dashboard so that MPWMD staff can know current River conditions when planning fieldwork. All of this work has been completed and the data product can be viewed here (<https://map.mpwmd.net/?page=map>). Since completing the first version of the Web Portal, District staff has identified the desire to bring in more rain gage networks operated by Monterey County and Department of Water Resources. Tierra Plan has recommended an annual maintenance contract to keep up with software and operating system updates. An additional 40 hours of additional development to add new sensors or different types of data, such as groundwater to facilitate data sharing with neighboring Groundwater Sustainability Agencies. This contract is structured as time and expense, so if no work is completed, the District will not incur costs.

RECOMMENDATION: The Finance and Administration Committee recommends that the Board authorize District staff to enter into a contract for an amount not to exceed \$8,000 with Tierra Plan to maintain and provide additional development to the District's public-facing database web server for the District's stream and rain gage networks. This item is budgeted in the FY 2023-2024 Budget under District-Wide Hydrologic Monitoring.

BACKGROUND: The Water Resources Division is at the end of a 2-step upgrade to the District's stream gage network. The first step completed included upgrades to the gage data loggers and telemetry to all the gages in the network. The second step was to bring the data into a Web Portal. District staff had requested to have a dashboard built where real-time River conditions could be accessed to help inform fieldwork. This work was completed in calendar year 2023.

Users can now download customizable data tables from any of the District's gages. This functionality saves staff time and gets the data into the hands of the public faster as currently, District Hydrologists complete each data request when a request is received as schedules allow.

The work funded by this contract will be completed by December 31, 2024, termed "fiscal year" on **Exhibit 3-A**.

IMPACT TO STAFF/RESOURCES: District Staff will work with Tierra Plan to customize this tool to best fit the District's needs.

EXHIBIT

3-A Water Portal Technical Support and Additional Development



Water Portal Technical Support and Additional Development

Mailing Address
PO Box 1462
Colorado Springs, CO 80901 USA

Project Contact
Kevin Knapp – President and Project Lead
Phone: 719-332-2058
Email: kknapp@tierraplan.com

November 30, 2023

Scope

Tierra Plan (TP) will provide Monterey Peninsula Water Management District (MPWMD) **40 hours** for Additional Development Tasks such as adding sensors, ground water data, and other enhancements to the water portal platform as directed by MPWMD staff.

Tierra Plan will also provide annual technical support and maintenance for managing the live water portal website, data API, data backups, on-call support, and ad-hoc technical issues. This includes two hours of technical support time per month when needed.

Costs

Total costs for this quote are **\$8,000**.

Additional Development Tasks = \$5,000.

One year of annual technical support and maintenance costs = \$3,000

Invoicing

TP can invoice the District monthly, quarterly, or annually for annual technical support.

Annual support for the current fiscal year will be prorated beginning December 1, 2023 through the end of the fiscal year. The next annual support term would begin at the start of the next fiscal year.

Additional development task work will be invoiced as tasks are completed.

Thank you,

Kevin Knapp, President
November 30, 2023

ITEM: CONSENT CALENDAR**4. CONSIDER ADOPTION OF TREASURER'S REPORT FOR NOVEMBER 2023****Meeting Date: January 22, 2024 Budgeted: N/A****From: David J. Stoldt, General Manager Program/ Line Item No.: N/A****Prepared By: Nishil Bali Cost Estimate: N/A****General Counsel Review: N/A****Committee Recommendation: The Finance and Administration Committee considered this item on January 16, 2024 and recommended approval.****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

SUMMARY: Exhibit 4-A comprises the Treasurer's Report for November 2023. Exhibit 4-B and Exhibit 4-C are listings of check disbursements for the period November 1-30, 2023. Checks, virtual checks (AP Automation), direct deposits of employee's paychecks, payroll tax deposits, and bank charges resulted in total disbursements for the period in the amount of \$1,348,644.86. There were no conservation rebates paid out during the current period. Exhibit 4-D reflects the unaudited version of the financial statements for the month ending November 30, 2023.

RECOMMENDATION: The Finance and Administration Committee recommends that the Board adopts the November 2023 Treasurer's Report and financial statements, and ratification of the disbursements made during the month.

EXHIBITS

- 4-A** Treasurer's Report
- 4-B** Listing of Cash Disbursements-Regular
- 4-C** Listing of Cash Disbursements-Payroll
- 4-D** Financial Statements

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
TREASURER'S REPORT FOR NOVEMBER 2023**

<u>Description</u>	<u>Checking</u>	<u>MPWMD Money Market</u>	<u>L.A.I.F.</u>	<u>Multi-Bank Securities</u>	<u>MPWMD Total</u>	<u>PB Reclamation Money Market</u>
Beginning Balance	\$439,597.29	\$2,647,710.13	\$9,990,839.26	\$8,883,718.40	\$21,961,865.08	\$598,327.66
Fee Deposits		680,528.12			680,528.12	493,728.34
MoCo Tax & WS Chg Installment Pymt					0.00	
Interest Received				34,654.24	34,654.24	
Transfer - Checking/LAIF					0.00	
Transfer - Money Market/LAIF					0.00	
Transfer - Money Market/Checking	1,500,000.00	(1,500,000.00)			0.00	
Transfer - Money Market/Multi-Bank					0.00	
Transfer to CAWD					0.00	(580,000.00)
Voided Checks					0.00	
Bank Corrections/Reversals/Errors	0.02				0.02	
Bank Charges/Other	-				0.00	
Credit Card Fees	(707.89)				(707.89)	
Returned Deposits	-				0.00	
Payroll Tax/Benefit Deposits	(131,721.35)				(131,721.35)	
Payroll Checks/Direct Deposits	(145,685.52)				(145,685.52)	
General Checks	(45,465.26)				(45,465.26)	
Rebate Payments	-				0.00	
Bank Draft Payments	(11,945.37)				(11,945.37)	
AP Automation Payments	(255,427.06)				(255,427.06)	
Ending Balance	\$1,348,644.86	\$1,828,238.25	\$9,990,839.26	\$8,918,372.64	\$22,086,095.01	\$512,056.00

EXHIBIT 4-B

21
Check Report



Monterey Peninsula Water Management Di

By Check Number

Date Range: 11/01/2023 - 11/30/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Bank Code: APBNK	-Bank of America Checking					
Payment Type: Regular						
01020	Sara Reyes - Petty Cash Custodian	11/03/2023	Regular	0.00	331.92	40807
19897	John K. Cohan dba Telemetry	11/13/2023	Regular	0.00	41,124.09	40808
04362	Costco Membership	11/17/2023	Regular	0.00	120.00	40810
	Void	11/17/2023	Regular	0.00	0.00	40811
01002	Monterey County Clerk	11/17/2023	Regular	0.00	3,889.25	40812
			Total Regular:	0.00	45,465.26	

Check Report

Date Range: 11/01/2023 - 11/30/2023

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payment Type: Virtual Payment						
01188	Alhambra	11/03/2023	Virtual Payment	0.00	201.05	APA003590
00760	Andy Bell	11/03/2023	Virtual Payment	0.00	1,236.00	APA003591
00253	AT&T	11/03/2023	Virtual Payment	0.00	1,339.05	APA003592
12601	Carmel Valley Ace Hardware	11/03/2023	Virtual Payment	0.00	14.50	APA003593
00083	Clifton Larson Allen LLP	11/03/2023	Virtual Payment	0.00	15,750.00	APA003594
00281	CoreLogic Information Solutions, Inc.	11/03/2023	Virtual Payment	0.00	1,470.85	APA003595
06001	Cypress Coast Ford	11/03/2023	Virtual Payment	0.00	419.21	APA003596
00046	De Lay & Laredo	11/03/2023	Virtual Payment	0.00	32,681.00	APA003597
18734	DeVeera Inc.	11/03/2023	Virtual Payment	0.00	6,172.70	APA003598
00192	Extra Space Storage	11/03/2023	Virtual Payment	0.00	1,251.00	APA003599
21199	G3LA, LLC	11/03/2023	Virtual Payment	0.00	3,500.00	APA003600
00993	Harris Court Business Park	11/03/2023	Virtual Payment	0.00	360.77	APA003601
00993	Harris Court Business Park	11/03/2023	Virtual Payment	0.00	360.49	APA003602
00986	Henrietta Stern	11/03/2023	Virtual Payment	0.00	1,413.12	APA003603
04717	Inder Osahan	11/03/2023	Virtual Payment	0.00	1,413.12	APA003604
03857	Joe Oliver	11/03/2023	Virtual Payment	0.00	705.00	APA003605
05371	June Silva	11/03/2023	Virtual Payment	0.00	732.40	APA003606
07622	KISTERS North America, Inc.	11/03/2023	Virtual Payment	0.00	9,663.09	APA003607
00222	M.J. Murphy	11/03/2023	Virtual Payment	0.00	57.58	APA003608
00117	Marina Backflow Company	11/03/2023	Virtual Payment	0.00	255.00	APA003609
00259	Marina Coast Water District	11/03/2023	Virtual Payment	0.00	2,963.66	APA003610
00259	Marina Coast Water District	11/03/2023	Virtual Payment	0.00	177.74	APA003611
01012	Mark Dudley	11/03/2023	Virtual Payment	0.00	540.00	APA003612
00242	MBAS	11/03/2023	Virtual Payment	0.00	2,946.00	APA003613
16182	Monterey County Weekly	11/03/2023	Virtual Payment	0.00	1,940.00	APA003614
22201	Montgomery & Associates	11/03/2023	Virtual Payment	0.00	4,469.00	APA003615
13396	Navia Benefit Solutions, Inc.	11/03/2023	Virtual Payment	0.00	852.91	APA003616
00262	Pure H2O	11/03/2023	Virtual Payment	0.00	65.54	APA003617
13394	Regional Government Services	11/03/2023	Virtual Payment	0.00	3,476.63	APA003618
00251	Rick Dickhaut	11/03/2023	Virtual Payment	0.00	540.00	APA003619
17968	Rutan & Tucker, LLP	11/03/2023	Virtual Payment	0.00	11,086.74	APA003620
00176	Sentry Alarm Systems	11/03/2023	Virtual Payment	0.00	309.25	APA003621
23422	Simona Mossbacher	11/03/2023	Virtual Payment	0.00	64.28	APA003622
09989	Star Sanitation Services	11/03/2023	Virtual Payment	0.00	117.61	APA003623
00024	Three Amigos Pest Control DBA Central Coast E	11/03/2023	Virtual Payment	0.00	104.00	APA003624
00225	Trowbridge Enterprises Inc.	11/03/2023	Virtual Payment	0.00	407.58	APA003625
18737	U.S. Bank Equipment Finance	11/03/2023	Virtual Payment	0.00	871.81	APA003626
22792	Uline	11/03/2023	Virtual Payment	0.00	1,302.65	APA003627
00271	UPEC, Local 792	11/03/2023	Virtual Payment	0.00	1,113.75	APA003628
08105	Yolanda Munoz	11/03/2023	Virtual Payment	0.00	540.00	APA003629
03966	ACWA (Memberships/Conferences/Publication)	11/09/2023	Virtual Payment	0.00	13,005.00	APA003630
00763	ACWA-JPIA	11/09/2023	Virtual Payment	0.00	347.04	APA003631
02655	David Casarez	11/09/2023	Virtual Payment	0.00	800.00	APA003632
08109	David Olson, Inc.	11/09/2023	Virtual Payment	0.00	1,699.83	APA003633
12655	Graphicsmiths	11/09/2023	Virtual Payment	0.00	210.00	APA003634
02833	Greg James	11/09/2023	Virtual Payment	0.00	804.58	APA003635
00073	Grindstone Sharpening	11/09/2023	Virtual Payment	0.00	48.00	APA003636
05830	Larry Hampson	11/09/2023	Virtual Payment	0.00	1,413.12	APA003637
13431	Lynx Technologies, Inc	11/09/2023	Virtual Payment	0.00	2,025.00	APA003638
19101	M&S Building Supply, Inc.	11/09/2023	Virtual Payment	0.00	103.43	APA003639
00222	M.J. Murphy	11/09/2023	Virtual Payment	0.00	45.88	APA003640
18325	Minuteman Press Monterey	11/09/2023	Virtual Payment	0.00	108.45	APA003641
00118	Monterey Bay Carpet & Janitorial Svc	11/09/2023	Virtual Payment	0.00	1,260.00	APA003642
13396	Navia Benefit Solutions, Inc.	11/09/2023	Virtual Payment	0.00	752.91	APA003643
04709	Sherron Forsgren	11/09/2023	Virtual Payment	0.00	472.32	APA003644
09425	The Ferguson Group LLC	11/09/2023	Virtual Payment	0.00	6,000.00	APA003645
00269	U.S. Bank	11/09/2023	Virtual Payment	0.00	7,171.81	APA003646
00207	Universal Staffing Inc.	11/09/2023	Virtual Payment	0.00	1,102.00	APA003647
00760	Andy Bell	11/17/2023	Virtual Payment	0.00	618.00	APA003648
00263	Arlene Tavani	11/17/2023	Virtual Payment	0.00	1,040.00	APA003649

Check Report

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
00253	AT&T	11/17/2023	Virtual Payment	0.00	1,375.31	APA003650
23767	Catherine A Francini	11/17/2023	Virtual Payment	0.00	75.38	APA003651
00281	CoreLogic Information Solutions, Inc.	11/17/2023	Virtual Payment	0.00	1,599.67	APA003652
04041	Cynthia Schmidlin	11/17/2023	Virtual Payment	0.00	1,020.64	APA003653
18734	DeVeera Inc.	11/17/2023	Virtual Payment	0.00	13,253.09	APA003654
00268	ESRI, Inc.	11/17/2023	Virtual Payment	0.00	10,000.00	APA003655
22793	ETech Consulting, LLC	11/17/2023	Virtual Payment	0.00	787.50	APA003656
00986	Henrietta Stern	11/17/2023	Virtual Payment	0.00	1,413.12	APA003657
03857	Joe Oliver	11/17/2023	Virtual Payment	0.00	705.00	APA003658
00094	John Arriaga	11/17/2023	Virtual Payment	0.00	3,400.00	APA003659
06999	KBA Document Solutions, LLC	11/17/2023	Virtual Payment	0.00	2,439.66	APA003660
00259	Marina Coast Water District	11/17/2023	Virtual Payment	0.00	177.74	APA003661
13396	Navia Benefit Solutions, Inc.	11/17/2023	Virtual Payment	0.00	852.91	APA003662
23759	Ozark Underground Lab, Inc	11/17/2023	Virtual Payment	0.00	1,404.76	APA003663
00036	Parham Living Trust	11/17/2023	Virtual Payment	0.00	850.00	APA003664
00154	Peninsula Messenger Service	11/17/2023	Virtual Payment	0.00	505.00	APA003665
00755	Peninsula Welding Supply, Inc.	11/17/2023	Virtual Payment	0.00	64.50	APA003666
24873	Rincon Consultants Inc	11/17/2023	Virtual Payment	0.00	1,177.00	APA003667
19700	Shute, Mihaly & Weinberger LLP	11/17/2023	Virtual Payment	0.00	13,995.60	APA003668
09989	Star Sanitation Services	11/17/2023	Virtual Payment	0.00	117.61	APA003669
04359	The Carmel Pine Cone	11/17/2023	Virtual Payment	0.00	726.00	APA003670
09425	The Ferguson Group LLC	11/17/2023	Virtual Payment	0.00	57.17	APA003671
00225	Trowbridge Enterprises Inc.	11/17/2023	Virtual Payment	0.00	643.30	APA003672
23764	Tyman Construction Inc.	11/17/2023	Virtual Payment	0.00	36,895.65	APA003673
00207	Universal Staffing Inc.	11/17/2023	Virtual Payment	0.00	928.00	APA003674
23550	WellmanAD	11/17/2023	Virtual Payment	0.00	8,975.00	APA003675
Total Virtual Payment:				0.00	255,352.06	

Check Report

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
Payment Type: Bank Draft						
00266	I.R.S.	11/03/2023	Bank Draft	0.00	13,980.13	DFT0003050
00266	I.R.S.	11/03/2023	Bank Draft	0.00	3,114.42	DFT0003051
00267	Employment Development Dept.	11/03/2023	Bank Draft	0.00	5,562.36	DFT0003052
00266	I.R.S.	11/03/2023	Bank Draft	0.00	261.52	DFT0003053
00252	Cal-Am Water	11/03/2023	Bank Draft	0.00	78.79	DFT0003054
00252	Cal-Am Water	11/03/2023	Bank Draft	0.00	168.81	DFT0003055
00758	FedEx	11/03/2023	Bank Draft	0.00	83.02	DFT0003056
00277	Home Depot Credit Services	11/03/2023	Bank Draft	0.00	38.54	DFT0003057
00282	PG&E	11/03/2023	Bank Draft	0.00	2,501.14	DFT0003058
00282	PG&E	11/03/2023	Bank Draft	0.00	972.59	DFT0003059
00221	Verizon Wireless	11/03/2023	Bank Draft	0.00	1,359.92	DFT0003060
00277	Home Depot Credit Services	11/09/2023	Bank Draft	0.00	24.68	DFT0003061
00282	PG&E	11/09/2023	Bank Draft	0.00	83.70	DFT0003062
18163	Wex Bank	11/09/2023	Bank Draft	0.00	122.14	DFT0003063
00769	Laborers Trust Fund of Northern CA	11/09/2023	Bank Draft	0.00	35,650.00	DFT0003064
00766	Standard Insurance Company	11/01/2023	Bank Draft	0.00	1,515.60	DFT0003065
00266	I.R.S.	11/17/2023	Bank Draft	0.00	13,917.90	DFT0003066
00266	I.R.S.	11/17/2023	Bank Draft	0.00	3,069.80	DFT0003067
00267	Employment Development Dept.	11/17/2023	Bank Draft	0.00	5,537.14	DFT0003068
00266	I.R.S.	11/17/2023	Bank Draft	0.00	70.68	DFT0003069
00266	I.R.S.	11/17/2023	Bank Draft	0.00	17.06	DFT0003070
00266	I.R.S.	11/17/2023	Bank Draft	0.00	62.66	DFT0003071
00266	I.R.S.	11/17/2023	Bank Draft	0.00	267.84	DFT0003072
00252	Cal-Am Water	11/17/2023	Bank Draft	0.00	186.27	DFT0003073
00758	FedEx	11/17/2023	Bank Draft	0.00	81.97	DFT0003074
00277	Home Depot Credit Services	11/17/2023	Bank Draft	0.00	267.26	DFT0003075
00282	PG&E	11/17/2023	Bank Draft	0.00	1,507.54	DFT0003076
18163	Wex Bank	11/17/2023	Bank Draft	0.00	1,491.47	DFT0003077
00256	PERS Retirement	11/13/2023	Bank Draft	0.00	19,623.69	DFT0003105
00768	MissionSquare Retirement- 302617	11/03/2023	Bank Draft	0.00	5,480.97	DFT0003106
00768	MissionSquare Retirement- 302617	11/17/2023	Bank Draft	0.00	5,480.97	DFT0003107
00256	PERS Retirement	11/29/2023	Bank Draft	0.00	19,624.21	DFT0003109
00766	Standard Insurance Company	11/27/2023	Bank Draft	0.00	1,461.93	DFT0003110
Total Bank Draft:				0.00	143,666.72	

Payment Type	Bank Code APBNK		Summary	
	Payable Count	Payment Count	Discount	Payment
Regular Checks	5	4	0.00	45,465.26
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	46	33	0.00	143,666.72
EFT's	0	0	0.00	0.00
Virtual Payments	146	86	0.00	255,352.06
	197	124	0.00	444,484.04

All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	5	4	0.00	45,465.26
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	0.00
Bank Drafts	46	33	0.00	143,666.72
EFT's	0	0	0.00	0.00
Virtual Payments	146	86	0.00	255,352.06
	197	124	0.00	444,484.04

Fund Summary

Fund	Name	Period	Amount
99	POOL CASH FUND	11/2023	444,484.04
			444,484.04

EXHIBIT 4-C



Monterey Peninsula Water Management District

Payroll Bank Transaction Report

By Payment Number

Date: 11/1/2023 - 11/30/2023

Payroll Set: 01 - Monterey Peninsula Water Management District

Payment Number	Payment Date	Payment Type	Employee Number	Employee Name	Check Amount	Direct Deposit Amount	Total Payment
7600	11/03/2023	Regular	1019	Reyes, Sara C	0.00	2,319.82	2,319.82
7601	11/03/2023	Regular	1024	Stoldt, David J	0.00	6,472.41	6,472.41
7602	11/03/2023	Regular	1044	Bennett, Corryn D	0.00	2,533.74	2,533.74
7603	11/03/2023	Regular	1078	Mossbacher, Simona F	0.00	2,524.84	2,524.84
7604	11/03/2023	Regular	1018	Prasad, Suresh	0.00	4,041.75	4,041.75
7605	11/03/2023	Regular	1083	Silvas Robles, Teresa	0.00	2,198.24	2,198.24
7606	11/03/2023	Regular	1081	Banker-Hix, William C	0.00	2,486.15	2,486.15
7607	11/03/2023	Regular	1042	Hamilton, Maureen C.	0.00	3,615.33	3,615.33
7608	11/03/2023	Regular	1011	Lear, Jonathan P	0.00	4,653.94	4,653.94
7609	11/03/2023	Regular	1012	Lindberg, Thomas L	0.00	3,227.14	3,227.14
7610	11/03/2023	Regular	1080	Steinmetz, Cory S	0.00	2,278.85	2,278.85
7611	11/03/2023	Regular	1045	Atkins, Daniel N	0.00	2,284.14	2,284.14
7612	11/03/2023	Regular	1004	Chaney, Beverly M	0.00	2,948.70	2,948.70
7613	11/03/2023	Regular	6062	Chaney, Ryan D	0.00	1,029.27	1,029.27
7614	11/03/2023	Regular	1005	Christensen, Thomas T	0.00	3,497.94	3,497.94
7615	11/03/2023	Regular	1007	Hamilton, Cory R	0.00	2,525.80	2,525.80
7616	11/03/2023	Regular	1085	Hettrick, Clyde Marlin	0.00	2,201.96	2,201.96
7617	11/03/2023	Regular	6078	Kneemeyer, Cinthia A	0.00	733.60	733.60
7618	11/03/2023	Regular	1048	Lumas, Eric M	0.00	2,218.45	2,218.45
7619	11/03/2023	Regular	1001	Bravo, Gabriela D	0.00	2,871.44	2,871.44
7620	11/03/2023	Regular	1084	Ignacio, Fredrick M	0.00	1,755.85	1,755.85
7621	11/03/2023	Regular	1010	Kister, Stephanie L	0.00	2,937.22	2,937.22
7622	11/03/2023	Regular	1017	Locke, Stephanie L	0.00	3,806.73	3,806.73
7623	11/03/2023	Regular	1076	Nguyen, Tricia K	0.00	2,395.08	2,395.08
7624	11/03/2023	Regular	1082	Osborn, Carrie S	0.00	2,127.83	2,127.83
7625	11/03/2023	Regular	1040	Smith, Kyle	0.00	2,834.59	2,834.59
7626	11/17/2023	Regular	1019	Reyes, Sara C	0.00	2,319.82	2,319.82
7627	11/17/2023	Regular	1024	Stoldt, David J	0.00	6,472.41	6,472.41
7628	11/17/2023	Regular	1044	Bennett, Corryn D	0.00	2,533.74	2,533.74
7629	11/17/2023	Regular	1078	Mossbacher, Simona F	0.00	2,524.84	2,524.84
7630	11/17/2023	Regular	1018	Prasad, Suresh	0.00	4,041.75	4,041.75
7631	11/17/2023	Regular	1083	Silvas Robles, Teresa	0.00	2,198.23	2,198.23
7632	11/17/2023	Regular	1081	Banker-Hix, William C	0.00	2,486.15	2,486.15
7633	11/17/2023	Regular	1042	Hamilton, Maureen C.	0.00	3,615.33	3,615.33
7634	11/17/2023	Regular	1011	Lear, Jonathan P	0.00	4,653.94	4,653.94
7635	11/17/2023	Regular	1012	Lindberg, Thomas L	0.00	3,133.53	3,133.53
7636	11/17/2023	Regular	1080	Steinmetz, Cory S	0.00	2,278.85	2,278.85
7637	11/17/2023	Regular	1045	Atkins, Daniel N	0.00	2,284.15	2,284.15
7638	11/17/2023	Regular	1004	Chaney, Beverly M	0.00	2,948.70	2,948.70
7639	11/17/2023	Regular	6062	Chaney, Ryan D	0.00	522.66	522.66
7640	11/17/2023	Regular	1005	Christensen, Thomas T	0.00	3,497.94	3,497.94
7641	11/17/2023	Regular	1007	Hamilton, Cory R	0.00	2,525.80	2,525.80
7642	11/17/2023	Regular	1085	Hettrick, Clyde Marlin	0.00	2,201.96	2,201.96
7643	11/17/2023	Regular	1048	Lumas, Eric M	0.00	2,218.45	2,218.45
7644	11/17/2023	Regular	1001	Bravo, Gabriela D	0.00	2,871.45	2,871.45
7645	11/17/2023	Regular	1084	Ignacio, Fredrick M	0.00	1,755.85	1,755.85
7646	11/17/2023	Regular	1010	Kister, Stephanie L	0.00	2,937.22	2,937.22
7647	11/17/2023	Regular	1017	Locke, Stephanie L	0.00	3,806.74	3,806.74
7648	11/17/2023	Regular	1076	Nguyen, Tricia K	0.00	2,395.08	2,395.08
7649	11/17/2023	Regular	1082	Osborn, Carrie S	0.00	2,127.84	2,127.84
7650	11/17/2023	Regular	1040	Smith, Kyle	0.00	2,834.59	2,834.59
7651	11/17/2023	Regular	7015	Adams, Mary L	0.00	242.53	242.53
7652	11/17/2023	Regular	7020	Anderson, Amy E	0.00	498.69	498.69
7653	11/17/2023	Regular	7022	Eisenhart, Marc A	0.00	124.67	124.67
7654	11/17/2023	Regular	7023	Oglesby, Ian N	0.00	124.67	124.67
7655	11/17/2023	Regular	7019	Paull, Karen P	0.00	124.67	124.67
7656	11/17/2023	Regular	7018	Riley, George T	0.00	374.02	374.02

Payment Number	Payment Date	Payment Type	Employee Number	Employee Name	Check Amount	Direct Deposit Amount	Total Payment
40809	11/17/2023	Regular	7009	Edwards, Alvin	488.44	0.00	488.44
Total:					488.44	145,197.08	145,685.52



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
 STATEMENT OF REVENUES AND EXPENDITURES
 FOR THE MONTH NOVEMBER 30, 2023

	<u>Mitigation</u>	<u>Conservation</u>	<u>Water Supply</u>	<u>Current Period Activity</u>	<u>Current FY Year-to-Date Actual</u>	<u>Current FY Annual Budget</u>	<u>Prior FY Year-to-Date Actual</u>
REVENUES							
Property taxes	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,600,000	\$ -
Water supply charge			(75)	(75)	(75)	3,400,000	(178)
User fees	398,837	153,488	93,023	645,349	2,503,703	6,000,000	1,260,097
Mitigation revenue	-			-	-	-	-
PWM Water Sales			1,156,509	1,156,509	5,432,289	13,275,500	5,451,391
Capacity fees			13,587	13,587	125,991	500,000	159,653
Permit fees	-	25,291		25,291	100,402	198,000	89,199
Investment income	-	-	-	-	82,516	150,000	58,289
Miscellaneous	-	-	-	-	6,564	15,000	13,647
Sub-total district revenues	398,837	178,779	1,263,043	1,840,660	8,251,389	26,138,500	7,032,098
Project reimbursements	-	26,619	-	26,619	431,120	1,251,200	200,329
Legal fee reimbursements		9,584		9,584	10,484	16,000	1,950
Grants	119,766	-	-	119,766	182,652	18,940,000	43,028
Recording fees		4,730		4,730	24,310	25,000	18,920
Sub-total reimbursements	119,766	40,933	-	160,699	648,566	20,232,200	264,227
From Reserves	-	-	-	-	-	2,067,550	-
Total revenues	518,603	219,712	1,263,043	2,001,359	8,899,955	48,438,250	7,296,325
EXPENDITURES							
Personnel:							
Salaries	74,016	46,161	95,086	215,262	1,041,538	2,902,800	1,007,855
Retirement	7,498	4,700	10,057	22,254	608,651	820,700	615,424
Unemployment Compensation	-	-	-	-	-	10,100	-
Auto Allowance	92	92	277	462	2,192	6,000	2,215
Deferred Compensation	165	165	495	825	4,115	10,700	3,614
Temporary Personnel	1,144	1,109	1,213	3,466	4,568	10,000	6,264
Workers Comp. Ins.	3,188	255	2,465	5,908	28,111	56,600	27,347
Employee Insurance	15,972	11,148	17,126	44,245	222,502	583,700	208,308
Medicare & FICA Taxes	1,306	713	1,296	3,315	15,810	49,500	17,412
Personnel Recruitment	41	40	43	124	430	8,000	453
Other benefits	33	32	35	100	600	2,000	500
Staff Development	-	-	180	180	3,769	26,400	5,670
Sub-total personnel costs	103,454	64,414	128,272	296,141	1,932,286	4,486,500	1,895,063
Services & Supplies:							
Board Member Comp	668	668	689	2,025	11,340	37,000	12,555
Board Expenses	106	69	90	266	1,450	8,000	2,435
Rent	840	403	865	2,108	10,512	26,300	9,885
Utilities	981	951	1,040	2,972	15,152	33,200	14,486
Telephone	3,518	2,997	2,983	9,497	25,926	47,000	20,150
Facility Maintenance	1,739	1,686	1,845	5,270	17,489	55,100	13,191
Bank Charges	234	227	248	708	5,363	25,100	8,129
Office Supplies	535	480	524	1,539	7,179	24,200	16,036
Courier Expense	176	171	187	534	3,302	7,600	3,444
Postage & Shipping	-	-	-	-	1,000	7,500	1,889
Equipment Lease	715	453	575	1,744	4,786	13,100	4,786
Equip. Repairs & Maintenance	805	781	854	2,440	3,660	5,100	1,170
Photocopy Expense							
Printing/Duplicating/Binding	-	-	-	-	-	-	-
IT Supplies/Services	2,785	3,488	2,954	9,227	123,615	260,000	190,334
Operating Supplies	445	1,430	30	1,905	10,520	21,200	2,688
Legal Services	6,688	5,958	12,183	24,829	178,758	400,000	128,199



MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
 STATEMENT OF REVENUES AND EXPENDITURES
 FOR THE MONTH NOVEMBER 30, 2023

	<u>Mitigation</u>	<u>Conservation</u>	<u>Water Supply</u>	<u>Current Period Activity</u>	<u>Current FY Year-to-Date Actual</u>	<u>Current FY Annual Budget</u>	<u>Prior FY Year-to-Date Actual</u>
Professional Fees	12,916	12,525	13,699	39,140	160,941	455,100	87,719
Transportation	1,089	239	322	1,651	15,742	31,000	11,883
Travel	-	-	-	-	854	19,500	14,768
Meeting Expenses	-	-	-	-	2,228	19,800	6,738
Insurance	-	-	-	-	48	250,000	72,265
Legal Notices	-	-	-	-	-	2,600	-
Membership Dues	5,617	5,447	5,958	17,022	30,920	41,200	30,428
Public Outreach	7	7	7	20	1,620	3,100	110
Assessors Administration Fee	-	-	-	-	-	34,000	-
Miscellaneous	-	-	-	-	387	3,200	387
Sub-total services & supplies costs	39,865	37,979	45,052	122,896	632,792	1,829,900	653,675
Project expenditures	31,234	57,792	1,197,219	1,286,245	6,156,378	36,631,100	6,547,558
Fixed assets	12,224	10,786	12,943	35,952	36,827	230,000	55,195
Contingencies	-	-	-	-	-	70,000	-
Election costs	-	-	-	-	-	-	-
Debt service: Principal	-	-	-	-	-	-	-
Debt service: Interest	-	-	-	-	-	-	213
Flood drought reserve	-	-	-	-	-	171,056	-
Capital equipment reserve	-	-	-	-	-	330,300	-
General fund balance	-	-	-	-	-	1,089,394	270
Debt Reserve	-	-	-	-	-	-	-
Pension reserve	-	-	-	-	-	100,000	-
OPEB reserve	-	-	-	-	-	100,000	-
Other	-	-	-	-	-	-	-
Sub-total other	43,458	68,578	1,210,161	1,322,197	6,193,205	38,721,850	6,603,236
Total expenditures	186,777	170,971	1,383,486	1,741,234	8,758,283	45,038,250	9,151,975
Excess (Deficiency) of revenues over expenditures	\$ 331,827	\$ 48,741	\$ (120,443)	\$ 260,125	\$ 141,672	\$ 3,400,000	\$ (1,855,650)

EXHIBIT 5-A

MPWMD Annual Disclosure Statement - Employee/Board Reimbursement

Fiscal Year 2022-2023

Vendor Name	Payable Description	Payment Number	Payment Date	Amount
Beverly Chaney	Reimbursement: Dip Nets Sleepy Hollow	APA001638	11/18/2022	\$ 48.12
Beverly Chaney	Reimbursement: Overnight Fish Samples to CDFW	APA002096	03/03/2023	126.21
Carrie S. Osborn	WaterSmart Conference Meals, Accommodations	APA001463	10/13/2022	602.82
Cynthia Kneemeyer	Mileage Reimbursement to Sleepy Hollow from 6.17.22 through 6.30.22	APA000973	07/08/2022	119.34
Cynthia Kneemeyer	Mileage Reimbursement to Sleepy Hollow for July 2022	APA001075	08/11/2022	467.50
Cynthia Kneemeyer	Mileage Reimbursement to Sleepy Hollow for Aug 2022	APA001300	09/06/2022	403.75
Cynthia Kneemeyer	Mileage Reimbursement to Sleepy Hollow for Sep 2022	APA001488	10/20/2022	467.50
Cynthia Kneemeyer	Mileage Reimbursement to Sleepy Hollow from 10.5.22 through 10.28.22	APA001753	12/12/2022	233.75
Cynthia Kneemeyer	Mileage Reimbursement November 2022	APA001753	12/12/2022	297.50
Cynthia Kneemeyer	Mileage Reimbursement to Sleepy Hollow for Dec and Jan 2023	APA002004	02/02/2023	237.83
Corryn Bennett	Bennett: 2022 CalPERS Educational Expenses Reimb	APA001575	11/04/2022	409.81
Dave Stoldt	Reimbursement: Water Managers meeting; Water Reuse Conference	APA001434	10/06/2022	2,127.85
Dave Stoldt	Reimbursement: CPUC Meeting	APA001829	01/05/2023	955.12
Dave Stoldt	Reimbursement: Meetings at MCWD, SWRCB & Salinas	APA002824	06/23/2023	1,294.59
Dave Stoldt	Reimbursement: Water Conference Anaheim	APA001559	10/27/2022	867.89
Gabby Bravo	WaterSmart Conference	APA001468	10/13/2022	502.86
Joel Pablo	Athenian Dialogue via IIMC for CMC Designation	APA001036	07/29/2022	75.00
Joel Pablo	Salinas Valley Trophies/Detectors Purchase Pablo J	40743	11/23/2022	276.40
Jonathan Lear	Parking Fee at Drone Camp	APA001175	08/19/2022	30.00
Jonathan Lear	Reimbursement: Lodging for Training	APA001175	08/19/2022	576.52
Jonathan Lear	Mileage Reimbursement for Sond Tech ADCP Training in Merced	APA001761	12/12/2022	990.78
Jonathan Lear	Reimbursement: Embroidery of Field Clothing	APA002206	04/06/2023	875.00
Simona Mossbacher	Simona Expense Reimb - PERS Conference	APA001653	11/18/2022	45.00
Simona Mossbacher	Christmas Party Expenses (Games & Prizes)	APA001849	01/05/2023	67.53
Stephanie Kister	Reimbursement: Plants for Raised Beds at Office	APA001655	11/18/2022	58.14
Stephanie Kister	WaterSmart Conference Meals, Accommodations	APA001482	10/13/2022	961.27
Teresa Silvas	Silvas: 2022 CalPERS Edu Forum Expenses Reimb	APA001656	11/18/2022	103.87
Tom Lindberg	Meals Reimbursement for Cla-Val Training	APA001658	11/18/2022	138.34
Tom Lindberg	Mileage Reimbursement	APA002156	03/17/2023	47.16
Tom Lindberg	Reimbursement for Field Supplies	APA002853	06/30/2023	47.45
Kyle Smith	Reimbursement: Water Smart Conference 2022	APA001735	12/01/2022	533.89
Thomas Christensen	Reimbursement: Sump Pump for SHSRF	APA001881	01/19/2023	139.00
Thomas Christensen	Reimbursement Professional Geologist Renewal	APA002424	05/12/2023	180.00
William Banker-Hix	Tools	APA002069	02/16/2023	100.33
Cory Hamilton	Battery Protectors	APA002536	06/19/2023	2.17
Cory Hamilton	Battery Dielectric Goop	APA002536	06/19/2023	2.17
Cory Hamilton	Wire Brushes	APA002536	06/19/2023	9.82
Cory Hamilton	State Battery Fee	APA002536	06/19/2023	2.02
Cory Hamilton	Jumper Cables	APA002536	06/19/2023	54.61
Cory Hamilton	Battery	APA002536	06/19/2023	229.41
			Total	14,708.32

EXHIBIT 6-A

**MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
INVESTMENT POLICY**

Approved by the MPWMD Board on January 22, 2024



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MONTEREY PENINSULA WATER MANAGEMENT DISTRICT

INVESTMENT POLICY

1 Introduction

This policy governs the investment of District funds. The purpose of the policy is to provide guidance to the District Treasurer to invest funds in a manner that provides for the protection of principal (safety), meets the cash flow (liquidity) demands of the District and earns a reasonable yield. It shall be the policy of the District to invest all funds in strict conformance with all state statutes governing the investment of public monies. Moreover, it shall be the policy to manage investments under the prudent investor rule. This rule affords the District a broad spectrum of investment opportunities so long as the investment is deemed prudent and is allowable under State of California Government Code section 53600 et. seq., the investment policy of Monterey County and Section 118-507 (West's Annotated Government Code) of the District's enabling legislation.

2 Prudence

The District Treasurer is a trustee and therefore a fiduciary subject to the prudent investor standard. When investing, reinvesting, purchasing, acquiring, exchanging, selling and managing public funds, the treasurer shall act with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of investments of a like character and with like aims to safeguard the principal and maintain the liquidity needs of the District. Within the limitation of this policy and considering individual investments as part of an overall investment strategy, a trustee is authorized to acquire investments as authorized by law.

3 Investment and Risk

The objectives of the District's investment program in order of priority are:

- 1) Safety of invested funds – The Treasurer shall ensure the safety of the District's invested funds by limiting, as much as possible, credit and interest rate risk. Credit risk is the risk of loss due to failure of the security issuer or backer. Interest rate risk is the risk that the market value of investments will fall due to an increase in the general level of interest rates.
- 2) Maintenance of sufficient liquidity to meet cash flow requirements – Attainment of a market average rate of return during budgetary and economic cycles, taking into account the District's investment risk constraints and cash requirements. The Treasurer, acting in accordance with District procedures and this policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price change, provided deviations from expectations are reported in a timely fashion and appropriate action is taken to control adverse developments.

4 Types of Investments

District funds may be placed in any instrument or medium approved by the State of California as enumerated in Government Code Section 53651, and not otherwise limited by the Monterey County Investment Policy. A listing of currently eligible securities shall be maintained. The Treasurer shall submit any proposed changes to the list of eligible investments to the Finance and Administration Committee and Board of Directors. The Finance and Administration Committee shall approve investment in a class of securities included on the list, but in which the District has not previously invested. The Board of Directors shall approve changes to the list of eligible securities. The currently approved list of securities is incorporated as Attachment I.

5 Prohibited Investments

The District shall not be authorized to invest in any security that has the possibility of returning a zero or negative yield if held to maturity except that investment in U. S. Treasury Certificates of indebtedness ("SLUGS") issued by the U. S. Bureau of Public debt is authorized. Prohibited investments shall include inverse floaters, range notes, and interests only strips derived from a pool of mortgages.

6 Access to Funds

The premise underlying the District's investment policy is to ensure that money is available when needed. To this end, the District will maintain funds on deposit in a local bank or other federal or state regulated depository sufficient to meet expenditure requirements for the following six months as represented in the most recent budget adopted by the Board of Directors.

7 Authority

The Treasurer of the Board of Directors of the Monterey Peninsula Water Management District is responsible for the custody and management of District investments. Management activity will adhere to applicable state law, provisions of the District's enabling legislation, and this policy. The Treasurer may delegate ministerial duties related to the investment program to other District staff, but shall retain responsibility for all transactions undertaken and shall establish a system of internal control to regulate activity of subordinate personnel.

8 Reports

Pursuant to Government Code Section 53646 the Treasurer shall provide quarterly investment reports to the Board of Directors. Each report shall include a listing of all securities held in the portfolio. It shall list investments by type, issuer, maturity, par value, market value, and dollar amount invested. The report shall contain a citation of compliance with this policy, an explanation for any non-compliance, and a statement as to the ability or inability to meet expenditure requirements for the following six months. District monies over which the Treasurer does not exercise control or safekeeping e.g., does not determine how the funds are to be invested or banked, need not be included in the report. Agency contributions to the Public Employees Retirement

System need not be included. Deferred compensation funds (Section 457) held by third-party administrators and invested at the direction of program participants need not be included pursuant to PL 104-188.

9 Audits

The District's portfolio, quarterly reports, policy, internal control procedures and investment practices shall be the subject of scrutiny in the course of annual audits performed by external independent auditors selected by the Board of Directors.

10 Policy Review

The Board of Directors shall review this policy at least annually.

11 Attachment I

ALLOWABLE INVESTMENT INSTRUMENTS PER STATE GOVERNMENT CODE
AS OF JANUARY 1, 2024

INVESTMENT TYPE	MAXIMUM SECURITY	MAXIMUM SPECIFIED % OF PORTFOLIO	MINIMUM QUALITY REQUIREMENTS	GOVERNMENT CODE SECTION	MPWMD ALLOWED
Local Agency Bonds	5 years	None	None	53601(a)	Yes
U.S. Treasury Obligations	5 years	None	None	53601(b)	Yes
State Obligations – CA and Others	5 years	None	None	53601(c&d)	Yes
CA Local Agency Obligations	5 years	None	None	53601(e)	Yes
U.S. Agency Obligations	5 years	None	None	53601(f)	Yes
Bankers' Acceptances	180 days	40%	None	53601(g)	Yes
Commercial Paper – Pooled Funds	270 days	40% of the agency's money	Highest letter and number rating by an NRSRO	53635(a)(1)	Yes
Commercial Paper – Non-Pooled Funds	270 days	25% of the agency's money	Highest letter and number rating by an NRSRO	53601(h)(2)(C)	Yes
Negotiable Certificates of Deposits	5 years	30%	None	53601(i)	Yes
Non-negotiable Certificates of Deposits	5 years	None	None	53630 et seq.	Yes
Placement Service Deposits	5 years	30%	None	53601.8 and 53635.8	Yes
Placement Service Certificates of Deposits	5 years	30%	None	53601.8 and 53635.8	Yes
Repurchase Agreements	1 year	None	None	53601(j)(2)	No
Reverse Repurchase Agreements and Securities Lending Agreements	92 days	20% of the base value of the portfolio	None	53601(j)(3)	No
Medium-Term Notes	5 years	30%	“A” rating category or its equivalent or better by an NRSRO	53601(k)	Yes
Mutual Funds and Money Market Mutual Funds	N/A	20%	Multiple	53601(l) and 53601.6(b)	Yes

INVESTMENT TYPE	MAXIMUM SECURITY	MAXIMUM SPECIFIED % OF PORTFOLIO	MINIMUM QUALITY REQUIREMENTS	GOVERNMENT CODE SECTION	MPWMD ALLOWED
Collateralized Bank Deposits	5 years	None	None	53630 et seq. and 53601(n)	No
Mortgage Pass-Through Securities	5 years	20%	“AA” rating category or its equivalent or better	53601(o)	No
County Pooled Investment Funds	N/A	None	None	27133	Yes
Joint Powers Authority Pool	N/A	None	Multiple	53601(p)	Yes
Local Agency Investment Fund (LAIF)	N/A	None	None	16429.1	Yes
Voluntary Investment Program Fund	N/A	None	None	16340	Yes
Supranational Obligations	5 years	30%	“AA” rating category or its equivalent or better	53601(q)	Yes

ITEM: CONSENT CALENDAR**7. RATIFY BOARD COMMITTEE ASSIGNMENTS FOR CALENDAR YEAR 2024****Meeting Date: January 22, 2024** **Budgeted: N/A****From: David J. Stoldt,
General Manager** **Program/
Line Item No.: N/A****Prepared By: Sara Reyes** **Cost Estimate: N/A****General Counsel Review: N/A****Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

SUMMARY: A list of committee assignments for Calendar Year 2024 is attached as **Exhibit 7-A**.

All committees are made up of less than a quorum of the Board. The Finance and Administration Committee is the District's one standing committee. It generally meets one week prior to the Board meeting. The other committees do not meet regularly, but only as needed.

RECOMMENDATION: Ratify appointments as presented or modify them by motion.**EXHIBIT****7-A Proposed Committee Assignments and Meeting Schedules for Calendar Year 2024**



EXHIBIT 7-A

2024 MPWMD COMMITTEE APPOINTMENTS

Approved by the MPWMD Board of Director's on January 22, 2024

Each listing with a * indicates a committee charge is attached to the Board Meeting Rules

Board Committees	2024 Appointees
*Finance and Administration Committee	George Riley, Chair Alvin Edwards Karen Paull Marc Eisenhart, Alternate
*Public Outreach	Marc Eisenhart, Chair George Riley Amy Anderson Alvin Edwards, Alternate
*Water Demand	Alvin Edwards, Chair Amy Anderson Karen Paull George Riley, Alternate
*Legislative Advocacy	Mary L. Adams, Chair Ian Oglesby Alvin Edwards Karen Paull, Alternate
*Water Supply Planning	Karen Paull, Chair Marc Eisenhart Ian Oglesby Amy Anderson, Alternate
Outside Agencies/Liaisons	2024 Appointees
Monterey Peninsula Water Supply Project Governance Committee	George Riley Alvin Edwards, Alternate
Monterey County Special Districts' Association	Karen Paull, Representative Marc Eisenhart, Alternate

Seaside Groundwater Basin Watermaster	George T. Riley, Representative Alvin Edwards, Alternate
Association of California Water Agencies/Joint Powers Insurance Agency	Amy Anderson, Representative Karen Paull, Alternate
Advisory Committees	2024 Appointees
*Policy Advisory Committee	Mary L. Adams, Chair Amy Anderson, Alternate
*Technical Advisory Committee	Awaiting Reappointments by the Jurisdictions
Ordinance No. 152 Oversight Panel	



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MEETING SCHEDULE

MPWMD FINANCE AND ADMINISTRATION COMMITTEE

To be presented for adoption on February 5, 2024

Meetings begin at 2:00 PM in the District Conference Room, unless noted otherwise.

Day of Week	Date	Time
Monday	March 11, 2024	2:00 p.m.
Monday	April 8, 2024	2:00 p.m.
Monday	May 13, 2024	2:00 p.m.
Monday	June 10, 2024	2:00 p.m.
Monday	July 8, 2024	2:00 p.m.
Monday	August 12, 2024	2:00 p.m.
Monday	September 9, 2024	2:00 p.m.
Monday	October 14, 2023	2:00 p.m.
Tuesday	November 12, 2024 <i>Monday, November 11th is Veteran's Day</i>	2:00 p.m.
Monday	December 9, 2024	2:00 p.m.
Tuesday	January 21, 2025 <i>Monday, January 20th is Martin Luther King Day</i>	2:00 p.m.
Tuesday	February 18, 2025 <i>Monday, February 17th is President's Day</i>	2:00 p.m.



Draft

MEETING SCHEDULE

MPWMD PUBLIC OUTREACH COMMITTEE

FEBRUARY 2023 THROUGH DECEMBER 2023

Approved by the Committee on _____, 2024

Meetings being at 3:00 p.m. in the District Conference Room, unless noted otherwise.

Day of Week	Date	Time
Tuesday or Wednesday	February 6, 2024 February 7, 2024 <i>February 5 is FAC February 12 is BoD</i>	3:00 p.m. 3:00 p.m.
Monday	April 6, 2024	3:00 p.m.
Tuesday	July 2, 2024 <i>WSP scheduled for July 1</i>	3:00 p.m.
Monday	August 26, 2024	3:00 p.m.
Monday or Tuesday	October 21, 2024 <i>Same date as BoD meeting</i> October 22, 2024	3:00 p.m. 3:00 p.m.
Monday	December 16, 2024	3:00 p.m.



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MEETING SCHEDULE
MPWMD WATER DEMAND COMMITTEE
APRIL 2024 THROUGH DECEMBER 2024

To be presented for adoption on Thursday, February 1, 2024

Meeting begins at 1:30 p.m. and are conducted via Zoom, unless otherwise noted.

Day of Week	Date	Time
Thursday	February 1, 2024	1:30 p.m.
Thursday	April 11, 2024 DS/SL not available 4/4	1:30 p.m.
Thursday	June 6, 2024	1:30 p.m.
Thursday	August 1, 2024	1:30 p.m.
Thursday	October 3, 2024	1:30 p.m.
Thursday	December 5, 2024	1:30 p.m.



Draft

MEETING SCHEDULE

MPWMD WATER SUPPLY PLANNING COMMITTEE

MARCH 2024 THROUGH JANUARY 2025

To be presented for adoption on Monday, March 4, 2024

Meetings being at 3:00 PM in the District Conference Room, unless noted otherwise.

Day of Week	Date	Time
Monday	January 8, 2024	3:00 p.m.
Monday or Tuesday	March 4, 2024 March 5, 2024	1:00 p.m. <i>(DS appt. at 2:30)</i> 3:00 p.m.
Monday	May 6, 2024	3:00 p.m.
Monday	July 1, 2024	3:00 p.m.
Monday	September 2, 2024	3:00 p.m.
Monday	November 4, 2024	3:30 p.m.
Monday	January 6, 2025	3:00 p.m.

ITEM: GENERAL MANAGER'S REPORT**9. REPORT ON LEGISLATIVE OUTREACH FOR CALENDAR YEAR 2023****Meeting Date: January 22, 2024 Budgeted: N/A****From: David J. Stoldt, General Manager Program/
Line Item No.:****Prepared By: David J. Stoldt Cost Estimate:****General Counsel Review: N/A****Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

DISCUSSION: In 2023, the District, working with its state and federal legislative consultants, tracked multiple state Assembly and Senate bills, as well as several federal bills. The District also wrote letters of support for legislation or funding. **Exhibit 9-A** shows state and federal communication during 2023.

Three significant successes in 2023 are:

- 1) A funding agreement was signed with the State Water Resources Control Board, Division of Financial Assistance for the \$4.8 million in the 2022-23 State budget grant authority approved by the Governor.
- 2) A funding was also signed with the State Department of Water Resources for an \$11.8 million grant for Urban Drought Resilience utilizing the Pure Water Monterey Expansion project.
- 3) At the federal level, the Water Resources Development Act was approved in December 2022 with \$20 million available for water and wastewater projects on the Monterey Peninsula. The District coordinated efforts in 2023 to start to qualify projects for this funding, including convening potential recipient meetings, as well as setting meetings with the regional Army Corps of Engineer staff. It is hoped that in 2024 the District will develop a programmatic document describing fundable projects and visit with federal interests to negotiate joint funding agreements.

EXHIBIT**9-A Legislative Outreach Communications for 2023**

Hgf gtcn



June 6, 2023

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

Dear Senator Feinstein:

On behalf of the Monterey Peninsula Water Management District (MPWMD), thank you for the opportunity to review the Support to Rehydrate the Environment, Agriculture, and Municipalities Act (STREAM Act) and for your consistent and strong support of initiatives to improve water security and drought resilience in California. MPWMD supports many components of your bill, particularly those that will strengthen federal support for water reuse and recycling projects, as well as groundwater recharge.

As you know, MPWMD and our partner, Monterey One Water, have secured support through the Bureau of Reclamation's (Reclamation) Title XVI water reclamation and reuse program for the Pure Water Monterey project, the current phase of which will produce up to 5,750-acre feet per year of new water by recycling wastewater and other source waters. The purpose of this project is to replenish the Seaside Groundwater Basin with purified recycled water for potable domestic supply and reduce pumping from the over-drafted Salinas Valley Groundwater Basin by increasing recycled water production for irrigation. It will also strengthen the resiliency of regional water supplies and enhance habitats in the watershed by restoring flows and removing pollutants. The STREAM Act will help advance similar critically needed new investments in water reclamation and reuse.

We also appreciate your efforts to expand and strengthen the federal support for vitally important multi-benefit water supply projects, including groundwater recharge projects, for the benefit of our environment and California's communities, farms, and businesses. When combined with previously enacted provisions of the Infrastructure Investment and Jobs Act, which you helped secure, provisions of the STREAM Act will make it easier for Reclamation to invest in critically needed non-federal water supply projects, like those we are pursuing in our area.

Thank you again for your decades of leadership on California water. We look forward to working with you and your staff on this bill as it moves through the legislative process.

Sincerely,

A handwritten signature in blue ink that reads "David J. Stoldt".

David J. Stoldt
General Manager
Monterey Peninsula Water Management District



VIA EMAIL

June 26, 2023

Lt. Colonel Timothy W. Shebesta
Commander
San Francisco District
U.S. Army Corps of Engineers
450 Golden Gate Ave, 4th Floor
San Francisco, CA 94102

RE: Request Support Under Section 219/Environmental Infrastructure for the
Monterey Peninsula Stormwater Diversion and Recycling Program

Dear Colonel Shebesta:

Monterey Peninsula Water Management District (MPWMD) requests assistance from the U.S. Army Corps of Engineers (Corps) for the *Monterey Peninsula Stormwater Diversion and Recycling Program* in the Monterey Peninsula, California, which the Corps is authorized to support under section 8375(a)(292) of Public Law 117-263 (includes the Water Resources Development Act of 2022) and the State of California's Environmental Infrastructure authority, Section 5039 of the Water Resources Development Act of 2007 (P.L. 110-114).

Specifically, MPWMD would like to explore opportunities to partner with the Corps on a series of projects we have grouped together under the *Monterey Peninsula Stormwater Diversion and Recycling Program*. This first component of this program would augment water supply in the City of Monterey via a diversion to sanitary sewer and removal of urban stormwater and dry weather flows that are currently discharged to the Monterey Bay National Marine Sanctuary. This would partially restore natural drainage patterns and treat any urban pollutants that are associated with the diverted flows. The project would utilize the existing storage capacity of Lake El Estero to detain both wet and dry weather runoff for diversion when demand for recycled water is greatest. Stored lake water would be diverted for recycling at the Pure Water Monterey project. This would help the City of Monterey recover 110 to 140 acre-feet of water per year. Two other City of Monterey projects are included and would augment the recycled water.

The second near-term component of this program is a diversion project in Roberts Lake, in the City of Seaside. The project would include permitting, design, and construction of facilities that would enable water to flow into a wet well from the lake and be pumped approximately 180 feet to a sanitary sewer pump station wet well. The water would then be pumped to the Pure Water Monterey project for treatment and re-use as potable supply or irrigation. This would assist in recovery 124 acre-feet of potable water (after purification) per year.

Lt. Colonel Shebesta
Page 2 of 2
June 26, 2023

These investments will assist the communities of the Monterey Peninsula mitigate the deleterious impacts of recurring and more frequent drought conditions facing the Peninsula. It will further allow these communities to efficiently collect rainfall and wet-weather runoff – such as that which occurred from the historic storms that battered the State in late 2022 and early 2023.

The proposed projects under the *Monterey Peninsula Stormwater Diversion and Recycling Program* meet the eligibility criteria of both section 8375(a)(292) of Public Law 117-263 and Section 5039 of P.L. 110-114, both of which authorize the Corps to assist non-Federal interests, like MPWMD in carrying out water-related environmental infrastructure and resource protection and development projects. Water-related environmental infrastructure improvements under both authorities can, as you know, include water and wastewater treatment and related facilities, including water supply facilities. And, as you are also aware, the Corps may provide assistance to support all aspects of project development and implementation under these two authorities, including project planning, design, and construction.

MPWMD understands the cost share for the non-Federal interest shall not be less than 25 percent. We are aware that the non-Federal sponsor is responsible for supplying all lands, easements, rights-of-ways, relocations and disposal areas (LERRD) necessary for construction and subsequent operation and maintenance of the project. We also understand as the non-Federal sponsor, MPWMD is responsible for 100 percent of the cost to operate, maintain, repair, replace, or rehabilitate the completed project(s).

This letter constitutes an expression of intent and not a contractual obligation. We understand that the non-Federal interest or the Corps may opt to discontinue the project development process prior to the execution of the Project Partnership Agreement (PPA), which occurs at the end of the Planning, Design, and Analysis, prior to award of a construction contract.

If you need additional information, please contact me at (831) 658-5651. We look forward to working with the Corps on this portfolio of projects.

Sincerely,



David J. Stoldt
General Manager
Monterey Peninsula Water Management District



VIA EMAIL

June 26, 2023

Lt. Colonel Kevin P. Arnett
Commander
San Francisco District
U.S. Army Corps of Engineers
450 Golden Gate Ave, 4th Floor
San Francisco, CA 94102

RE: Request Support Under Section 219/Environmental Infrastructure for the
Monterey Peninsula Stormwater Diversion and Recycling Program

Dear Colonel Arnett:

Monterey Peninsula Water Management District (MPWMD) requests assistance from the U.S. Army Corps of Engineers (Corps) for the *Monterey Peninsula Stormwater Diversion and Recycling Program* in the Monterey Peninsula, California, which the Corps is authorized to support under section 8375(a)(292) of Public Law 117-263 (includes the Water Resources Development Act of 2022) and the State of California's Environmental Infrastructure authority, Section 5039 of the Water Resources Development Act of 2007 (P.L. 110-114).

Specifically, MPWMD would like to explore opportunities to partner with the Corps on a series of projects we have grouped together under the *Monterey Peninsula Stormwater Diversion and Recycling Program*. This first component of this program would augment water supply in the City of Monterey via a diversion to sanitary sewer and removal of urban stormwater and dry weather flows that are currently discharged to the Monterey Bay National Marine Sanctuary. This would partially restore natural drainage patterns and treat any urban pollutants that are associated with the diverted flows. The project would utilize the existing storage capacity of Lake El Estero to detain both wet and dry weather runoff for diversion when demand for recycled water is greatest. Stored lake water would be diverted for recycling at the Pure Water Monterey project. This would help the City of Monterey recover 110 to 140 acre-feet of water per year. Two other City of Monterey projects are included and would augment the recycled water.

The second near-term component of this program is a diversion project in Roberts Lake, in the City of Seaside. The project would include permitting, design, and construction of facilities that would enable water to flow into a wet well from the lake and be pumped approximately 180 feet to a sanitary sewer pump station wet well. The water would then be pumped to the Pure Water Monterey project for treatment and re-use as potable supply or irrigation. This would assist in recovery 124 acre-feet of potable water (after purification) per year.

Lt. Colonel Kevin P. Arnett
Page 2 of 2
June 26, 2023

These investments will assist the communities of the Monterey Peninsula mitigate the deleterious impacts of recurring and more frequent drought conditions facing the Peninsula. It will further allow these communities to efficiently collect rainfall and wet-weather runoff – such as that which occurred from the historic storms that battered the State in late 2022 and early 2023.

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MPWMD understands the cost share for the non-Federal interest shall not be less than 25 percent. We are aware that the non-Federal sponsor is responsible for supplying all lands, easements, rights-of-ways, relocations and disposal areas (LERRD) necessary for construction and subsequent operation and maintenance of the project. We also understand as the non-Federal sponsor, MPWMD is responsible for 100 percent of the cost to operate, maintain, repair, replace, or rehabilitate the completed project(s).

This letter constitutes an expression of intent and not a contractual obligation. We understand that the non-Federal interest or the Corps may opt to discontinue the project development process prior to the execution of the Project Partnership Agreement (PPA), which occurs at the end of the Planning, Design, and Analysis, prior to award of a construction contract.

If you need additional information, please contact me at (831) 658-5651. We look forward to working with the Corps on this portfolio of projects.

Sincerely,



David J. Stoldt
General Manager
Monterey Peninsula Water Management District



Monterey One Water

Providing Cooperative Water Solutions

63

ADMINISTRATION OFFICE: 5 Harris Court, Bldg D, Monterey, CA 93940
MAIN: (831) 372-3367 or (831) 422-1001 FAX: (831) 372-6178
WEBSITE: www.montereyonewater.org

March 20, 2023

The Honorable Jimmy Panetta
United States House of Representatives
304 Cannon House Office Building
Washington, DC 20515

Dear Representative Panetta:

The Monterey Peninsula Water Management District is requesting an allocation of \$2,150,000 in the Fiscal Year 2024 Energy and Water Development Appropriations Bill, under Corps of Engineers, Construction. This allocation is for the Monterey Peninsula Stormwater Diversion and Recycling Project in the Monterey Peninsula, California and was authorized under section 8375 of Public Law 117-263. This Project includes multiple opportunities to divert stormwater into the regional wastewater system for increased water recycling, and Monterey One Water requests your support this allocation.

The allocation has two components. The first component would augment water supply via a diversion of runoff flows to the sanitary sewer from the City of Monterey. This diversion would remove of urban stormwater and dry weather flows that are currently discharged to the Monterey Bay National Marine Sanctuary. This would partially restore natural drainage patterns and treat any urban pollutants that are associated with the diverted flows at the regional wastewater treatment facility. The Project would utilize the existing storage capacity of Lake El Estero to detain both wet and dry weather runoff for diversion when demand for recycled water is greatest. Stored lake water would be diverted to the sanitary sewer from April to October for recycling at the Monterey One Water (M1W) Regional Treatment Plant (RTP) to augment water supply through the Pure Water Monterey Project. This could potentially recover 110 to 140 acre-feet of water per year. The City of Monterey is also pursuing two other projects to augment recycled water at the Pure Water Monterey facility.

The second component of this project is a diversion project in Roberts Lake, in the City of Seaside. The project would include permitting, design, and construction of facilities that would enable water to flow into a wet well from the lake and be pumped approximately 180 feet to a sanitary sewer pump station wet well. The water would then be pumped to the Pure Water Monterey Project for treatment and re-use as potable supply or irrigation. This would assist in recovery 124 acre-feet of potable water (after purification) per year.

As a county dependent solely on our limited water resources, investments in additional water supplies are critical. The identified project will help communities within the Monterey Peninsula mitigate the devastating impacts of ongoing drought conditions facing Californians. It would further allow these communities to efficiently collect rainfall and wet-weather runoff – such as from the recent, historic storms that battered the state.

We appreciate your leadership in the halls of Congress and thank you for your consideration of this request.

Sincerely,

Paul A. Sciuto
General Manager
Monterey One Water



Monterey One Water

Providing Cooperative Water Solutions

65

ADMINISTRATION OFFICE: 5 Harris Court, Bldg D, Monterey, CA 93940
MAIN: (831) 372-3367 or (831) 422-1001 FAX: (831) 372-6178
WEBSITE: www.montereyonewater.org

March 20, 2023

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

The Honorable Alex Padilla
United States Senate
112 Hart Senate Office Building
Washington, DC 20510

Dear Senators Feinstein and Padilla:

The Monterey Peninsula Water Management District is requesting an allocation of \$2,150,000 in the Fiscal Year 2024 Energy and Water Development Appropriations Bill, under Corps of Engineers, Construction. This allocation is for the Monterey Peninsula Stormwater Diversion and Recycling Project in the Monterey Peninsula, California and was authorized under section 8375 of Public Law 117-263. This Project includes multiple opportunities to divert stormwater into the regional wastewater system for increased water recycling, and Monterey One Water requests your support this allocation.

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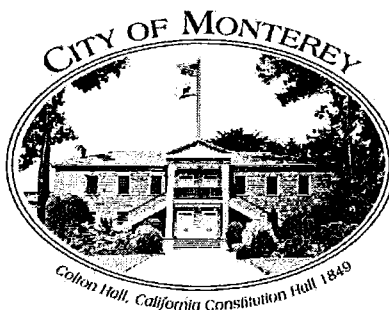
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As a county dependent solely on our limited water resources, investments in additional water supplies are critical. The identified project will help communities within the Monterey Peninsula mitigate the devastating impacts of ongoing drought conditions facing Californians through efficient water resource management. It would further allow these communities to efficiently collect rainfall and wet-weather runoff – such as from the recent, historic storms that battered the state.

We appreciate your leadership in the halls of Congress and thank you for your consideration of this request.

Sincerely,

Paul A. Sciuto
General Manager
Monterey One Water



March 14, 2023

The Honorable Dianne Feinstein
United States Senate
331 Hart Senate Office Building
Washington, DC 20510

The Honorable Alex Padilla
United States Senate
112 Hart Senate Office Building
Washington, DC 20510

Dear Senators Feinstein and Padilla:

On behalf of the City of Monterey, I am writing to request your support for Monterey Peninsula Water Management District's request for an allocation of \$2,150,000 in the Fiscal Year 2024 Energy and Water Development Appropriations Bill, under Corps of Engineers, Construction, for the Monterey Peninsula Stormwater Diversion and Recycling Project in the Monterey Peninsula, California, authorized under section 8375 of Public Law 117-263.

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These investments will help the communities of the Monterey Peninsula mitigate the deleterious impacts of ongoing drought conditions facing Californians. It would further allow these

communities to efficiently collect rainfall and wet-weather runoff – such as that from the recent, historic storms that battered the state.

Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyller Williamson". The signature is written in a cursive, flowing style with a prominent initial "T" and a long, sweeping underline.

Tyler Williamson
Mayor



March 14, 2023

The Honorable Jimmy Panetta
United States House of Representatives
304 Cannon House Office Building
Washington, DC 20515

Dear Representative Panetta:

On behalf of the City of Monterey, I am writing to request your support for Monterey Peninsula Water Management District's request for an allocation of \$2,150,000 in the Fiscal Year 2024 Energy and Water Development Appropriations Bill, under Corps of Engineers, Construction, for the Monterey Peninsula Stormwater Diversion and Recycling Project in the Monterey Peninsula, California, authorized under section 8375 of Public Law 117-263.

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Thank you for your consideration of this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyller Williamson".

Tyler Williamson
Mayor



March 10, 2023

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United States House of Representatives
304 Cannon House Office Building
Washington, DC 20515

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These investments would assist the communities of the Monterey Peninsula mitigate the deleterious impacts of ongoing drought conditions facing Californians. It would further allow these communities to efficiently collect rainfall and wet-weather runoff – such as that from the recent, historic storms that battered the state.

Thank you for your consideration of this request.

Sincerely,


David J. Stoldt
General Manager



March 10, 2023

The Honorable Dianne Feinstein
 United States Senate
 331 Hart Senate Office Building
 Washington, DC 20510

The Honorable Alex Padilla
 United States Senate
 112 Hart Senate Office Building
 Washington, DC 20510

Dear Senators Feinstein and Padilla:

On behalf of Monterey Peninsula Water Management District (MPWMD), I am writing to request your support for an allocation of \$2,150,000 in the Fiscal Year 2024 Energy and Water Development Appropriations Bill, under Corps of Engineers, Construction, for the Monterey Peninsula Stormwater Diversion and Recycling Project in the Monterey Peninsula, California, authorized under section 8375 of Public Law 117-263.

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Thank you for your consideration of this request.

Sincerely,


 David J. Stoldt
 General Manager

Monterey Peninsula Stormwater Diversion and Recycling

The Monterey Peninsula storm water strategy involves combining storm water catchments to minimize the number of discharges. This creates fewer and more manageable storm water discharges. This water will be managed primarily by diverting the storm water to the Pure Water Monterey regional water treatment system for the purpose of increasing the volume of the community's recycled water for potable re-use and irrigation. The plan includes a suite of projects covering three small lakes in two cities. This proposal encompasses two of the lakes and related drainages.

Total Funding Request: \$2,150,000

City of Monterey Diversion Projects

Description

This project encompasses a suite of potential dry weather and stormwater diversions that will augment water supply via a diversion to sanitary sewer and remove urban stormwater and dry weather flows that are currently discharged to the Monterey Bay National Marine Sanctuary, thereby partially restoring natural drainage patterns and treating any urban pollutants that are associated with the diverted flows.

The Lake El Estero Diversion project is in the City of Monterey. The project would install a diversion valve from the box culvert on the north side of the lake to divert flows into the sanitary sewer system, instead of discharging into Monterey Bay. The project is estimated to achieve over 100 acre-feet per year (AFY) of water supply from the approximately 3,670-acre tributary drainage area.

The proposed Lake El Estero Diversion Project consists of two components: reconnection of a box culvert at Pearl and Figueroa Street (west of the lake) to divert runoff from Hartnell Gulch watershed to Lake El Estero; and diversion of lake water on the north side of Lake El Estero to sanitary sewer. The Lake El Estero watershed (2,418 acres) includes residential, commercial, institutional, and undeveloped areas tributary to Lake El Estero and the Hartnell Gulch watershed (1,186 acres) includes residential and undeveloped areas tributary to Hartnell Gulch. Drainage in the Hartnell Gulch watershed flows northeastward toward the City center and borders the western edge of the Lake El Estero watershed along Munras Avenue, which becomes Abrego Street to the north. The Lake El Estero watershed flows northward toward the lake. One of the three primary creek channels in the Lake El Estero watershed flows into Laguna Mirada and the other two primary creek channels flow into Washerwoman's Pond. Laguna Mirada and Washerwoman's Pond flow into Lake El Estero through the City of Monterey's underground storm drain network. Currently, a pump station at the north end of Lake El Estero conveys high flows to Monterey Bay so that the lake does not overtop during the wet season.

The Project would utilize the existing storage capacity of Lake El Estero to detain both wet and dry weather runoff for diversion when demand for recycled water is greatest. Stored lake water would be diverted to the sanitary sewer from April to October for recycling at the Monterey One Water (M1W) Regional Treatment Plant (RTP) to augment water supply through the Pure Water Monterey project. A pump is proposed to be installed within the existing pump house on the north side of Lake El Estero to pump lake water to a sanitary sewer manhole, located between Del Monte Avenue and Lake El Estero, which connects to the 21-inch diameter gravity sewer main on Del Monte Ave.

The greatest water supply benefit using current infrastructure at the RTP is to treat and recycle runoff from the Project drainage area during the dry season, April to October, adding to the current lake water recovery mechanisms. Water is currently recovered from Lake El Estero via capture and use because park space and a cemetery surrounding the lake are irrigated with the lake water. If stormwater runoff could be recovered during the wet season, with prior authorization of M1W, then approximately three times the volume of runoff could potentially be recovered through this project. The proposed pump could be designed to accommodate either dry season or wet and dry season pumping. Payment of an adopted interruptible rate would apply.

Dry weather 102-125 AF, wet weather 61 AF per diversion.

Other Potential Projects:

The proposed Monterey Tunnel Stormwater Diversion Project is located at Oliver Street and Scott Street in the City of Monterey. Currently, the catchment discharges to Monterey Bay through two (twin") 51-inch diameters pipes north of Fisherman's Wharf. The Monterey Tunnel project would involve diverting dry weather flows (April to October), including groundwater seepage (currently not quantified), to the sanitary sewer for recycling at the Monterey One Water Regional Treatment Plant to augment water supply.

The Hartnell Gulch Restoration and Runoff Diversion project is a proposed diversion to sanitary sewer and creek restoration project. The project would install a pump to divert underground seepage and dry weather flows into the sanitary sewer. The restoration component would consist of removal of invasive plants, revegetation with native plants, and stabilization of the existing eroded channel. A portion of the approximately 1,100-acre tributary drainage area is in a Disadvantaged Community tract. The project is estimated to achieve between 20 to 100 ac-ft/yr of water supply.

Coast Guard Pier Diversion and San Carlos Beach Storage are presently in concept stage, but could contribute to overall City of Monterey diversion.

Benefits

Net Water Volume Recovered: 110 to 140 acre-feet/year

Water Quality Benefits: Treatment of pollutants in diverted urban stormwater and dry weather flows that currently discharge to Monterey Bay National Marine Sanctuary.

Natural Drainage System Benefits: Removal of urban stormwater and dry weather flows that currently discharge to Monterey Bay, thereby partially restoring natural drainage patterns.

Habitat or Open Space Benefits: Diversion to the sanitary sewer is anticipated to reduce overflow volumes from the Lake to the beach.

Community Benefits: Drainage area within the Hartnell Gulch watershed contains a Disadvantaged Community (DAC).

Cost

\$800,000

Roberts Lake Diversion – Seaside

Description

The Roberts Lake Diversion project is in the City of Seaside. A Pilot Project would include permitting, design, and construction of facilities that would enable water to flow into a wet well from the lake and be pumped approximately 180 feet to a sanitary sewer pump station wet well. The water would then be pumped to the Pure Water Monterey project for treatment and re-use as potable supply or irrigation. The following facilities are anticipated to be required:

- Pre-cast concrete wet well 6-feet in diameter for one or two low lift submersible pumps connected to a screened inlet from the lake. The proposed pump could be designed to accommodate either only dry season flows or also wet pumping to further reduce discharges to the bay and to assist with flood control if needed (i.e., lower lake levels prior to predicted large storm events).
- A force main (up to 6-inch in diameter) measuring approximately 180 linear feet from the northeast corner of lake to the nearest, existing City of Seaside pump station wet well at intersection of Del Monte Blvd and Canyon Del Rey Blvd (called the Del Monte Pump Station).
- A valve vault to enable remote flow monitoring and shutoff would also be needed.
- Electrical, instrumentation and finished grading, paving, and landscaping.

The pump station discharges through a 12-inch connects to the 21-inch diameter gravity sewer main on Del Monte Ave. The existing pump station has three pumps (2 duty and 1 standby) with a firm capacity of 1.75 mgd, and typical dry weather flows of 150-175 gallons per minute. The pump station has capacity to divert 800 to 1,000 gallons per minute of lake water during the dry season.

Watershed characteristics, includes portions of former Fort Ord, Del Rey Oaks, and Highway 68:

- Estimated Dry Weather Runoff: 87 to 124 acre-feet per year (AFY)
- Estimated Wet Weather Runoff: 1,359 AFY

Benefits:

Net Water Volume Recovered: 124 acre-feet/year (dry weather) water available for advanced purification for potable reuse.

Water Quality Benefits: Treatment of pollutants in diverted urban stormwater and dry weather flows that currently discharge to Monterey Bay National Marine Sanctuary.

Habitat or Open Space Benefits: Diversion to the sanitary sewer is anticipated to reduce overflow volumes from the Lake to the beach.

Cost

Estimate \$1,350,000

The total time from initial funding of soft costs to commissioning and start up is approximately 2 years.

State



June 27, 2023

The Honorable Luz Rivas
Chair, Assembly Committee on Natural Resources
1020 N Street, Room 164
Sacramento, CA 95814

RE: SB 867 (Allen) – Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023.

Position: SUPPORT IF AMENDED

Dear Assemblymember Rivas,

The Association of California Water Agencies (ACWA) and the undersigned organizations wish to express our support-if-amended position on SB 867. We greatly appreciate the author’s amendments that identify funding for many critical water and natural resources issues. We urge the author and Committee to continue to draft amendments that would make additional investments in California’s water infrastructure system.

ACWA represents over 460 public water agencies throughout California that deliver over 90% of the water used for agricultural, commercial, and residential purposes. ACWA supports efforts to advance a general obligation bond related to climate change and water and is appreciative of Senator Allen’s leadership on this issue over the years.

California’s changing climate creates increased risks of drought, floods, intense rain events, and sea level rise that will present unique challenges to public water agencies and their ability to reliably provide water to California’s farms and cities. The State is currently underprepared to manage a water system with a decreasing snowpack, less frequent precipitation, and weather extremes. Adapting to climate change will require California to urgently and significantly

rehabilitate and modify existing water facilities, improve operational flexibility, and make generational investments in new water infrastructure.

Additional above- and below-ground storage capacity must be developed to capture precipitation, especially in extreme weather events such as atmospheric rivers, and to mitigate disappearing snowpack. In addition, new and enhanced conveyance facilities are essential for moving collected and stored water, connecting suppliers with different supply sources, transferring water among water users, recharging groundwater, and storing water for multi-beneficial purposes, including environmental benefits. State investment in water infrastructure is crucial to providing the reliable delivery of safe water to California residents, businesses, and agriculture. In addition, climate resilience projects have also been shown to stimulate local economies and create jobs.

The undersigned organizations are pleased to continue to work with Senator Allen on this critical issue to provide funding as identified in the attached document. These amendments would improve California's capacity to adapt to the effects of climate change.

We thank you for your consideration of the amendments and urge the Committee to make these investments now. If you have any questions, please do not hesitate to contact ACWA State Relations Director, Adam Quiñonez at adamq@acwa.com or (916) 441-4545.

Sincerely,

Adam Quiñonez
State Relations Director
Association of California Water Agencies

Bruce Kamilos, P.E.
General Manager
Elk Grove Water District/Florin Resource
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David J. Stoldt
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Erik Hitchman
General Manager
Walnut Valley Water District

Attachment: SB 867 ACWA Amendments, 05/04/2023, Version: As Amended on 4/19/23

cc: The Honorable Benjamin Allen
Honorable Members, Assembly Committee on Natural Resources
Paige Brokaw, Senior Consultant, Assembly Committee on Natural Resources
Casey Dunn, Consultant, Assembly Republican Caucus

SB 867 ACWA Amendments
05/04/2023
Version: As Amended on 4/19/23

SECTION 1. The people of California find and declare all of the following:

(a) California’s changing climate creates increased risk of catastrophic wildfires, drought, severe heat events, and sea level rise, as well as impacts to agriculture, water supply and water quality, and the health of the forests, watershed, and wildlife.

(b) These risks and impacts vary by region and can overwhelm the resources of local governments that must cope with severe climate change-related events.

(c) Reducing vulnerability to fire, flood, drought, and other climate change-related events requires a statewide investment to increase climate resilience of communities and natural systems.

(d) Governor Gavin Newsom has issued several reports and executive orders that have created a roadmap to climate resiliency in California that will help guide and direct investments.

(e) The California’s Water Supply Strategy Adapting to a Hotter, Drier Future outlines actions needed to take in order to recycle and reuse at least 800,000 acre-feet of water per year by 2030, make available up to 500,000 acre-feet of water through more efficient water use and conservation, and make new water available for use by capturing storm water and desalinating brackish water in groundwater basins.

(f) The Water Resilience Portfolio serves as a blueprint for equipping California to cope with more extreme droughts and floods and rising temperatures, while addressing longstanding challenges that include declining fish populations, over-reliance on groundwater and lack of safe drinking water in many communities.

(g) The California’s Wildfire and Forest Resilience Action Plan outlines a strategy to increase the pace and scale of forest health projects, strengthen protection of communities, and manage forests, to achieve the state’s economic and environmental goals and drive innovation and measure progress.

(h) The Extreme Heat Action Plan outlines a strategy to protect communities from rising temperatures in order to accelerate readiness and protection of communities most impacted by extreme heat, including through cooling schools and homes, supporting community resilience centers, and expanding nature-based solutions.

(i) California’s strategy for achieving the first-in-the-nation 30x30 conservation goal is described in the Pathways to 30x30: Accelerating Conservation of California’s Nature report, which outlines a vision to conserve an additional 6,000,000 acres of lands and 500,000 acres of coastal waters needed to reach 30 percent.

(j) Executive Order No. N-82-20 outlines a strategy to expand nature-based solutions across California. The executive order calls for restoring nature and landscape health to deliver on our

climate change goals and other critical priorities, including improving public health and safety, securing our food and water supplies, and achieving greater equity across California.

(k) Governor Gavin Newsom signed Senate Bill 1 of the 2021–22 Regular Session (Chapter 236 of the Statutes of 2021) that directed the California Coastal Commission to take sea level rise into account in its planning, policies, and activities, and established a cross-government group tasked with educating the public and advising local, regional, and state government on feasible sea level rise mitigation efforts.

SEC. 2. Division 50 (commencing with Section 90000) is added to the Public Resources Code, to read:

DIVISION 50. DROUGHT, FLOOD, AND WATER RESILIENCE, WILDFIRE AND FOREST RESILIENCE, COASTAL RESILIENCE, EXTREME HEAT MITIGATION, BIODIVERSITY AND NATURE-BASED CLIMATE SOLUTIONS, CLIMATE SMART AGRICULTURE, PARK CREATION AND OUTDOOR ACCESS, AND CLEAN ENERGY BOND ACT of 2024

CHAPTER 1. General Provisions

90000. This division shall be known, and may be cited, as the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.

90100. For purposes of this division, the following definitions apply:

(a) “Disadvantaged community” means a community with a median household income of less than 80 percent of the area average.

(b) “Economically distressed areas” has the same meaning set forth in Section 79702 of the Water Code.

(c) “Severely disadvantaged community” means a community with a median household income of less than 60 percent of the area average.

(d) “Socially disadvantaged farmer or rancher” has the same meaning set forth in Section 512 of the Food and Agricultural Code.

(e) “Tribe” means a federally recognized Native American tribe or a nonfederally recognized Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission.

(f) “Vulnerable population” means a subgroup of population within a region or community that faces a disproportionately heightened risk or increased sensitivity to impacts of climate change and that lacks adequate resources to cope with, adapt to, or recover from such impacts.

90500. (a) The proceeds of bonds issued and sold pursuant to this division, exclusive of refunding bonds issued and sold pursuant to Section 95012, shall be deposited in the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat

Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Fund, which is hereby created in the State Treasury. Moneys in the fund shall be available, upon appropriation by the Legislature, for purposes of this division.

(b) Proceeds of bonds issued and sold pursuant to this division shall be allocated according to the following schedule:

(1) Eight billion eight hundred ~~five billion two hundred~~ million dollars (~~\$5,200,000,000~~ 8,800,000,000) for drought, flood, and water resilience programs, in accordance with Chapter 2 (commencing with Section 91000).

(2) Three billion two hundred twenty five million dollars (~~\$3,000,000,000~~ 3,225,000,000) for wildfire and forest resilience programs, in accordance with Chapter 3 (commencing with Section 91500).

(3) Two billion dollars (\$2,000,000,000) for coastal resilience programs, in accordance with Chapter 4 (commencing with Section 92000).

(4) Five hundred million dollars (\$500,000,000) for extreme heat mitigation programs, in accordance with Chapter 5 (commencing with Section 92500).

(5) Two billion dollars (\$2,000,000,000) for biodiversity protection and nature-based climate solution programs, in accordance with Chapter 6 (commencing with Section 93000).

(6) Three hundred million dollars (\$300,000,000) for climate smart agriculture programs, in accordance with Chapter 7 (commencing with Section 93500).

(7) Five hundred million dollars (\$500,000,000) for park creation and outdoor access programs, in accordance with Chapter 8 (commencing with Section 94000).

(8) Two billion dollars (\$2,000,000,000) for clean energy programs, in accordance with Chapter 9 (commencing with Section 94500).

CHAPTER 2. Drought, Flood and Water Resilience

91000. The sum of eight billion eight hundred ~~five billion two hundred~~ million dollars (~~\$5,200,000,000~~ 8,800,000,000) shall be available, upon appropriation by the Legislature, for drought, flood, and water resilience programs.

91010. Of the funds made available by Section 91000, five billion four hundred million dollars (~~\$5,400,000,000~~ 5,400,000,000) ~~two billion two hundred fifty million dollars~~ (~~\$2,250,000,000~~) shall be available, upon appropriation by the Legislature, to protect and increase California water supply and water quality.

91011. Of the funds made available by Section 91010, four ~~six~~ hundred million dollars (~~\$400,000,000~~ 600,000,000) shall be available, upon appropriation by the Legislature, to the State Water Resources Control Board for projects that improve water quality or help provide clean, safe, and reliable drinking water. Eligible projects include, but are not limited to, any of the following:

(a) Competitive grants for projects that help to provide clean, safe, and reliable drinking water to disadvantaged communities.

(b) Competitive grants for projects that increase water quality monitoring and remediation of perfluoroalkyl and polyfluoroalkyl substances.

(c) Innovative projects to increase the affordability of safe drinking water for severely disadvantaged communities.

(d) Projects that implement countywide drought and water shortage contingency plans adopted pursuant to Chapter 10 (commencing with Section 10609.40) of Part 2.55 of Division 6 of the Water Code.

(e) Competitive grants or loans for projects that prevent, reduce, or treat the contamination of groundwater, including constituents of emerging concern, that serves as a major source of drinking water for a community.

91012. (a) Of the funds made available by Section 91010, one billion four hundred million dollars (~~\$400,000,000~~ 1,000,000,000) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for projects related to groundwater storage, banking, conjunctive use, recharge, or other groundwater projects that improve water resilience. Projects funded pursuant to this subdivision shall provide multiple benefits, such as improved water quality and supply, improved flood water management, and provision of wildlife habitat.

(b) Of the funds made available by subdivision (a), five ~~two~~ hundred million dollars (~~\$200,000,000~~ 500,000,000) shall be available for projects that increase groundwater storage.

(c) Of the funds made available by subdivision (a), five ~~two~~ hundred million dollars (~~\$200,000,000~~ 500,000,000) shall be available for projects that support groundwater banking, conjunctive use, recharge, or other groundwater projects that improve water resilience.

91013. Of the funds made available by Section 91010, three hundred million dollars (\$300,000,000) shall be available, upon appropriation by the Legislature, to the Department of Conservation's Multibenefit Land Repurposing Program for groundwater sustainability projects that provide wildlife habitat, drought resilience, improve flood water management, and support implementation of the Sustainable Groundwater Management Act (Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code).

91014. Of the funds made available by Section 91010, seven hundred and fifty ~~three hundred~~ million dollars (~~\$750,000,000~~ 300,000,000) shall be available, upon appropriation by the Legislature, to the State Water Resources Control Board for grants and projects related to water reuse and recycling.

91015. Of the funds made available by Section 91010, three hundred and fifty million dollars (~~\$350,000,000~~ one hundred million dollars (~~\$100,000,000~~)) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for competitive grants for projects related to contaminant and salt removal projects, including, but not limited to, groundwater and seawater desalination and associated treatment, storage, conveyance, and distribution facilities.

91016. Of the funds made available by Section 91010, ~~five~~ ~~three~~ hundred million dollars (~~\$300,000,000~~~~\$500,000,000~~) shall be available, upon appropriation by the Legislature, to the California Water Commission for projects under the Water Storage Investment Program.

91016.1 Of the funds made available by Section 91010, two hundred and fifty million dollars (\$250,000,000) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for projects that capture and store flood flows, including, but not limited to, storage tanks, inflatable dams, and other projects that increase water storage capacity.

91017. Of the funds made available by Section 91010, ~~one~~ ~~five~~ hundred million dollars (~~\$100,000,000~~~~\$500,000,000~~) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for projects that increase water conservation in agricultural and urban areas.

91018. Of the funds made available by Section 91010, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to the Department of Water Resources and the State Water Resources Control Board to improve water data management and to implement Section 144 of the Water Code to reactivate existing stream gages and deploy new gages.

91019. (a) Of the funds made available by Section 91010, ~~two hundred fifty~~ ~~eight hundred~~ million dollars (~~\$250,000,000~~~~\$800,000,000~~) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency and the Department of Water Resources for competitive grants for regional conveyance projects or repairs to existing conveyances. Priority shall be given to projects that provide one or more of the following benefits:

- (1) Improvements in regional or interregional water supply or water supply reliability.
- (2) Increased ground water recharge or mitigation of conditions of groundwater overdraft, salinity intrusion, water quality degradation, or subsidence.
- (3) Adaptation to the impacts of hydrologic changes.
- (4) Improvements in water security from drought, natural disasters, or other events that could interrupt water supplies.
- (5) Providing safe drinking water for disadvantaged communities and economically distressed areas.

(b) Of the funds made available by subdivision (a), one hundred million dollars (\$100,000,000) shall be available to the Natural Resources Agency for implementation of the settlement agreement to restore the San Joaquin River referenced in Section 2080.2 of the Fish and Game Code and allocated as follows:

- (1) Fifty million dollars (\$50,000,000) shall be available for restoration of capacity of the Friant-Kern Canal that was lost due to subsidence, consistent with the water management goal under the Stipulation of Settlement entered September 13, 2006, in Natural Resources Defense Council v. Rodgers. For the purposes of awarding funding under this paragraph, a cost share

from nonstate sources of not less than 50 percent of the total costs of the project shall be required.

(2) Fifty million dollars (\$50,000,000) shall be available to implement the restoration goal of the Stipulation of Settlement entered September 13, 2006, in Natural Resources Defense Council v. Rodgers, including funding for restoration projects identified in paragraph 11 of the Stipulation of Settlement, and funding to support the work of the Restoration Administrator and Technical Advisory Committee. The Restoration Administrator and Technical Advisory Committee shall use these funds in part to review and provide input regarding the implementation of projects identified in paragraph 11 of the Stipulation of Settlement.

91019.1. (a) Of the funds made available by Section 91010, five hundred million dollars (\$500,000,000) shall be made available, upon appropriation by the Legislature, to the Department of Water Resources for projects that enhance the delivery of water or increase the energy resilience of the State Water Project.

91020. Of the funds made available by Section 91000, ~~two one~~ billion ~~one six~~ hundred ~~fifty~~ million dollars (~~\$1,650,000,000~~ \$2,100,000,000) shall be available, upon appropriation by the Legislature, to reduce flood risk and improve stormwater management.

91021. Of the funds made available by Section 91020, one billion dollars (\$1,000,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency and its departments, boards, and conservancies for flood management projects. Priority shall be given to projects designed and implemented to achieve the objectives of both flood safety and ecosystem functions, while providing additional benefits. At least 40 percent of the allocation made pursuant to this section shall benefit disadvantaged communities or vulnerable populations. Eligible projects include, but are not limited to, the following:

(a) Projects that implement the Central Valley Flood Protection Plan. To the maximum extent feasible, projects shall provide ecosystem benefits and groundwater recharge. The Department of Water Resources shall adopt guidelines and incentives to encourage cost-effective groundwater recharge and ecosystem benefits as part of flood risk reduction and management.

(b) Projects that implement the Coastal Watershed Flood Risk Reduction Program.

(c) Projects in the Sacramento-San Joaquin Delta to increase flood protection and climate resiliency.

(d) Projects that implement the Flood Control Subventions Program.

(e) Projects related to the systemwide evaluation, repair, rehabilitation, reconstruction, expansion, or replacement of levees, weirs, bypasses, and facilities of the State Plan of Flood Control.

91022. Of the funds made available by Section 91020, ~~eight hundred and fifty four hundred~~ million dollars (~~\$400,000,000~~ \$850,000,000) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for competitive grants for projects that enhance dam safety and reservoir operations and protect public benefits. Eligible projects

include, but are not limited to, dam safety projects at high hazard dams in poor condition, new spillways and repairs at existing dams to facilitate implementation of Forecast-Informed Reservoir Operations, and reservoir seismic retrofit projects. A grant cost share of at least 50 percent shall be required for projects funded pursuant to this section.

91023. Of the funds available by Section 91020, two hundred fifty million dollars (\$250,000,000) shall be available, upon appropriation by the Legislature, to the State Water Resources Control Board for grants for multibenefit storm water management projects. Preference shall be given to multibenefit and natural infrastructure projects.

91030. Of the funds made available by Section 91000, one billion dollars (\$1,000,000,000) shall be available, upon appropriation by the Legislature, to improve watershed resilience and to protect and restore rivers, lakes, and streams.

91031. (a) Of the funds made available by Section 91030, three hundred million dollars (\$300,000,000) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for grants and direct expenditures related to integrated regional water management to improve climate resilience on a watershed basis.

(b) The Department of Water Resources shall develop standards and provide technical and financial support for the development of watershed climate risk assessments that do all of the following:

- (1) Identify watershed scale climate resilience targets related to water supply, water quality, habitat protection and enhancement, flood protection, and other climate resilience targets appropriate for the watershed.
- (2) Provide investment and implementation plans for projects to achieve the targets in the most cost-effective manner.
- (3) Include uniform analytic standards to facilitate project selection and performance evaluation.
- (4) Provide for the deployment of appropriate instrumentation, measurement, and monitoring to allow for evaluation of project effectiveness in achieving progress toward resilience targets.
- (5) Include consideration of equity and environmental justice needs.
- (6) Include requirements for adaptive management and refinement in project selection and implementation.
- (7) Build on and coordinate with existing integrated regional water management plans.

(c) The Department of Water Resources may select pilot watersheds to test methods to improve watershed climate resilience and guide the implementation of this section including, but not limited to, both of the following:

- (1) Development of standard models and analytic approaches that improve climate risk assessment, and project selection and evaluation.
- (2) Methods to reduce the cost of achieving climate resilience targets and outcomes.

(d) (1) The Department of Water Resources shall make grants to public agencies for the implementation of projects identified in watershed climate risk assessments based on both of the following:

(A) The severity of the identified climate risk.

(B) The potential to reduce that risk in the most cost-effective manner.

(2) The Department of Water Resources shall consider the extent the project achieves multiple benefits, addresses equity issues, and provides a model for other watersheds.

(3) Existing plans that provide equivalent climate risk assessment may be used as the basis to fund grants that improve regional climate resilience, including conjunctive use projects, groundwater recharge projects, and other projects that provide increased water supply flexibility or other resilience benefits.

(e) The Department of Water Resources shall develop guidelines to improve governance of integrated regional water management plans and for program implementation of watershed climate resilience that facilitate multiple benefit projects, allow program funds to be used as matching funds for other funding sources, and requires detailed reporting on project outcomes and progress toward achieving climate risk targets.

91032. (a) Of the funds made available by Section 91030, six hundred million dollars (\$600,000,000) shall be available, upon appropriation by the Legislature, for projects that protect and restore rivers, streams, lakes, and watersheds. Projects shall improve climate resilience, water supplies, or water quality. To the extent feasible, preference shall be given to natural infrastructure projects. At least 40 percent of the allocation made pursuant to this section shall benefit disadvantaged communities or vulnerable populations. The funds made available pursuant to this section shall be allocated to any of the following:

(1) Projects that protect and restore rivers, streams, and lakes to improve fish and wildlife habitat.

(2) Multibenefit watershed protection or restoration projects that improve climate resilience within the Los Angeles River Watershed and the San Gabriel River Watershed that are implemented pursuant to Section 79508 of the Water Code.

(3) Multibenefit urban stream and river parkway projects under the Urban Streams Restoration Program established pursuant to Section 7048 of the Water Code that protect and restore riparian habitats, improve climate resilience, enhance natural drainages, protect and restore watersheds, and provide public access.

(4) Projects that are included in the Lake Tahoe Environmental Improvement Program.

(b) Of the funds made available by subdivision (a), seventy-five million dollars (\$75,000,000) shall be available pursuant to Division 22.8 (commencing with Section 32600) for projects that improve the climate resiliency or the protection of the Los Angeles River Watershed or are consistent with the Lower Los Angeles River Revitalization Plan.

(c) (1) Of the funds made available by subdivision (a), seventy-five million dollars (\$75,000,000) shall be available pursuant to Division 23 (commencing with Section 33000) for projects that improve the climate resiliency or the protection of the Los Angeles River Watershed and are a part of the revitalization plan developed by the Upper Los Angeles River and Tributaries Working Group pursuant to Section 33220 or the Los Angeles River Master Plan.

(2) Of the funds made available by paragraph (1), forty million dollars (\$40,000,000) shall be allocated for projects that include, but are not limited to, projects that protect or enhance the Los Angeles River, parkway projects that include connectivity to parks and open space in neighboring communities within the San Fernando Valley, including Aliso Creek, and the Tujunga Wash, and projects along the Arroyo Seco waterway.

(d) Of the funds made available by subdivision (a), fifty million dollars (\$50,000,000) shall be available for projects that improve the climate resiliency or for the protection of the San Mateo Creek Watershed in the San Francisco Bay Area.

91033. Of the funds made available by Section 91030, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to implement the Salton Sea Management Program 10-year Plan to provide air quality, public health, and habitat benefits.

91040. Of the funds made available by Section 91000, three hundred million dollars (\$300,000,000) shall be available, upon appropriation by the Legislature, to the Wildlife Conservation Board for projects pursuant to the guidelines of the Stream Flow Enhancement Program, including the acquisition of water or water rights, acquisition of land that includes water rights or contractual rights to water, and short- or long-term water transfers and leases.

91050. Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the Water Resilience Portfolio, California's Water Supply Strategy, the Central Valley Flood Protection Plan, and the Sustainable Groundwater Management Act (Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code), if applicable.

CHAPTER 3. Wildfire and Forest Resilience

91500. The sum of three billion dollars (\$3,000,000,000) shall be available, upon appropriation by the Legislature, for wildfire prevention, including reducing community wildfire risk and restoring the health and resilience of forests.

91510. (a) Of the funds made available by Section 91500, ~~two hundred seventy-five~~ five hundred million dollars (~~\$275,000,000~~ \$500,000,000) shall be available, upon appropriation by the Legislature, to the Office of Emergency Services for a pre-hazard mitigation grant program. The Office of Emergency Services shall coordinate with the Department of Forestry and Fire Protection in administering these moneys. The grant program shall assist local and state agencies to leverage additional funds, including matching grants from federal agencies. Funds may be used to provide loans, rebates, direct assistance, and matching funds for projects that prevent wildfires, increase resilience, reduce the risk of wildfires to communities, or increase community hardening. Eligible projects include, but are not limited to, any of the following:

(1) Grants to local agencies, state agencies, joint powers authorities, and tribes for projects that reduce wildfire risks to people and property consistent with an approved community wildfire protection plan.

(2) 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, evacuation 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 high fire hazard severity zones or very high fire hazard severity zones, as designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 or by a local agency pursuant to Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 of Title 5 of the Government Code, wildfire buffers, and incentives to remove structures that significantly increase hazard risk.

(3) Grants, in coordination with the Public Utilities Commission, to local agencies, state agencies, special districts, joint powers authorities, tribes, and nonprofit organizations for zero-emission backup power, energy storage, and microgrids for critical community infrastructure in order to provide continuity of electrical service, reduced wildfire ignitions, and to safeguard communities from disruption due to public safety power shutoffs, wildfire, or air pollution caused by wildfire, extreme heat, or other disaster.

(b) The Office of Emergency Services and the Department of Forestry and Fire Protection shall prioritize prehazard mitigation grant funding applications from local agencies based on the Fire Risk Reduction Community list, upon development of that list, pursuant to Section 4290.1.

(c) The Office of Emergency Services and the Department of Forestry and Fire Protection shall provide technical assistance to disadvantaged communities, severely disadvantaged communities, or vulnerable populations, including those with access and functional needs, socially disadvantaged farmers or ranchers, and economically distressed areas to ensure the grant program reduces the vulnerability of those most in need.

91520. Of the funds made available by Section 91500, two billion five hundred million dollars (\$2,500,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency and to its departments, boards, and conservancies for projects and grants to improve local fire prevention capacity, improve forest health and resilience, and reduce the risk of wildfire spreading into populated areas from wildlands. Where appropriate, projects may include activities on lands owned by the United States. The funding made available by this section shall be allocated as follows:

(a) Three hundred million dollars (\$300,000,000) shall be available to the Department of Conservation's Regional Forest and Fire Capacity Program to increase regional capacity to prioritize, develop, and implement projects that improve forest health and fire resilience, implement community fire preparedness demonstration projects, facilitate greenhouse gas emissions reductions, and increase carbon sequestration in forests and other landscapes across regions and throughout the state. The funding shall be allocated based, to the extent feasible, on the Wildfire and Forest Resilience Action Plan.

(b) Five hundred million dollars (\$500,000,000) shall be available to implement regional strategies, including, but not limited to, strategies developed by forest collaboratives as defined in Section 4810 or regional entities as defined in Section 4208 through block grants and direct appropriations by the Legislature.

(c) Three hundred million dollars (\$300,000,000) shall be available to the Department of Forestry and Fire Protection for long-term forest health projects, including improved forest management, prescribed fire, cultural fire, forest watershed restoration, and activities that promote long-term carbon storage and sequestration.

(d) Five hundred million dollars (\$500,000,000) shall be available to the Department of Forestry and Fire Protection for local fire prevention grants consistent with Article 2.5 (commencing with Section 4124) of Chapter 1 of Part 2 of Division 4 and for grants to conduct workforce development for fire prevention and wildfire resiliency work.

(e) Twenty-five million dollars (\$25,000,000) shall be available to the Department of Forestry and Fire Protection for the creation of a prescribed fire training center consistent with the proposal developed pursuant to Section 4477.

(f) Five hundred million dollars (\$500,000,000) shall be available for watershed improvement projects in forests and other habitats, including, but not limited to, redwoods, conifers, oak woodlands, mountain meadows, chaparral, and coastal forests. Projects shall involve the restoration of natural ecosystem functions in very high and high fire hazard areas and provide multiple benefits, including, but not limited to, prescribed fire, cultural fire, habitat protection, fuel reduction, watershed protection, carbon sequestration, protection of older fire-resistant trees, or improved forest health. The Natural Resources Agency shall give preference to projects that include matching funds or in-kind work, as determined appropriate, from beneficiaries of the watershed that may include, but are not limited to, water districts, public utilities, local agencies, or private users. The Natural Resources Agency shall ensure long-term benefits for projects funded pursuant to this subdivision, including through an ongoing commitment to future maintenance and a commitment to long-term forest resilience that reduces fire risk.

(g) One hundred million dollars (\$100,000,000) shall be available to conduct fuel reduction, structure hardening, create defensible space, reforestation, and targeted acquisitions to improve forest health and fire resilience on state-owned lands.

(h) Seventy-five million dollars (\$75,000,000) shall be available to the Sierra Nevada Conservancy for watershed improvement, forest health, biomass utilization, and forest restoration workforce development. At least 50 percent of the funds made available by this subdivision shall be available to the Sierra Nevada Watershed Improvement Program created by Section 33345.1.

(i) Fifty million dollars (\$50,000,000) shall be available to the California Tahoe Conservancy for watershed improvement, forest health, biomass utilization, and forest restoration workforce development.

(j) Seventy-five million dollars (\$75,000,000) shall be available to the Santa Monica Mountains Conservancy for watershed improvement, fire resilience, chaparral and forest restoration, and restoration workforce development.

(k) Seventy-five million dollars (\$75,000,000) shall be available to the State Coastal Conservancy for watershed improvement, fire resilience, forest health, and restoration workforce development.

91530. Of the funds made available by Section 91500, one hundred fifty million dollars (\$150,000,000) shall be available, upon appropriation by the Legislature, to the State Air Resources Board, in consultation with the Natural Resources Agency and the Department of Forestry and Fire Protection, to incentivize new projects in California that provide long-term capital infrastructure to convert forest and other vegetative waste removed for wildfire mitigation to uses that maximize reductions in greenhouse gas emissions, provide local air quality benefits, and increase local community resilience against climate change impacts.

91540. Of the funds made available by Section 91500, seventy-five million dollars (\$75,000,000) shall be available, upon appropriation by the Legislature, to the Department of Forestry and Fire Protection to enhance California's fire prevention, fuel management, and fire response, as follows:

(a) Ten million dollars (\$10,000,000) shall be available to improve water quality at the Department of Forestry and Fire Protection facilities to enhance safe human use and consumption.

(b) Twenty million dollars (\$20,000,000) shall be available to upgrade existing infrastructure and for new Department of Forestry and Fire Protection facilities for suppression and fuel reduction crews.

(c) Twenty million dollars (\$20,000,000) shall be available for the purchase of Type 3 engines and related equipment to be used for fire suppression and fuel reduction.

(d) Five million dollars (\$5,000,000) shall be available to enhance the Department of Forestry and Fire Protection's communications centers and mobile communications, including the capacity to provide culturally relevant and multilingual communication services.

(e) Twenty million dollars (\$20,000,000) shall be available to the Department of Forestry and Fire Protection for grants to assist local agencies with equipment for wildland firefighting, fire prevention, and fuel management.

91550. Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the California Wildfire and Forest Resilience Action Plan, and by the Natural Resources Agency and the Department of Forestry and Fire Protection, if applicable.

CHAPTER 4. Coastal Resilience

92000. The sum of two billion dollars (\$2,000,000,000) shall be available, upon appropriation by the Legislature, to increase coastal and ocean resiliency and to protect coastal lands, waters, communities, natural resources, and urban waterfronts from climate impacts. Eligible projects

include, but are not limited to, projects to restore coastal wetlands and projects to address sea level rise.

92010. Of the funds made available by Section 92000, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, for projects identified by the State Coastal Conservancy for coastal resilience projects and programs identified in the 2023–2027 Strategic Plan. The funds made available pursuant to this section may be allocated to any of the following:

- (a) Grants through the Climate Ready Program pursuant to Section 31113.
- (b) Projects to protect coastal lands and restore habitats, including subtidal habitats, wetlands, riparian areas, redwood forests, oak woodlands, and other important wildlife habitats, including projects to protect and restore healthy sea otter populations.
- (c) Natural infrastructure projects that use existing natural areas to minimize coastal flooding, erosion, and runoff.
- (d) Projects to restore coastal land for public uses on surplus land for formerly fossil-fueled powerplants.
- (e) Projects that are consistent with the San Francisco Bay Restoration Authority Act (Title 7.25 (commencing with Section 66700) of the Government Code), including, but not limited to, projects that address sea level rise, flood management, and wetland restoration.
- (f) Projects for purposes of the San Francisco Bay Area Conservancy Program established pursuant to Chapter 4.5 (commencing with Section 31160) of Division 21.
- (g) Lower cost coastal accommodation grants consistent with the Lower Cost Coastal Accommodations Program established pursuant to Section 31412.

92015. Of the funds made available by Section 92000, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to the State Coastal Conservancy for the purpose of coastal and combined flood management projects and activities for developed shoreline areas, including areas with critical infrastructure, including transportation and port infrastructure at risk of current flooding and flooding due to sea level rise. Funds shall be allocated to multibenefit projects that improve public safety, including shoreline resilience projects designed to address flooding, sea level rise, and shoreline stability that include engineering with nature or nature-based features. These funds shall be available to local agencies as matching funds for federally funded coastal flood risk management and flood risk management projects.

92020. Of the funds made available by Section 92000, three hundred twenty-five million dollars (\$325,000,000) shall be available, upon appropriation by the Legislature, for deposit into the California Ocean Protection Trust Fund for grants to increase resilience from the impacts of climate change. Preference shall be given to projects that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems, including, but not limited to, estuarine habitat, kelp forests, eelgrass meadows, native oyster beds, or that maintain the state's system of marine protected areas, and support sustainable fisheries. Funding may be used to purchase

and install ocean current mapping infrastructure and new maritime research infrastructure to reduce emissions.

92030. Of the funds made available by Section 92000, two hundred fifty million dollars (\$250,000,000) shall be available, upon appropriation by the Legislature, to implement the California Sea Level Rise Mitigation and Adaptation Act of 2021 (Division 20.6.5 (commencing with Section 30970)).

92040. Of the funds made available by Section 92000, two hundred fifty million dollars (\$250,000,000) shall be available, upon appropriation by the Legislature, to the Department of Parks and Recreation to implement the Sea Level Rise Adaptation Strategy to address the impacts of sea level rise in coastal state parks, support continued access and recreational opportunities, and protect coastal natural and cultural resources.

92050. Of the funds made available by Section 92000, twenty-five million dollars (\$25,000,000) shall be available, upon appropriation by the Legislature, for projects identified by the Natural Resource Agency and the Invasive Species Council of California to implement projects to protect and restore island ecosystems by mitigating the threat of island invasive species and advancing biosecurity initiatives.

92060. Of the funds made available by Section 92000, twenty-five million dollars (\$25,000,000) shall be available, upon appropriation by the Legislature, for projects identified by the Department of Fish and Wildlife to advance climate-ready fisheries management by expanding opportunities for experimentation and adaptive cooperative management, modernizing electronic fisheries data management systems, and increasing the use of electronic technologies to facilitate more nimble decisionmaking and timely management responses under changing ocean conditions.

92070. Of the funds made available by Section 92000, twenty-five million dollars (\$25,000,000) shall be available, upon appropriation by the Legislature, for projects identified by the Department of Fish and Wildlife to support the restoration and management of kelp ecosystems. Funds shall be used to support ongoing research, restoration, and monitoring activities of kelp ecosystems and for the implementation of an adaptive kelp management plan.

92080. Of the funds made available by Section 92000, one hundred million dollars (\$100,000,000) shall be allocated, upon appropriation by the Legislature, to the State Coastal Conservancy for grants to remove or upgrade outdated or obsolete dams and water infrastructure. Projects may also install infrastructure to increase climate resilience, enhance sediment supply, improve wildlife and fish passage, and modernize water infrastructure, including related planning, permitting, habitat restoration, and recreational improvements. Funds for planning, monitoring, and implementation of projects pursuant to this section may exceed 10 percent of the funds allocated if the State Coastal Conservancy determines there is a need for the additional funding.

92090. Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the California Coastal Commission, the Ocean Protection Council, the

State Lands Commission, the San Francisco Bay Conservation and Development Commission, and the State Coastal Conservancy, if applicable.

CHAPTER 5. Extreme Heat Mitigation

92500. The sum of five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to address extreme heat in communities.

92510. Of the funds made available by Section 92500, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to the Office of Planning and Research's Extreme Heat and Community Resilience Program to fund projects to reduce the urban heat island effect and other extreme heat impacts from climate change. Projects shall benefit disadvantaged communities and vulnerable populations.

92520. Of the funds made available by Section 92500, one hundred fifty million dollars (\$150,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency to provide funds to state agencies identified in the extreme heat action plan, and any subsequent updates, in order to implement the plan and mitigate the impacts of extreme heat.

92530. Of the funds made available by Section 92500, fifty million dollars (\$50,000,000) shall be available, upon appropriation by the Legislature, to the Office of Planning and Research's Adaptation Planning Grant Program for regional climate resilience planning and demonstration projects.

92540. Of the funds made available by Section 92500, fifty million dollars (\$50,000,000) shall be available, upon appropriation by the Legislature, to the Strategic Growth Council's Community Resilience Centers Program for the construction or retrofit of facilities to serve as community resilience centers that mitigate the public health impacts of extreme heat and other emergency situations exacerbated by climate change. Projects shall benefit disadvantaged communities and vulnerable populations.

92550. Of the funds made available by Section 92500, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency for competitive grants for urban greening. Projects shall benefit disadvantaged communities and vulnerable populations. These funds shall support projects that mitigate the urban heat island effect, rising temperatures, and extreme heat impacts. Eligible projects may include, but are not limited to, investments that support an expanded urban greening program that supports the creation of green recreational parks in park-poor communities.

92560. Of the funds made available by Section 92500, fifty million dollars (\$50,000,000) shall be available, upon appropriation by the Legislature, to the Department of Forestry and Fire Protection to protect or augment California's urban forests pursuant to Section 4799.12. Projects shall contribute to mitigating the urban heat island effect and extreme heat impacts. Projects shall benefit disadvantaged communities and vulnerable populations.

92570. (a) At least 10 percent of the funds available pursuant to this chapter shall be allocated for grants that provide outreach and technical assistance that directly benefit disadvantaged communities and vulnerable populations. An eligible applicant is a nonprofit organization, technical assistance provider, or tribe.

(b) Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the Protecting Californians From Extreme Heat: A State Action Plan to Build Community Resilience, and the Office of Planning and Research's Extreme Heat and Community Resilience Program, if applicable.

CHAPTER 6. Protect Biodiversity and Accelerating Nature-Based Climate Solutions

93000. The sum of two billion dollars (\$2,000,000,000) shall be available, upon appropriation by the Legislature, for the protection of California's biodiversity and to protect nature and restore landscape health to achieve California's climate change goals.

93010. Of the funds made available by Section 93000, one billion dollars (\$1,000,000,000) shall be available, upon appropriation by the Legislature, to the Wildlife Conservation Board for existing grant programs to protect and enhance fish and wildlife habitat and achieve the state's biodiversity and conservation goals. Eligible programs include, but are not limited to, any of the following:

- (a) Land acquisition.
- (b) Habitat enhancement and restoration.
- (c) Rangeland, grazing land, and grassland protection.
- (d) Inland wetland conservation.
- (e) Ecosystem restoration on agricultural lands.
- (f) Climate adaptation and resiliency.
- (g) Monarch butterfly and pollinator rescue.
- (h) Purposes of reimbursing the General Fund, pursuant to the Natural Heritage Preservation Tax Credit Act of 2000 (Division 28 (commencing with Section 37000)).

93020. Of the funds made available by Section 93000, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to reduce the risks of climate change impacts upon communities, fish and wildlife, and natural resources allocated in accordance with the following schedule:

- (a) Baldwin Hills Conservancy, fifty million dollars (\$50,000,000).
- (b) California Tahoe Conservancy, fifty million dollars (\$50,000,000).
- (c) Coachella Valley Mountains Conservancy, twenty-five million dollars (\$25,000,000).
- (d) Sacramento-San Joaquin Delta Conservancy, fifty million dollars (\$50,000,000).

(e) San Diego River Conservancy, seventy-five million dollars (\$75,000,000).

(f) San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, seventy-five million dollars (\$75,000,000).

(g) San Joaquin River Conservancy, twenty-five million dollars (\$25,000,000).

(h) Santa Monica Mountains Conservancy, seventy-five million dollars (\$75,000,000).

(i) Sierra Nevada Conservancy, seventy-five million dollars (\$75,000,000).

93030. (a) Of the funds made available by Section 93000, four hundred million dollars (\$400,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency and its departments, boards, and conservancies to protect and restore biodiversity, expand access to nature, and mitigate and build resilience to climate change using nature-based solutions, whenever possible. Eligible projects shall contribute to the goals established in the Pathways to 30x30 document, and biodiversity strategies established pursuant to Executive Order No. N-82-20. Eligible projects include any of the following:

(1) Projects to accelerate regionally led conservation.

(2) Strategic land acquisitions and voluntary conservation easements.

(3) Projects to enhance or restore the fish and wildlife habitat on public lands and coastal waters.

(4) Tribal nature-based solutions.

(5) Floodplain and wetland restoration.

(6) Projects to improve forest and chaparral habitat.

(7) Reintroduction of migratory salmon to historic habitats and climate refugia.

(b) Of the funds made available by subdivision (a), two hundred million dollars (\$200,000,000) shall be available for projects to improve habitat connectivity.

(c) At least 10 percent of the funds made available by this section shall be available to provide grants for the purchase of facilities, equipment, and software and for projects and technical assistance by scientific academic institutions and nonprofits to better map, catalog, and understand the biodiversity in strategic areas of the state to further the purposes of this chapter.

93040. Of the funds made available by Section 93000, fifty million dollars (\$50,000,000) shall be available, upon appropriation by the Legislature, to the Department of Fish and Wildlife for nature-based solutions that improve the climate resilience of fish and wildlife habitat and improve fish and wildlife passage.

93050. Of the funds made available by Section 93000, fifty million dollars (\$50,000,000) shall be available, upon appropriation by the Legislature, to the Department of Fish and Wildlife to accredited California zoos and aquariums to advance conservation of California's species

biodiversity to help ensure the viability and recovery of California's endangered and declining species, including, but not limited to, wildlife health monitoring and biodiversity reserve management.

93060. Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the Wildlife Conservation Board, the Pathways to 30x30 document, the Natural and Working Lands Climate Smart Strategy, California's 2022 Scoping Plan for Achieving Carbon Neutrality, and the California Climate Adaptation Strategy, if applicable.

CHAPTER 7. Climate Smart Agriculture for Sustainability and Resiliency

93500. The sum of three hundred million dollars (\$300,000,000) shall be available, upon appropriation by the Legislature, for improving climate resilience of agricultural lands.

93510. Of the funds made available by Section 93500, one hundred fifty million dollars (\$150,000,000) shall be available, upon appropriation by the Legislature, to the Department of Food and Agriculture's Office of Environmental Farming and Innovation for improvements in climate resilience of agricultural lands and ecosystem health and allocated to eligible projects as follows:

(a) (1) Fifty million dollars (\$50,000,000) shall be available to the healthy soils grant program to promote practices on farms and ranches that improve soil health, accelerate atmospheric carbon removal or soil carbon sequestration, enhance groundwater recharge, and improve habitat.

(2) At least 40 percent of the funds allocated pursuant to this subdivision shall be allocated to projects that provide direct and meaningful benefits to socially disadvantaged farmers and ranchers.

(b) (1) Twenty-five million dollars (\$25,000,000) shall be available for the State Water Efficiency and Enhancement Program to promote onfarm water use efficiency and reduce emissions of greenhouse gases.

(2) At least 40 percent of the funds allocated pursuant to this subdivision shall be allocated to projects that provide direct and meaningful benefits to socially disadvantaged farmers and ranchers.

(c) Twenty-five million dollars (\$25,000,000) shall be available to the pollinator habitat program.

(d) Fifty million dollars (\$50,000,000) shall be available to establish the Environmental Farming Incentive Program to address natural resource concerns on agricultural lands. Eligible projects include, but are not limited to, improved water and air quality, conserved groundwater and surface water, improved or created wildlife habitat, wildlife-friendly farming and ranching practices, drought and climate resilience, and other conservation practices.

93520. Of the funds made available by Section 93500, twenty-five million dollars (\$25,000,000) shall, upon appropriation by the Legislature, be deposited in the Invasive Species Account established pursuant to Section 7706 of the Food and Agricultural Code for purposes of funding invasive species projects and activities recommended by the Invasive Species Council of

California. Preference shall be given to projects that restore and protect biodiversity and ecosystem health.

93530. Of the funds made available by Section 93500, one hundred twenty-five million dollars (\$125,000,000) shall be available, upon appropriation by the Legislature, to the Department of Conservation for projects for the protection, restoration, and enhancement of farmland and rangeland, including, but not limited to, the acquisition of fee title or easements on agricultural lands, and onfarm improvements that provide any of the following benefits:

- (a) Climate resilience.
- (b) Soil health.
- (c) Atmospheric carbon removal.
- (d) Soil carbon sequestration.
- (e) Erosion control.
- (f) Floodwater management.
- (g) Watershed restoration.
- (h) Habitat conservation.
- (i) Water quality.
- (j) Water retention.

93540. Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the Department of Food and Agriculture and the Natural and Working Lands Climate Smart Strategy, if applicable.

CHAPTER 8. Park Creation and Outdoor Access

94000. The sum of five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, for the creation and protection of parks, outdoor access, and educational institutions.

94010. Of the funds made available by Section 94000, four hundred million dollars (\$400,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency and its departments, boards, and conservancies for the reduction of climate impacts on disadvantaged communities and vulnerable populations and the creation, protection, and expansion of outdoor recreation opportunities. Eligible projects include, but are not limited to, any of the following:

- (a) Improvements to city parks, county parks, regional parks, and open-space lands to preserve infrastructure, including natural infrastructure, to promote resilience and adaptation or the promotion and enhancement of natural resources and water conservation and efficiencies on local and regional public park lands and open-space lands.

(b) The creation and expansion of safe neighborhood parks in park-poor neighborhoods in accordance with the Statewide Park Development and Community Revitalization Act of 2008's competitive grant program described in Chapter 3.3 (commencing with Section 5640) of Division 5.

(c) Multiple benefit projects that reduce risks of exposure to toxic or hazardous materials that may increase as a result of wildfires, flooding, sea level rise, or reduced water flows to polluted bodies of water.

(d) Grants consistent with the California Cultural and Historical Endowment Act, established pursuant to Chapter 13 (commencing with Section 20050) of Part 11 of Division 1 of Title 1 of the Education Code, for projects that protect California's cultural and historic resources from climate impacts or inform the public about resiliency to climate change.

(e) Improved public access, including for individuals with disabilities, as defined by the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and outdoor recreation at state parks, city parks, county parks, regional parks, and open-space preserves.

94020. Of the funds made available by Section 94000, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to the Department of Parks and Recreation for the protection, restoration, and enhancement of the natural resource values of the state park system and projects to expand public access for disadvantaged communities, including, but not limited to, the expansion of lower cost coastal accommodation project development.

94030. (a) At least 10 percent of the funds available pursuant to this chapter shall be allocated for grants that provide outreach and technical assistance that directly benefit disadvantaged communities and vulnerable populations. An eligible applicant is a nonprofit organization, technical assistance provider, or tribe.

(b) Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the Natural Resources Agency and the Outdoors for All Strategy, if applicable.

CHAPTER 9. Clean Energy

94500. The sum of two billion dollars (\$2,000,000,000) shall be available, upon appropriation by the Legislature, for clean energy projects.

94510. Of the funds made available by Section 94500, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to support the planning and development of new or expanded high-voltage electrical transmission lines that are necessary to meet the state's clean energy goals and have been identified by the Independent System Operator as required to achieve the state's policies identified in Section 454.53 of the Public Utilities Code.

94520. Of the funds made available by Section 94500, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to the State Energy Resources Conservation and Development Commission, in coordination with the State Air Resources Board, for grants to assist in obtaining, or as a match for, federal grants related to

regional hubs in the federal Infrastructure Investment and Jobs Act (Public Law 117-58) and federal Inflation Reduction Act of 2022 (Public Law 117-169).

94530. Of the funds made available by Section 94500, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to the State Energy Resources Conservation and Development Commission for zero-emission vehicle charging infrastructure.

94540. Of the funds made available by Section 94500, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to the State Energy Resources Conservation and Development Commission for grants to support the Long-Duration Energy Storage Program.

CHAPTER 10. Fiscal Provisions

95000. (a) Bonds in the total amount of nineteen billion three hundred twenty-five million dollars (\$19,325,000,000) ~~fifteen billion five hundred million dollars (\$15,500,000,000)~~, not including the amount of any refunding bonds issued in accordance with Section 95012, may be issued and sold for carrying out the purposes expressed in this division and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, issued, and delivered, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both the principal of, and interest on, the bonds as the principal and interest become due and payable.

(b) The Treasurer shall cause the issuance and sell the bonds authorized by the committee pursuant to subdivision (a) in the amount determined by the committee to be necessary or desirable pursuant to Section 95003. The bonds shall be issued and sold upon the terms and conditions specified in a resolution to be adopted by the committee pursuant to Section 16731 of the Government Code.

95001. The bonds authorized by this division shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), as amended from time to time, and all of the provisions of that law, except subdivisions (a) and (b) of Section 16727 of the Government Code, apply to the bonds and to this division and are hereby incorporated in this division as though set forth in full in this division.

95002. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), of the bonds authorized by this division, the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Finance Committee is hereby created. For purposes of this division, the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond

Finance Committee is the “committee,” as that term is used in the State General Obligation Bond Law.

(b) The committee consists of the _____. Notwithstanding any other law, any member may designate a representative to act as that member in that member’s place for all purposes, as though the member were personally present.

(c) The _____ shall serve as the chairperson of the committee.

(d) A majority of the committee may act for the committee.

95003. The committee shall by resolution determine whether or not it is necessary or desirable to issue and sell bonds authorized by this division in order to carry out the actions specified in this division and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

95004. For purposes of the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), “board,” as defined in Section 16722 of the Government Code, means the Secretary of the Natural Resources Agency.

95005. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds becoming due in that year. It is the duty of all officers charged by law with any duty regarding the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

95006. Notwithstanding Section 13340 of the Government Code, there is hereby continuously appropriated from the General Fund in the State Treasury, for the purposes of this division, and without regard to fiscal years, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this division, as the principal and interest become due and payable.

(b) The sum that is necessary to carry out Section 95009.

95007. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account or any other form of interim financing in accordance with Section 16312 of the Government Code, for the purpose of carrying out this division. The amount of the request shall not exceed the amount of the unsold bonds that the committee has, by resolution, authorized to be sold for the purpose of carrying out this division, excluding any refunding bonds authorized pursuant to Section 95012, less any amount loaned and not yet repaid pursuant to this section and any amount withdrawn from the General Fund pursuant to Section 95009 and not yet returned to the General Fund. The board shall execute those documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated in accordance with this division.

95008. Notwithstanding any other provision of this division, or of the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the

Government Code), if the Treasurer sells bonds pursuant to this chapter that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes under designated conditions or is otherwise entitled to any federal tax advantage, the Treasurer may maintain separate accounts for the bond proceeds invested and for the investment earnings on those proceeds and may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or take any other action with respect to the investment and use of those bond proceeds, as may be required or desirable under federal law in order to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

95009. For purposes of carrying out this division, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this division, excluding refunding bonds authorized pursuant to Section 95012, less any amount loaned pursuant to Section 95007 and not yet repaid and any amount withdrawn from the General Fund pursuant to this section and not yet returned to the General Fund. Any amounts withdrawn shall be deposited in the fund to be allocated in accordance with this division. Any moneys made available under this section shall be returned to the General Fund, with interest at the rate earned by the moneys in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this division.

95010. All moneys deposited in the fund that are derived from premiums and accrued interest on bonds sold pursuant to this division shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest, except that amounts derived from premiums may be reserved and used to pay costs of bond issuance before any transfer to the General Fund.

95011. Pursuant to the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), the cost of bond issuance shall be paid or reimbursed out of the bond proceeds, including premiums, if any. To the extent the cost of bond issuance is not paid from premiums received from the sale of bonds, these costs shall be allocated proportionally to each program funded through this division by the applicable bond sale.

95012. The bonds issued and sold pursuant to this division may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law, as amended. Approval by the voters of the state for the issuance of the bonds under this division shall include approval of the issuance, sale, or exchange of any bonds issued to refund any bonds originally issued under this division or any previously issued refunding bonds. Any bond refunded with the proceeds of a refunding bond as authorized by this section may be legally defeased to the extent permitted by law in the manner and to the extent set forth in the resolution, as amended from time to time, authorizing that refunded bond.

95013. Notwithstanding Section 16727 of the Government Code, funds provided pursuant to this division may be used for grants and loans to nonprofit organizations to repay financing

described in Section 22064 of the Financial Code related to projects that are consistent with the purpose of the respective provisions of this division.

95014. The proceeds from the sale of bonds authorized by this division are not “proceeds of taxes” as that term is used in Article XIII B of the California Constitution, and the disbursement of these proceeds is not subject to the limitations imposed by that article.

95015. Bonds issued under this division shall, whenever practical, be aligned with generally recognized principles and best practice guidelines for financing drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy projects.

SEC. 3. Section 2 of this act shall take effect upon the approval by the voters of the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, as set forth in Section 2 of this act.

SEC. 4. (a) Section 2 of this act shall be submitted by the Secretary of State to the voters at the ____, statewide ____ election.

(b) The Secretary of State shall include in the ballot pamphlets mailed pursuant to Section 9094 of the Elections Code the information specified in Section 9084 of the Elections Code regarding Section 2 of this act.

SEC. 5. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.



June 16, 2023

The Honorable Rebecca Bauer-Kahan
Chair, Assembly Committee on Water, Parks, and Wildlife
1020 N Street, Room 160
Sacramento, CA 95814

RE: SB 867 (Allen) – Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023.

Position: SUPPORT IF AMENDED

Dear Assemblymember Bauer-Kahan,

The Association of California Water Agencies (ACWA) and the undersigned organizations wish to express our support-if-amended position on SB 867. We greatly appreciate the author’s amendments that identify funding for many critical water and natural resources issues. We urge the author and Committee to continue to draft amendments that would make additional investments in California’s water infrastructure system.

ACWA represents over 460 public water agencies throughout California that deliver over 90% of the water used for agricultural, commercial, and residential purposes. ACWA supports efforts to advance a general obligation bond related to climate change and water and is appreciative of Senator Allen’s leadership on this issue over the years.

California’s changing climate creates increased risks of drought, floods, intense rain events, and sea level rise that will present unique challenges to public water agencies and their ability to reliably provide water to California’s farms and cities. The State is currently underprepared to manage a water system with a decreasing snowpack, less frequent precipitation, and weather extremes. Adapting to climate change will require California to urgently and significantly

rehabilitate and modify existing water facilities, improve operational flexibility, and make generational investments in new water infrastructure.

Additional above- and below-ground storage capacity must be developed to capture precipitation, especially in extreme weather events such as atmospheric rivers, and to mitigate disappearing snowpack. In addition, new and enhanced conveyance facilities are essential for moving collected and stored water, connecting suppliers with different supply sources, transferring water among water users, recharging groundwater, and storing water for multi-beneficial purposes, including environmental benefits. State investment in water infrastructure is crucial to providing the reliable delivery of safe water to California residents, businesses, and agriculture. In addition, climate resilience projects have also been shown to stimulate local economies and create jobs.

The undersigned organizations are pleased to continue to work with Senator Allen on this critical issue to provide funding as identified in the attached document. These amendments would improve California's capacity to adapt to the effects of climate change.

We thank you for your consideration of the amendments and urge the Committee to make these investments now. If you have any questions, please do not hesitate to contact ACWA State Relations Director, Adam Quiñonez at adamq@acwa.com or (916) 441-4545.

Sincerely,

Adam Quiñonez
State Relations Director
Association of California Water Agencies

Bruce Kamilos, P.E.
General Manager
Elk Grove Water District/Florin Resource
Conservation District

Anthony Goff
General Manager
Calleguas Municipal Water District

Nina Jazmadarian
General Manager
Foothill Municipal Water District

Cathy Lee
General Manager
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Brian Olney
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Natalie Rogers
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City of Santa Rosa

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Hidden Valley Lake Community Services
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Kathleen K. Haff
Chair, Tuolumne County Board of
Supervisors
Chair, Tuolumne County Water Agency
Tuolumne County Water Agency

David J. Stoldt
General Manager
Monterey Peninsula Water Management
District

Erik Hitchman
General Manager
Walnut Valley Water District

Attachment: SB 867 ACWA Amendments, 05/04/2023, Version: As Amended on 4/19/23

cc: The Honorable Benjamin Allen
Honorable Members, Assembly Committee on Water, Parks, and Wildlife
Pablo Garza, Chief Consultant, Assembly Committee on Water, Parks, and Wildlife
Brent Finkel, Consultant, Assembly Republican Caucus

SB 867 ACWA Amendments
05/04/2023
Version: As Amended on 4/19/23

SECTION 1. The people of California find and declare all of the following:

(a) California’s changing climate creates increased risk of catastrophic wildfires, drought, severe heat events, and sea level rise, as well as impacts to agriculture, water supply and water quality, and the health of the forests, watershed, and wildlife.

(b) These risks and impacts vary by region and can overwhelm the resources of local governments that must cope with severe climate change-related events.

(c) Reducing vulnerability to fire, flood, drought, and other climate change-related events requires a statewide investment to increase climate resilience of communities and natural systems.

(d) Governor Gavin Newsom has issued several reports and executive orders that have created a roadmap to climate resiliency in California that will help guide and direct investments.

(e) The California’s Water Supply Strategy Adapting to a Hotter, Drier Future outlines actions needed to take in order to recycle and reuse at least 800,000 acre-feet of water per year by 2030, make available up to 500,000 acre-feet of water through more efficient water use and conservation, and make new water available for use by capturing storm water and desalinating brackish water in groundwater basins.

(f) The Water Resilience Portfolio serves as a blueprint for equipping California to cope with more extreme droughts and floods and rising temperatures, while addressing longstanding challenges that include declining fish populations, over-reliance on groundwater and lack of safe drinking water in many communities.

(g) The California’s Wildfire and Forest Resilience Action Plan outlines a strategy to increase the pace and scale of forest health projects, strengthen protection of communities, and manage forests, to achieve the state’s economic and environmental goals and drive innovation and measure progress.

(h) The Extreme Heat Action Plan outlines a strategy to protect communities from rising temperatures in order to accelerate readiness and protection of communities most impacted by extreme heat, including through cooling schools and homes, supporting community resilience centers, and expanding nature-based solutions.

(i) California’s strategy for achieving the first-in-the-nation 30x30 conservation goal is described in the Pathways to 30x30: Accelerating Conservation of California’s Nature report, which outlines a vision to conserve an additional 6,000,000 acres of lands and 500,000 acres of coastal waters needed to reach 30 percent.

(j) Executive Order No. N-82-20 outlines a strategy to expand nature-based solutions across California. The executive order calls for restoring nature and landscape health to deliver on our

climate change goals and other critical priorities, including improving public health and safety, securing our food and water supplies, and achieving greater equity across California.

(k) Governor Gavin Newsom signed Senate Bill 1 of the 2021–22 Regular Session (Chapter 236 of the Statutes of 2021) that directed the California Coastal Commission to take sea level rise into account in its planning, policies, and activities, and established a cross-government group tasked with educating the public and advising local, regional, and state government on feasible sea level rise mitigation efforts.

SEC. 2. Division 50 (commencing with Section 90000) is added to the Public Resources Code, to read:

DIVISION 50. DROUGHT, FLOOD, AND WATER RESILIENCE, WILDFIRE AND FOREST RESILIENCE, COASTAL RESILIENCE, EXTREME HEAT MITIGATION, BIODIVERSITY AND NATURE-BASED CLIMATE SOLUTIONS, CLIMATE SMART AGRICULTURE, PARK CREATION AND OUTDOOR ACCESS, AND CLEAN ENERGY BOND ACT of 2024

CHAPTER 1. General Provisions

90000. This division shall be known, and may be cited, as the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.

90100. For purposes of this division, the following definitions apply:

(a) “Disadvantaged community” means a community with a median household income of less than 80 percent of the area average.

(b) “Economically distressed areas” has the same meaning set forth in Section 79702 of the Water Code.

(c) “Severely disadvantaged community” means a community with a median household income of less than 60 percent of the area average.

(d) “Socially disadvantaged farmer or rancher” has the same meaning set forth in Section 512 of the Food and Agricultural Code.

(e) “Tribe” means a federally recognized Native American tribe or a nonfederally recognized Native American tribe listed on the California Tribal Consultation List maintained by the Native American Heritage Commission.

(f) “Vulnerable population” means a subgroup of population within a region or community that faces a disproportionately heightened risk or increased sensitivity to impacts of climate change and that lacks adequate resources to cope with, adapt to, or recover from such impacts.

90500. (a) The proceeds of bonds issued and sold pursuant to this division, exclusive of refunding bonds issued and sold pursuant to Section 95012, shall be deposited in the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat

Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Fund, which is hereby created in the State Treasury. Moneys in the fund shall be available, upon appropriation by the Legislature, for purposes of this division.

(b) Proceeds of bonds issued and sold pursuant to this division shall be allocated according to the following schedule:

(1) Eight billion eight hundred ~~five billion two hundred~~ million dollars (~~\$5,200,000,000~~ 8,800,000,000) for drought, flood, and water resilience programs, in accordance with Chapter 2 (commencing with Section 91000).

(2) Three billion two hundred twenty five million dollars (~~\$3,000,000,000~~ 3,225,000,000) for wildfire and forest resilience programs, in accordance with Chapter 3 (commencing with Section 91500).

(3) Two billion dollars (\$2,000,000,000) for coastal resilience programs, in accordance with Chapter 4 (commencing with Section 92000).

(4) Five hundred million dollars (\$500,000,000) for extreme heat mitigation programs, in accordance with Chapter 5 (commencing with Section 92500).

(5) Two billion dollars (\$2,000,000,000) for biodiversity protection and nature-based climate solution programs, in accordance with Chapter 6 (commencing with Section 93000).

(6) Three hundred million dollars (\$300,000,000) for climate smart agriculture programs, in accordance with Chapter 7 (commencing with Section 93500).

(7) Five hundred million dollars (\$500,000,000) for park creation and outdoor access programs, in accordance with Chapter 8 (commencing with Section 94000).

(8) Two billion dollars (\$2,000,000,000) for clean energy programs, in accordance with Chapter 9 (commencing with Section 94500).

CHAPTER 2. Drought, Flood and Water Resilience

91000. The sum of eight billion eight hundred ~~five billion two hundred~~ million dollars (~~\$5,200,000,000~~ 8,800,000,000) shall be available, upon appropriation by the Legislature, for drought, flood, and water resilience programs.

91010. Of the funds made available by Section 91000, five billion four hundred million dollars (~~\$5,400,000,000~~ 5,400,000,000) ~~two billion two hundred fifty million dollars~~ (~~\$2,250,000,000~~) shall be available, upon appropriation by the Legislature, to protect and increase California water supply and water quality.

91011. Of the funds made available by Section 91010, ~~four~~ six hundred million dollars (~~\$400,000,000~~ 600,000,000) shall be available, upon appropriation by the Legislature, to the State Water Resources Control Board for projects that improve water quality or help provide clean, safe, and reliable drinking water. Eligible projects include, but are not limited to, any of the following:

(a) Competitive grants for projects that help to provide clean, safe, and reliable drinking water to disadvantaged communities.

(b) Competitive grants for projects that increase water quality monitoring and remediation of perfluoroalkyl and polyfluoroalkyl substances.

(c) Innovative projects to increase the affordability of safe drinking water for severely disadvantaged communities.

(d) Projects that implement countywide drought and water shortage contingency plans adopted pursuant to Chapter 10 (commencing with Section 10609.40) of Part 2.55 of Division 6 of the Water Code.

(e) Competitive grants or loans for projects that prevent, reduce, or treat the contamination of groundwater, including constituents of emerging concern, that serves as a major source of drinking water for a community.

91012. (a) Of the funds made available by Section 91010, one billion four hundred million dollars (~~\$400,000,000~~ 1,000,000,000) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for projects related to groundwater storage, banking, conjunctive use, recharge, or other groundwater projects that improve water resilience. Projects funded pursuant to this subdivision shall provide multiple benefits, such as improved water quality and supply, improved flood water management, and provision of wildlife habitat.

(b) Of the funds made available by subdivision (a), five ~~two~~ hundred million dollars (~~\$200,000,000~~ 500,000,000) shall be available for projects that increase groundwater storage.

(c) Of the funds made available by subdivision (a), five ~~two~~ hundred million dollars (~~\$200,000,000~~ 500,000,000) shall be available for projects that support groundwater banking, conjunctive use, recharge, or other groundwater projects that improve water resilience.

91013. Of the funds made available by Section 91010, three hundred million dollars (\$300,000,000) shall be available, upon appropriation by the Legislature, to the Department of Conservation's Multibenefit Land Repurposing Program for groundwater sustainability projects that provide wildlife habitat, drought resilience, improve flood water management, and support implementation of the Sustainable Groundwater Management Act (Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code).

91014. Of the funds made available by Section 91010, seven hundred and fifty ~~three hundred~~ million dollars (~~\$750,000,000~~ 300,000,000) shall be available, upon appropriation by the Legislature, to the State Water Resources Control Board for grants and projects related to water reuse and recycling.

91015. Of the funds made available by Section 91010, three hundred and fifty million dollars (~~\$350,000,000~~ one hundred million dollars (~~\$100,000,000~~)) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for competitive grants for projects related to contaminant and salt removal projects, including, but not limited to, groundwater and seawater desalination and associated treatment, storage, conveyance, and distribution facilities.

91016. Of the funds made available by Section 91010, ~~five~~ ~~three~~ hundred million dollars (~~\$300,000,000~~~~500,000,000~~) shall be available, upon appropriation by the Legislature, to the California Water Commission for projects under the Water Storage Investment Program.

91016.1 Of the funds made available by Section 91010, two hundred and fifty million dollars (\$250,000,000) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for projects that capture and store flood flows, including, but not limited to, storage tanks, inflatable dams, and other projects that increase water storage capacity.

91017. Of the funds made available by Section 91010, ~~one~~ ~~five~~ hundred million dollars (~~\$100,000,000~~~~500,000,000~~) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for projects that increase water conservation in agricultural and urban areas.

91018. Of the funds made available by Section 91010, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to the Department of Water Resources and the State Water Resources Control Board to improve water data management and to implement Section 144 of the Water Code to reactivate existing stream gages and deploy new gages.

91019. (a) Of the funds made available by Section 91010, ~~two hundred fifty~~ ~~eight hundred~~ million dollars (~~\$250,000,000~~~~800,000,000~~) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency and the Department of Water Resources for competitive grants for regional conveyance projects or repairs to existing conveyances. Priority shall be given to projects that provide one or more of the following benefits:

- (1) Improvements in regional or interregional water supply or water supply reliability.
- (2) Increased ground water recharge or mitigation of conditions of groundwater overdraft, salinity intrusion, water quality degradation, or subsidence.
- (3) Adaptation to the impacts of hydrologic changes.
- (4) Improvements in water security from drought, natural disasters, or other events that could interrupt water supplies.
- (5) Providing safe drinking water for disadvantaged communities and economically distressed areas.

(b) Of the funds made available by subdivision (a), one hundred million dollars (\$100,000,000) shall be available to the Natural Resources Agency for implementation of the settlement agreement to restore the San Joaquin River referenced in Section 2080.2 of the Fish and Game Code and allocated as follows:

- (1) Fifty million dollars (\$50,000,000) shall be available for restoration of capacity of the Friant-Kern Canal that was lost due to subsidence, consistent with the water management goal under the Stipulation of Settlement entered September 13, 2006, in Natural Resources Defense Council v. Rodgers. For the purposes of awarding funding under this paragraph, a cost share

from nonstate sources of not less than 50 percent of the total costs of the project shall be required.

(2) Fifty million dollars (\$50,000,000) shall be available to implement the restoration goal of the Stipulation of Settlement entered September 13, 2006, in Natural Resources Defense Council v. Rodgers, including funding for restoration projects identified in paragraph 11 of the Stipulation of Settlement, and funding to support the work of the Restoration Administrator and Technical Advisory Committee. The Restoration Administrator and Technical Advisory Committee shall use these funds in part to review and provide input regarding the implementation of projects identified in paragraph 11 of the Stipulation of Settlement.

91019.1. (a) Of the funds made available by Section 91010, five hundred million dollars (\$500,000,000) shall be made available, upon appropriation by the Legislature, to the Department of Water Resources for projects that enhance the delivery of water or increase the energy resilience of the State Water Project.

91020. Of the funds made available by Section 91000, ~~two one~~ billion ~~one six~~ hundred ~~fifty~~ million dollars (~~\$1,650,000,000~~ \$2,100,000,000) shall be available, upon appropriation by the Legislature, to reduce flood risk and improve stormwater management.

91021. Of the funds made available by Section 91020, one billion dollars (\$1,000,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency and its departments, boards, and conservancies for flood management projects. Priority shall be given to projects designed and implemented to achieve the objectives of both flood safety and ecosystem functions, while providing additional benefits. At least 40 percent of the allocation made pursuant to this section shall benefit disadvantaged communities or vulnerable populations. Eligible projects include, but are not limited to, the following:

(a) Projects that implement the Central Valley Flood Protection Plan. To the maximum extent feasible, projects shall provide ecosystem benefits and groundwater recharge. The Department of Water Resources shall adopt guidelines and incentives to encourage cost-effective groundwater recharge and ecosystem benefits as part of flood risk reduction and management.

(b) Projects that implement the Coastal Watershed Flood Risk Reduction Program.

(c) Projects in the Sacramento-San Joaquin Delta to increase flood protection and climate resiliency.

(d) Projects that implement the Flood Control Subventions Program.

(e) Projects related to the systemwide evaluation, repair, rehabilitation, reconstruction, expansion, or replacement of levees, weirs, bypasses, and facilities of the State Plan of Flood Control.

91022. Of the funds made available by Section 91020, ~~eight hundred and fifty four hundred~~ million dollars (~~\$400,000,000~~ \$850,000,000) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for competitive grants for projects that enhance dam safety and reservoir operations and protect public benefits. Eligible projects

include, but are not limited to, dam safety projects at high hazard dams in poor condition, new spillways and repairs at existing dams to facilitate implementation of Forecast-Informed Reservoir Operations, and reservoir seismic retrofit projects. A grant cost share of at least 50 percent shall be required for projects funded pursuant to this section.

91023. Of the funds available by Section 91020, two hundred fifty million dollars (\$250,000,000) shall be available, upon appropriation by the Legislature, to the State Water Resources Control Board for grants for multibenefit storm water management projects. Preference shall be given to multibenefit and natural infrastructure projects.

91030. Of the funds made available by Section 91000, one billion dollars (\$1,000,000,000) shall be available, upon appropriation by the Legislature, to improve watershed resilience and to protect and restore rivers, lakes, and streams.

91031. (a) Of the funds made available by Section 91030, three hundred million dollars (\$300,000,000) shall be available, upon appropriation by the Legislature, to the Department of Water Resources for grants and direct expenditures related to integrated regional water management to improve climate resilience on a watershed basis.

(b) The Department of Water Resources shall develop standards and provide technical and financial support for the development of watershed climate risk assessments that do all of the following:

- (1) Identify watershed scale climate resilience targets related to water supply, water quality, habitat protection and enhancement, flood protection, and other climate resilience targets appropriate for the watershed.
- (2) Provide investment and implementation plans for projects to achieve the targets in the most cost-effective manner.
- (3) Include uniform analytic standards to facilitate project selection and performance evaluation.
- (4) Provide for the deployment of appropriate instrumentation, measurement, and monitoring to allow for evaluation of project effectiveness in achieving progress toward resilience targets.
- (5) Include consideration of equity and environmental justice needs.
- (6) Include requirements for adaptive management and refinement in project selection and implementation.
- (7) Build on and coordinate with existing integrated regional water management plans.

(c) The Department of Water Resources may select pilot watersheds to test methods to improve watershed climate resilience and guide the implementation of this section including, but not limited to, both of the following:

- (1) Development of standard models and analytic approaches that improve climate risk assessment, and project selection and evaluation.
- (2) Methods to reduce the cost of achieving climate resilience targets and outcomes.

(d) (1) The Department of Water Resources shall make grants to public agencies for the implementation of projects identified in watershed climate risk assessments based on both of the following:

(A) The severity of the identified climate risk.

(B) The potential to reduce that risk in the most cost-effective manner.

(2) The Department of Water Resources shall consider the extent the project achieves multiple benefits, addresses equity issues, and provides a model for other watersheds.

(3) Existing plans that provide equivalent climate risk assessment may be used as the basis to fund grants that improve regional climate resilience, including conjunctive use projects, groundwater recharge projects, and other projects that provide increased water supply flexibility or other resilience benefits.

(e) The Department of Water Resources shall develop guidelines to improve governance of integrated regional water management plans and for program implementation of watershed climate resilience that facilitate multiple benefit projects, allow program funds to be used as matching funds for other funding sources, and requires detailed reporting on project outcomes and progress toward achieving climate risk targets.

91032. (a) Of the funds made available by Section 91030, six hundred million dollars (\$600,000,000) shall be available, upon appropriation by the Legislature, for projects that protect and restore rivers, streams, lakes, and watersheds. Projects shall improve climate resilience, water supplies, or water quality. To the extent feasible, preference shall be given to natural infrastructure projects. At least 40 percent of the allocation made pursuant to this section shall benefit disadvantaged communities or vulnerable populations. The funds made available pursuant to this section shall be allocated to any of the following:

(1) Projects that protect and restore rivers, streams, and lakes to improve fish and wildlife habitat.

(2) Multibenefit watershed protection or restoration projects that improve climate resilience within the Los Angeles River Watershed and the San Gabriel River Watershed that are implemented pursuant to Section 79508 of the Water Code.

(3) Multibenefit urban stream and river parkway projects under the Urban Streams Restoration Program established pursuant to Section 7048 of the Water Code that protect and restore riparian habitats, improve climate resilience, enhance natural drainages, protect and restore watersheds, and provide public access.

(4) Projects that are included in the Lake Tahoe Environmental Improvement Program.

(b) Of the funds made available by subdivision (a), seventy-five million dollars (\$75,000,000) shall be available pursuant to Division 22.8 (commencing with Section 32600) for projects that improve the climate resiliency or the protection of the Los Angeles River Watershed or are consistent with the Lower Los Angeles River Revitalization Plan.

(c) (1) Of the funds made available by subdivision (a), seventy-five million dollars (\$75,000,000) shall be available pursuant to Division 23 (commencing with Section 33000) for projects that improve the climate resiliency or the protection of the Los Angeles River Watershed and are a part of the revitalization plan developed by the Upper Los Angeles River and Tributaries Working Group pursuant to Section 33220 or the Los Angeles River Master Plan.

(2) Of the funds made available by paragraph (1), forty million dollars (\$40,000,000) shall be allocated for projects that include, but are not limited to, projects that protect or enhance the Los Angeles River, parkway projects that include connectivity to parks and open space in neighboring communities within the San Fernando Valley, including Aliso Creek, and the Tujunga Wash, and projects along the Arroyo Seco waterway.

(d) Of the funds made available by subdivision (a), fifty million dollars (\$50,000,000) shall be available for projects that improve the climate resiliency or for the protection of the San Mateo Creek Watershed in the San Francisco Bay Area.

91033. Of the funds made available by Section 91030, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to implement the Salton Sea Management Program 10-year Plan to provide air quality, public health, and habitat benefits.

91040. Of the funds made available by Section 91000, three hundred million dollars (\$300,000,000) shall be available, upon appropriation by the Legislature, to the Wildlife Conservation Board for projects pursuant to the guidelines of the Stream Flow Enhancement Program, including the acquisition of water or water rights, acquisition of land that includes water rights or contractual rights to water, and short- or long-term water transfers and leases.

91050. Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the Water Resilience Portfolio, California's Water Supply Strategy, the Central Valley Flood Protection Plan, and the Sustainable Groundwater Management Act (Part 2.74 (commencing with Section 10720) of Division 6 of the Water Code), if applicable.

CHAPTER 3. Wildfire and Forest Resilience

91500. The sum of three billion dollars (\$3,000,000,000) shall be available, upon appropriation by the Legislature, for wildfire prevention, including reducing community wildfire risk and restoring the health and resilience of forests.

91510. (a) Of the funds made available by Section 91500, ~~two hundred seventy five~~ five hundred million dollars (~~\$275,000,000~~ 500,000,000) shall be available, upon appropriation by the Legislature, to the Office of Emergency Services for a prehazard mitigation grant program. The Office of Emergency Services shall coordinate with the Department of Forestry and Fire Protection in administering these moneys. The grant program shall assist local and state agencies to leverage additional funds, including matching grants from federal agencies. Funds may be used to provide loans, rebates, direct assistance, and matching funds for projects that prevent wildfires, increase resilience, reduce the risk of wildfires to communities, or increase community hardening. Eligible projects include, but are not limited to, any of the following:

(1) Grants to local agencies, state agencies, joint powers authorities, and tribes for projects that reduce wildfire risks to people and property consistent with an approved community wildfire protection plan.

(2) 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, evacuation 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 high fire hazard severity zones or very high fire hazard severity zones, as designated by the Director of Forestry and Fire Protection pursuant to Article 9 (commencing with Section 4201) of Chapter 1 of Part 2 of Division 4 or by a local agency pursuant to Chapter 6.8 (commencing with Section 51175) of Part 1 of Division 1 of Title 5 of the Government Code, wildfire buffers, and incentives to remove structures that significantly increase hazard risk.

(3) Grants, in coordination with the Public Utilities Commission, to local agencies, state agencies, special districts, joint powers authorities, tribes, and nonprofit organizations for zero-emission backup power, energy storage, and microgrids for critical community infrastructure in order to provide continuity of electrical service, reduced wildfire ignitions, and to safeguard communities from disruption due to public safety power shutoffs, wildfire, or air pollution caused by wildfire, extreme heat, or other disaster.

(b) The Office of Emergency Services and the Department of Forestry and Fire Protection shall prioritize prehazard mitigation grant funding applications from local agencies based on the Fire Risk Reduction Community list, upon development of that list, pursuant to Section 4290.1.

(c) The Office of Emergency Services and the Department of Forestry and Fire Protection shall provide technical assistance to disadvantaged communities, severely disadvantaged communities, or vulnerable populations, including those with access and functional needs, socially disadvantaged farmers or ranchers, and economically distressed areas to ensure the grant program reduces the vulnerability of those most in need.

91520. Of the funds made available by Section 91500, two billion five hundred million dollars (\$2,500,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency and to its departments, boards, and conservancies for projects and grants to improve local fire prevention capacity, improve forest health and resilience, and reduce the risk of wildfire spreading into populated areas from wildlands. Where appropriate, projects may include activities on lands owned by the United States. The funding made available by this section shall be allocated as follows:

(a) Three hundred million dollars (\$300,000,000) shall be available to the Department of Conservation's Regional Forest and Fire Capacity Program to increase regional capacity to prioritize, develop, and implement projects that improve forest health and fire resilience, implement community fire preparedness demonstration projects, facilitate greenhouse gas emissions reductions, and increase carbon sequestration in forests and other landscapes across regions and throughout the state. The funding shall be allocated based, to the extent feasible, on the Wildfire and Forest Resilience Action Plan.

(b) Five hundred million dollars (\$500,000,000) shall be available to implement regional strategies, including, but not limited to, strategies developed by forest collaboratives as defined in Section 4810 or regional entities as defined in Section 4208 through block grants and direct appropriations by the Legislature.

(c) Three hundred million dollars (\$300,000,000) shall be available to the Department of Forestry and Fire Protection for long-term forest health projects, including improved forest management, prescribed fire, cultural fire, forest watershed restoration, and activities that promote long-term carbon storage and sequestration.

(d) Five hundred million dollars (\$500,000,000) shall be available to the Department of Forestry and Fire Protection for local fire prevention grants consistent with Article 2.5 (commencing with Section 4124) of Chapter 1 of Part 2 of Division 4 and for grants to conduct workforce development for fire prevention and wildfire resiliency work.

(e) Twenty-five million dollars (\$25,000,000) shall be available to the Department of Forestry and Fire Protection for the creation of a prescribed fire training center consistent with the proposal developed pursuant to Section 4477.

(f) Five hundred million dollars (\$500,000,000) shall be available for watershed improvement projects in forests and other habitats, including, but not limited to, redwoods, conifers, oak woodlands, mountain meadows, chaparral, and coastal forests. Projects shall involve the restoration of natural ecosystem functions in very high and high fire hazard areas and provide multiple benefits, including, but not limited to, prescribed fire, cultural fire, habitat protection, fuel reduction, watershed protection, carbon sequestration, protection of older fire-resistant trees, or improved forest health. The Natural Resources Agency shall give preference to projects that include matching funds or in-kind work, as determined appropriate, from beneficiaries of the watershed that may include, but are not limited to, water districts, public utilities, local agencies, or private users. The Natural Resources Agency shall ensure long-term benefits for projects funded pursuant to this subdivision, including through an ongoing commitment to future maintenance and a commitment to long-term forest resilience that reduces fire risk.

(g) One hundred million dollars (\$100,000,000) shall be available to conduct fuel reduction, structure hardening, create defensible space, reforestation, and targeted acquisitions to improve forest health and fire resilience on state-owned lands.

(h) Seventy-five million dollars (\$75,000,000) shall be available to the Sierra Nevada Conservancy for watershed improvement, forest health, biomass utilization, and forest restoration workforce development. At least 50 percent of the funds made available by this subdivision shall be available to the Sierra Nevada Watershed Improvement Program created by Section 33345.1.

(i) Fifty million dollars (\$50,000,000) shall be available to the California Tahoe Conservancy for watershed improvement, forest health, biomass utilization, and forest restoration workforce development.

(j) Seventy-five million dollars (\$75,000,000) shall be available to the Santa Monica Mountains Conservancy for watershed improvement, fire resilience, chaparral and forest restoration, and restoration workforce development.

(k) Seventy-five million dollars (\$75,000,000) shall be available to the State Coastal Conservancy for watershed improvement, fire resilience, forest health, and restoration workforce development.

91530. Of the funds made available by Section 91500, one hundred fifty million dollars (\$150,000,000) shall be available, upon appropriation by the Legislature, to the State Air Resources Board, in consultation with the Natural Resources Agency and the Department of Forestry and Fire Protection, to incentivize new projects in California that provide long-term capital infrastructure to convert forest and other vegetative waste removed for wildfire mitigation to uses that maximize reductions in greenhouse gas emissions, provide local air quality benefits, and increase local community resilience against climate change impacts.

91540. Of the funds made available by Section 91500, seventy-five million dollars (\$75,000,000) shall be available, upon appropriation by the Legislature, to the Department of Forestry and Fire Protection to enhance California's fire prevention, fuel management, and fire response, as follows:

(a) Ten million dollars (\$10,000,000) shall be available to improve water quality at the Department of Forestry and Fire Protection facilities to enhance safe human use and consumption.

(b) Twenty million dollars (\$20,000,000) shall be available to upgrade existing infrastructure and for new Department of Forestry and Fire Protection facilities for suppression and fuel reduction crews.

(c) Twenty million dollars (\$20,000,000) shall be available for the purchase of Type 3 engines and related equipment to be used for fire suppression and fuel reduction.

(d) Five million dollars (\$5,000,000) shall be available to enhance the Department of Forestry and Fire Protection's communications centers and mobile communications, including the capacity to provide culturally relevant and multilingual communication services.

(e) Twenty million dollars (\$20,000,000) shall be available to the Department of Forestry and Fire Protection for grants to assist local agencies with equipment for wildland firefighting, fire prevention, and fuel management.

91550. Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the California Wildfire and Forest Resilience Action Plan, and by the Natural Resources Agency and the Department of Forestry and Fire Protection, if applicable.

CHAPTER 4. Coastal Resilience

92000. The sum of two billion dollars (\$2,000,000,000) shall be available, upon appropriation by the Legislature, to increase coastal and ocean resiliency and to protect coastal lands, waters, communities, natural resources, and urban waterfronts from climate impacts. Eligible projects

include, but are not limited to, projects to restore coastal wetlands and projects to address sea level rise.

92010. Of the funds made available by Section 92000, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, for projects identified by the State Coastal Conservancy for coastal resilience projects and programs identified in the 2023–2027 Strategic Plan. The funds made available pursuant to this section may be allocated to any of the following:

- (a) Grants through the Climate Ready Program pursuant to Section 31113.
- (b) Projects to protect coastal lands and restore habitats, including subtidal habitats, wetlands, riparian areas, redwood forests, oak woodlands, and other important wildlife habitats, including projects to protect and restore healthy sea otter populations.
- (c) Natural infrastructure projects that use existing natural areas to minimize coastal flooding, erosion, and runoff.
- (d) Projects to restore coastal land for public uses on surplus land for formerly fossil-fueled powerplants.
- (e) Projects that are consistent with the San Francisco Bay Restoration Authority Act (Title 7.25 (commencing with Section 66700) of the Government Code), including, but not limited to, projects that address sea level rise, flood management, and wetland restoration.
- (f) Projects for purposes of the San Francisco Bay Area Conservancy Program established pursuant to Chapter 4.5 (commencing with Section 31160) of Division 21.
- (g) Lower cost coastal accommodation grants consistent with the Lower Cost Coastal Accommodations Program established pursuant to Section 31412.

92015. Of the funds made available by Section 92000, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to the State Coastal Conservancy for the purpose of coastal and combined flood management projects and activities for developed shoreline areas, including areas with critical infrastructure, including transportation and port infrastructure at risk of current flooding and flooding due to sea level rise. Funds shall be allocated to multibenefit projects that improve public safety, including shoreline resilience projects designed to address flooding, sea level rise, and shoreline stability that include engineering with nature or nature-based features. These funds shall be available to local agencies as matching funds for federally funded coastal flood risk management and flood risk management projects.

92020. Of the funds made available by Section 92000, three hundred twenty-five million dollars (\$325,000,000) shall be available, upon appropriation by the Legislature, for deposit into the California Ocean Protection Trust Fund for grants to increase resilience from the impacts of climate change. Preference shall be given to projects that conserve, protect, and restore marine wildlife and healthy ocean and coastal ecosystems, including, but not limited to, estuarine habitat, kelp forests, eelgrass meadows, native oyster beds, or that maintain the state's system of marine protected areas, and support sustainable fisheries. Funding may be used to purchase

and install ocean current mapping infrastructure and new maritime research infrastructure to reduce emissions.

92030. Of the funds made available by Section 92000, two hundred fifty million dollars (\$250,000,000) shall be available, upon appropriation by the Legislature, to implement the California Sea Level Rise Mitigation and Adaptation Act of 2021 (Division 20.6.5 (commencing with Section 30970)).

92040. Of the funds made available by Section 92000, two hundred fifty million dollars (\$250,000,000) shall be available, upon appropriation by the Legislature, to the Department of Parks and Recreation to implement the Sea Level Rise Adaptation Strategy to address the impacts of sea level rise in coastal state parks, support continued access and recreational opportunities, and protect coastal natural and cultural resources.

92050. Of the funds made available by Section 92000, twenty-five million dollars (\$25,000,000) shall be available, upon appropriation by the Legislature, for projects identified by the Natural Resource Agency and the Invasive Species Council of California to implement projects to protect and restore island ecosystems by mitigating the threat of island invasive species and advancing biosecurity initiatives.

92060. Of the funds made available by Section 92000, twenty-five million dollars (\$25,000,000) shall be available, upon appropriation by the Legislature, for projects identified by the Department of Fish and Wildlife to advance climate-ready fisheries management by expanding opportunities for experimentation and adaptive cooperative management, modernizing electronic fisheries data management systems, and increasing the use of electronic technologies to facilitate more nimble decisionmaking and timely management responses under changing ocean conditions.

92070. Of the funds made available by Section 92000, twenty-five million dollars (\$25,000,000) shall be available, upon appropriation by the Legislature, for projects identified by the Department of Fish and Wildlife to support the restoration and management of kelp ecosystems. Funds shall be used to support ongoing research, restoration, and monitoring activities of kelp ecosystems and for the implementation of an adaptive kelp management plan.

92080. Of the funds made available by Section 92000, one hundred million dollars (\$100,000,000) shall be allocated, upon appropriation by the Legislature, to the State Coastal Conservancy for grants to remove or upgrade outdated or obsolete dams and water infrastructure. Projects may also install infrastructure to increase climate resilience, enhance sediment supply, improve wildlife and fish passage, and modernize water infrastructure, including related planning, permitting, habitat restoration, and recreational improvements. Funds for planning, monitoring, and implementation of projects pursuant to this section may exceed 10 percent of the funds allocated if the State Coastal Conservancy determines there is a need for the additional funding.

92090. Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the California Coastal Commission, the Ocean Protection Council, the

State Lands Commission, the San Francisco Bay Conservation and Development Commission, and the State Coastal Conservancy, if applicable.

CHAPTER 5. Extreme Heat Mitigation

92500. The sum of five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to address extreme heat in communities.

92510. Of the funds made available by Section 92500, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to the Office of Planning and Research's Extreme Heat and Community Resilience Program to fund projects to reduce the urban heat island effect and other extreme heat impacts from climate change. Projects shall benefit disadvantaged communities and vulnerable populations.

92520. Of the funds made available by Section 92500, one hundred fifty million dollars (\$150,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency to provide funds to state agencies identified in the extreme heat action plan, and any subsequent updates, in order to implement the plan and mitigate the impacts of extreme heat.

92530. Of the funds made available by Section 92500, fifty million dollars (\$50,000,000) shall be available, upon appropriation by the Legislature, to the Office of Planning and Research's Adaptation Planning Grant Program for regional climate resilience planning and demonstration projects.

92540. Of the funds made available by Section 92500, fifty million dollars (\$50,000,000) shall be available, upon appropriation by the Legislature, to the Strategic Growth Council's Community Resilience Centers Program for the construction or retrofit of facilities to serve as community resilience centers that mitigate the public health impacts of extreme heat and other emergency situations exacerbated by climate change. Projects shall benefit disadvantaged communities and vulnerable populations.

92550. Of the funds made available by Section 92500, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency for competitive grants for urban greening. Projects shall benefit disadvantaged communities and vulnerable populations. These funds shall support projects that mitigate the urban heat island effect, rising temperatures, and extreme heat impacts. Eligible projects may include, but are not limited to, investments that support an expanded urban greening program that supports the creation of green recreational parks in park-poor communities.

92560. Of the funds made available by Section 92500, fifty million dollars (\$50,000,000) shall be available, upon appropriation by the Legislature, to the Department of Forestry and Fire Protection to protect or augment California's urban forests pursuant to Section 4799.12. Projects shall contribute to mitigating the urban heat island effect and extreme heat impacts. Projects shall benefit disadvantaged communities and vulnerable populations.

92570. (a) At least 10 percent of the funds available pursuant to this chapter shall be allocated for grants that provide outreach and technical assistance that directly benefit disadvantaged communities and vulnerable populations. An eligible applicant is a nonprofit organization, technical assistance provider, or tribe.

(b) Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the Protecting Californians From Extreme Heat: A State Action Plan to Build Community Resilience, and the Office of Planning and Research's Extreme Heat and Community Resilience Program, if applicable.

CHAPTER 6. Protect Biodiversity and Accelerating Nature-Based Climate Solutions

93000. The sum of two billion dollars (\$2,000,000,000) shall be available, upon appropriation by the Legislature, for the protection of California's biodiversity and to protect nature and restore landscape health to achieve California's climate change goals.

93010. Of the funds made available by Section 93000, one billion dollars (\$1,000,000,000) shall be available, upon appropriation by the Legislature, to the Wildlife Conservation Board for existing grant programs to protect and enhance fish and wildlife habitat and achieve the state's biodiversity and conservation goals. Eligible programs include, but are not limited to, any of the following:

- (a) Land acquisition.
- (b) Habitat enhancement and restoration.
- (c) Rangeland, grazing land, and grassland protection.
- (d) Inland wetland conservation.
- (e) Ecosystem restoration on agricultural lands.
- (f) Climate adaptation and resiliency.
- (g) Monarch butterfly and pollinator rescue.
- (h) Purposes of reimbursing the General Fund, pursuant to the Natural Heritage Preservation Tax Credit Act of 2000 (Division 28 (commencing with Section 37000)).

93020. Of the funds made available by Section 93000, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to reduce the risks of climate change impacts upon communities, fish and wildlife, and natural resources allocated in accordance with the following schedule:

- (a) Baldwin Hills Conservancy, fifty million dollars (\$50,000,000).
- (b) California Tahoe Conservancy, fifty million dollars (\$50,000,000).
- (c) Coachella Valley Mountains Conservancy, twenty-five million dollars (\$25,000,000).
- (d) Sacramento-San Joaquin Delta Conservancy, fifty million dollars (\$50,000,000).

(e) San Diego River Conservancy, seventy-five million dollars (\$75,000,000).

(f) San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy, seventy-five million dollars (\$75,000,000).

(g) San Joaquin River Conservancy, twenty-five million dollars (\$25,000,000).

(h) Santa Monica Mountains Conservancy, seventy-five million dollars (\$75,000,000).

(i) Sierra Nevada Conservancy, seventy-five million dollars (\$75,000,000).

93030. (a) Of the funds made available by Section 93000, four hundred million dollars (\$400,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency and its departments, boards, and conservancies to protect and restore biodiversity, expand access to nature, and mitigate and build resilience to climate change using nature-based solutions, whenever possible. Eligible projects shall contribute to the goals established in the Pathways to 30x30 document, and biodiversity strategies established pursuant to Executive Order No. N-82-20. Eligible projects include any of the following:

(1) Projects to accelerate regionally led conservation.

(2) Strategic land acquisitions and voluntary conservation easements.

(3) Projects to enhance or restore the fish and wildlife habitat on public lands and coastal waters.

(4) Tribal nature-based solutions.

(5) Floodplain and wetland restoration.

(6) Projects to improve forest and chaparral habitat.

(7) Reintroduction of migratory salmon to historic habitats and climate refugia.

(b) Of the funds made available by subdivision (a), two hundred million dollars (\$200,000,000) shall be available for projects to improve habitat connectivity.

(c) At least 10 percent of the funds made available by this section shall be available to provide grants for the purchase of facilities, equipment, and software and for projects and technical assistance by scientific academic institutions and nonprofits to better map, catalog, and understand the biodiversity in strategic areas of the state to further the purposes of this chapter.

93040. Of the funds made available by Section 93000, fifty million dollars (\$50,000,000) shall be available, upon appropriation by the Legislature, to the Department of Fish and Wildlife for nature-based solutions that improve the climate resilience of fish and wildlife habitat and improve fish and wildlife passage.

93050. Of the funds made available by Section 93000, fifty million dollars (\$50,000,000) shall be available, upon appropriation by the Legislature, to the Department of Fish and Wildlife to accredited California zoos and aquariums to advance conservation of California's species

biodiversity to help ensure the viability and recovery of California's endangered and declining species, including, but not limited to, wildlife health monitoring and biodiversity reserve management.

93060. Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the Wildlife Conservation Board, the Pathways to 30x30 document, the Natural and Working Lands Climate Smart Strategy, California's 2022 Scoping Plan for Achieving Carbon Neutrality, and the California Climate Adaptation Strategy, if applicable.

CHAPTER 7. Climate Smart Agriculture for Sustainability and Resiliency

93500. The sum of three hundred million dollars (\$300,000,000) shall be available, upon appropriation by the Legislature, for improving climate resilience of agricultural lands.

93510. Of the funds made available by Section 93500, one hundred fifty million dollars (\$150,000,000) shall be available, upon appropriation by the Legislature, to the Department of Food and Agriculture's Office of Environmental Farming and Innovation for improvements in climate resilience of agricultural lands and ecosystem health and allocated to eligible projects as follows:

(a) (1) Fifty million dollars (\$50,000,000) shall be available to the healthy soils grant program to promote practices on farms and ranches that improve soil health, accelerate atmospheric carbon removal or soil carbon sequestration, enhance groundwater recharge, and improve habitat.

(2) At least 40 percent of the funds allocated pursuant to this subdivision shall be allocated to projects that provide direct and meaningful benefits to socially disadvantaged farmers and ranchers.

(b) (1) Twenty-five million dollars (\$25,000,000) shall be available for the State Water Efficiency and Enhancement Program to promote onfarm water use efficiency and reduce emissions of greenhouse gases.

(2) At least 40 percent of the funds allocated pursuant to this subdivision shall be allocated to projects that provide direct and meaningful benefits to socially disadvantaged farmers and ranchers.

(c) Twenty-five million dollars (\$25,000,000) shall be available to the pollinator habitat program.

(d) Fifty million dollars (\$50,000,000) shall be available to establish the Environmental Farming Incentive Program to address natural resource concerns on agricultural lands. Eligible projects include, but are not limited to, improved water and air quality, conserved groundwater and surface water, improved or created wildlife habitat, wildlife-friendly farming and ranching practices, drought and climate resilience, and other conservation practices.

93520. Of the funds made available by Section 93500, twenty-five million dollars (\$25,000,000) shall, upon appropriation by the Legislature, be deposited in the Invasive Species Account established pursuant to Section 7706 of the Food and Agricultural Code for purposes of funding invasive species projects and activities recommended by the Invasive Species Council of

California. Preference shall be given to projects that restore and protect biodiversity and ecosystem health.

93530. Of the funds made available by Section 93500, one hundred twenty-five million dollars (\$125,000,000) shall be available, upon appropriation by the Legislature, to the Department of Conservation for projects for the protection, restoration, and enhancement of farmland and rangeland, including, but not limited to, the acquisition of fee title or easements on agricultural lands, and onfarm improvements that provide any of the following benefits:

- (a) Climate resilience.
- (b) Soil health.
- (c) Atmospheric carbon removal.
- (d) Soil carbon sequestration.
- (e) Erosion control.
- (f) Floodwater management.
- (g) Watershed restoration.
- (h) Habitat conservation.
- (i) Water quality.
- (j) Water retention.

93540. Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the Department of Food and Agriculture and the Natural and Working Lands Climate Smart Strategy, if applicable.

CHAPTER 8. Park Creation and Outdoor Access

94000. The sum of five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, for the creation and protection of parks, outdoor access, and educational institutions.

94010. Of the funds made available by Section 94000, four hundred million dollars (\$400,000,000) shall be available, upon appropriation by the Legislature, to the Natural Resources Agency and its departments, boards, and conservancies for the reduction of climate impacts on disadvantaged communities and vulnerable populations and the creation, protection, and expansion of outdoor recreation opportunities. Eligible projects include, but are not limited to, any of the following:

- (a) Improvements to city parks, county parks, regional parks, and open-space lands to preserve infrastructure, including natural infrastructure, to promote resilience and adaptation or the promotion and enhancement of natural resources and water conservation and efficiencies on local and regional public park lands and open-space lands.

(b) The creation and expansion of safe neighborhood parks in park-poor neighborhoods in accordance with the Statewide Park Development and Community Revitalization Act of 2008's competitive grant program described in Chapter 3.3 (commencing with Section 5640) of Division 5.

(c) Multiple benefit projects that reduce risks of exposure to toxic or hazardous materials that may increase as a result of wildfires, flooding, sea level rise, or reduced water flows to polluted bodies of water.

(d) Grants consistent with the California Cultural and Historical Endowment Act, established pursuant to Chapter 13 (commencing with Section 20050) of Part 11 of Division 1 of Title 1 of the Education Code, for projects that protect California's cultural and historic resources from climate impacts or inform the public about resiliency to climate change.

(e) Improved public access, including for individuals with disabilities, as defined by the federal Americans with Disabilities Act of 1990 (42 U.S.C. Sec. 12101 et seq.), and outdoor recreation at state parks, city parks, county parks, regional parks, and open-space preserves.

94020. Of the funds made available by Section 94000, one hundred million dollars (\$100,000,000) shall be available, upon appropriation by the Legislature, to the Department of Parks and Recreation for the protection, restoration, and enhancement of the natural resource values of the state park system and projects to expand public access for disadvantaged communities, including, but not limited to, the expansion of lower cost coastal accommodation project development.

94030. (a) At least 10 percent of the funds available pursuant to this chapter shall be allocated for grants that provide outreach and technical assistance that directly benefit disadvantaged communities and vulnerable populations. An eligible applicant is a nonprofit organization, technical assistance provider, or tribe.

(b) Projects funded pursuant to this chapter shall be consistent with the policies and guidelines established by the Natural Resources Agency and the Outdoors for All Strategy, if applicable.

CHAPTER 9. Clean Energy

94500. The sum of two billion dollars (\$2,000,000,000) shall be available, upon appropriation by the Legislature, for clean energy projects.

94510. Of the funds made available by Section 94500, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to support the planning and development of new or expanded high-voltage electrical transmission lines that are necessary to meet the state's clean energy goals and have been identified by the Independent System Operator as required to achieve the state's policies identified in Section 454.53 of the Public Utilities Code.

94520. Of the funds made available by Section 94500, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to the State Energy Resources Conservation and Development Commission, in coordination with the State Air Resources Board, for grants to assist in obtaining, or as a match for, federal grants related to

regional hubs in the federal Infrastructure Investment and Jobs Act (Public Law 117-58) and federal Inflation Reduction Act of 2022 (Public Law 117-169).

94530. Of the funds made available by Section 94500, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to the State Energy Resources Conservation and Development Commission for zero-emission vehicle charging infrastructure.

94540. Of the funds made available by Section 94500, five hundred million dollars (\$500,000,000) shall be available, upon appropriation by the Legislature, to the State Energy Resources Conservation and Development Commission for grants to support the Long-Duration Energy Storage Program.

CHAPTER 10. Fiscal Provisions

95000. (a) Bonds in the total amount of nineteen billion three hundred twenty-five million dollars (\$19,325,000,000) ~~fifteen billion five hundred million dollars (\$15,500,000,000)~~, not including the amount of any refunding bonds issued in accordance with Section 95012, may be issued and sold for carrying out the purposes expressed in this division and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, issued, and delivered, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both the principal of, and interest on, the bonds as the principal and interest become due and payable.

(b) The Treasurer shall cause the issuance and sell the bonds authorized by the committee pursuant to subdivision (a) in the amount determined by the committee to be necessary or desirable pursuant to Section 95003. The bonds shall be issued and sold upon the terms and conditions specified in a resolution to be adopted by the committee pursuant to Section 16731 of the Government Code.

95001. The bonds authorized by this division shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), as amended from time to time, and all of the provisions of that law, except subdivisions (a) and (b) of Section 16727 of the Government Code, apply to the bonds and to this division and are hereby incorporated in this division as though set forth in full in this division.

95002. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), of the bonds authorized by this division, the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Finance Committee is hereby created. For purposes of this division, the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond

Finance Committee is the “committee,” as that term is used in the State General Obligation Bond Law.

(b) The committee consists of the _____. Notwithstanding any other law, any member may designate a representative to act as that member in that member’s place for all purposes, as though the member were personally present.

(c) The _____ shall serve as the chairperson of the committee.

(d) A majority of the committee may act for the committee.

95003. The committee shall by resolution determine whether or not it is necessary or desirable to issue and sell bonds authorized by this division in order to carry out the actions specified in this division and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

95004. For purposes of the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), “board,” as defined in Section 16722 of the Government Code, means the Secretary of the Natural Resources Agency.

95005. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds becoming due in that year. It is the duty of all officers charged by law with any duty regarding the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

95006. Notwithstanding Section 13340 of the Government Code, there is hereby continuously appropriated from the General Fund in the State Treasury, for the purposes of this division, and without regard to fiscal years, an amount that will equal the total of the following:

(a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this division, as the principal and interest become due and payable.

(b) The sum that is necessary to carry out Section 95009.

95007. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account or any other form of interim financing in accordance with Section 16312 of the Government Code, for the purpose of carrying out this division. The amount of the request shall not exceed the amount of the unsold bonds that the committee has, by resolution, authorized to be sold for the purpose of carrying out this division, excluding any refunding bonds authorized pursuant to Section 95012, less any amount loaned and not yet repaid pursuant to this section and any amount withdrawn from the General Fund pursuant to Section 95009 and not yet returned to the General Fund. The board shall execute those documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated in accordance with this division.

95008. Notwithstanding any other provision of this division, or of the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the

Government Code), if the Treasurer sells bonds pursuant to this chapter that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes under designated conditions or is otherwise entitled to any federal tax advantage, the Treasurer may maintain separate accounts for the bond proceeds invested and for the investment earnings on those proceeds and may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or take any other action with respect to the investment and use of those bond proceeds, as may be required or desirable under federal law in order to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

95009. For purposes of carrying out this division, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this division, excluding refunding bonds authorized pursuant to Section 95012, less any amount loaned pursuant to Section 95007 and not yet repaid and any amount withdrawn from the General Fund pursuant to this section and not yet returned to the General Fund. Any amounts withdrawn shall be deposited in the fund to be allocated in accordance with this division. Any moneys made available under this section shall be returned to the General Fund, with interest at the rate earned by the moneys in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this division.

95010. All moneys deposited in the fund that are derived from premiums and accrued interest on bonds sold pursuant to this division shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest, except that amounts derived from premiums may be reserved and used to pay costs of bond issuance before any transfer to the General Fund.

95011. Pursuant to the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), the cost of bond issuance shall be paid or reimbursed out of the bond proceeds, including premiums, if any. To the extent the cost of bond issuance is not paid from premiums received from the sale of bonds, these costs shall be allocated proportionally to each program funded through this division by the applicable bond sale.

95012. The bonds issued and sold pursuant to this division may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law, as amended. Approval by the voters of the state for the issuance of the bonds under this division shall include approval of the issuance, sale, or exchange of any bonds issued to refund any bonds originally issued under this division or any previously issued refunding bonds. Any bond refunded with the proceeds of a refunding bond as authorized by this section may be legally defeased to the extent permitted by law in the manner and to the extent set forth in the resolution, as amended from time to time, authorizing that refunded bond.

95013. Notwithstanding Section 16727 of the Government Code, funds provided pursuant to this division may be used for grants and loans to nonprofit organizations to repay financing

described in Section 22064 of the Financial Code related to projects that are consistent with the purpose of the respective provisions of this division.

95014. The proceeds from the sale of bonds authorized by this division are not “proceeds of taxes” as that term is used in Article XIII B of the California Constitution, and the disbursement of these proceeds is not subject to the limitations imposed by that article.

95015. Bonds issued under this division shall, whenever practical, be aligned with generally recognized principles and best practice guidelines for financing drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy projects.

SEC. 3. Section 2 of this act shall take effect upon the approval by the voters of the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, as set forth in Section 2 of this act.

SEC. 4. (a) Section 2 of this act shall be submitted by the Secretary of State to the voters at the ____, statewide ____ election.

(b) The Secretary of State shall include in the ballot pamphlets mailed pursuant to Section 9094 of the Elections Code the information specified in Section 9084 of the Elections Code regarding Section 2 of this act.

SEC. 5. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.



VIA EMAIL

May 18, 2023

Assemblymember Dawn Addis
1021 O Street, Room 5350
Sacramento, CA 95814

RE: AB 1337 (Wicks) – State Water Resources Control Board: Water Diversion Curtailment and
AB 460 (Bauer-Kahan) State Water Resources Control Board: Water Rights and Usage
Position: OPPOSE

Dear Assemblymember Addis:

I am writing to respectfully express the Monterey Peninsula Water Management District's opposition to AB 1337, which, as amended on April 20, 2023, would provide unprecedented statutory authority for the State Water Resources Control Board (State Water Board) to curtail the diversion or use of water under any claim of right during any water year. AB 1337 would overhaul how California has managed and delivered water for more than a century. Reliability in water rights would be severely diminished, and many water agencies would struggle to meet the needs of homes and businesses throughout the state. Accordingly, curtailment authority should remain reserved for emergency drought conditions in order to ensure that this tool is used judiciously and effectively. By limiting curtailment to the most severe and urgent water shortages, the State Water Board can ensure that this tool is used only when necessary and that its impacts are carefully managed.

Our District also opposes AB 460, which would provide expansive new authority for the State Water Board to issue "interim relief orders," on its own motion or upon petition of an interested party, to apply or enforce such things as the Reasonable Use and Public Trust Doctrine. The bill would also eliminate and weaken constitutionally protected rights to judicial review of State Water Board actions. While the District believes that illegal diversions are serious and should not be sanctioned, AB 460 goes far beyond what is needed for the State Water Board to enforce and discourage illegal water diversions. AB 460 is not only contrary to both the State and Federal constitutions, and in conflict with California's Administrative Procedures Act, but it may result in uninformed water management actions that could result in worse outcomes for the fish and wildlife resources that the bill purports to protect.

For these reasons, we respectfully request a "NO" vote when AB 1337 or AB 460 are brought to the floor of the Assembly. For questions about the District's position or comments, please contact me at 831-658-5651 or dstoldt@mpwmd.net.

Sincerely,

A handwritten signature in blue ink that reads "David J. Stoldt". The signature is written in a cursive, flowing style.

David J. Stoldt
General Manager
Monterey Peninsula Water Management District



April 20, 2023

The Honorable Anna Caballero
Chair, Senate Governance and Finance Committee
State Capitol, Room 407
Sacramento, CA 95814

RE: SB 867 (Allen) – Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023.

Position: SUPPORT IF AMENDED

Dear Senator Caballero,

The Association of California Water Agencies (ACWA) and the undersigned organizations wish to express our support-if-amended position on SB 867. We greatly appreciate the author’s amendments that identify funding for many critical water and natural resources issues. We urge the author and Committee to continue to draft amendments that would make additional investments in California’s water infrastructure system.

ACWA represents over 460 public water agencies throughout California that deliver over 90% of the water used for agricultural, commercial, and residential purposes. ACWA supports efforts to advance a general obligation bond related to climate change and water and is appreciative of Senator Allen’s leadership on this issue over the years.

California’s changing climate creates increased risks of drought, floods, intense rain events, and sea level rise that will present unique challenges to public water agencies and their ability to reliably provide water to California’s farms and cities. The State is currently underprepared to manage a water system with a decreasing snowpack, less frequent precipitation, and weather extremes. Adapting to climate change will require California to urgently and significantly

rehabilitate and modify existing water facilities, improve operational flexibility, and make generational investments in new water infrastructure.

Additional above- and below-ground storage capacity must be developed to capture precipitation, especially in extreme weather events such as atmospheric rivers, and to mitigate disappearing snowpack. In addition, new and enhanced conveyance facilities are essential for moving collected and stored water, connecting suppliers with different supply sources, transferring water among water users, recharging groundwater, and storing water for multi-beneficial purposes, including environmental benefits. State investment in water infrastructure is crucial to providing the reliable delivery of safe water to California residents, businesses, and agriculture. In addition, climate resilience projects have also been shown to stimulate local economies and create jobs.

The undersigned organizations are pleased to continue to work with Senator Allen on this critical issue to provide funding for the attached list of priority water infrastructure categories which would improve California's capacity to adapt to the effects of climate change.

We thank you for your consideration of these issues and urge the Committee to make these investments now. If you have any questions, please do not hesitate to contact ACWA State Relations Director, Adam Quiñonez at adamq@acwa.com or (916) 441-4545.

Sincerely,

Adam Quiñonez
State Relations Director
Association of California Water Agencies

Bruce Kamilos, P.E.
General Manager
Elk Grove Water District/Florin Resource
Conservation District

Anthony Goff
General Manager
Calleguas Municipal Water District

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Supervisors
Chair, Tuolumne County Water Agency
Tuolumne County Water Agency

David J. Stoldt
General Manager
Monterey Peninsula Water Management
District

Erik Hitchman
General Manager
Walnut Valley Water District

Attachment: Climate Resilience (Drought and Flood) Infrastructure Investments, ACWA
Recommendations

cc: The Honorable Benjamin Allen
Honorable Members, Senate Governance and Finance Committee
Colin Grinnell, Staff Director, Senate Governance and Finance Committee
Ryan Eisberg, Policy Consultant, Senate Republican Caucus



Climate Resilience (Drought and Flood) Infrastructure Investments

ACWA Recommendations

02/22/2023

- 1. Recycling: (\$1.35 billion)**
 - a. \$750 million to the State Water Resources Control Board (State Water Board) for competitive grants for water recycling and reuse projects.
 - b. \$250 million to the Department of Water Resources (DWR) for competitive grants for brackish and sea water desalination projects.
 - c. \$250 million to the State Water Board for competitive grants for multi-benefit storm water management projects.
 - d. \$100 million to DWR for competitive grants for salinity management projects to facilitate inland brackish water desalination.

- 2. Groundwater: (\$1 billion)**
 - a. \$500 million to DWR for competitive grants for new groundwater storage projects.
 - b. \$500 million to DWR for competitive grants for projects that support groundwater banking, conjunctive use, recharge, or other groundwater projects that improve water resilience.

- 3. Flood Protection: (\$1 billion)**
 - a. \$400 million to DWR for projects related to the evaluation, repair, rehabilitation, reconstruction, expansion, or replacement of levees, weirs, bypasses, and facilities of the State Plan of Flood Control.
 - b. \$250 million to DWR for the Coastal Watershed Flood Risk Reduction Program, including the reduction of flood risk and public safety, enhancements of coastal ecosystems, and promoting natural resources stewardship and public access corridors.
 - c. \$200 million to DWR for the State Flood Control Subventions Program.
 - d. \$150 million to DWR for projects in the Delta to increase flood protection and climate resiliency.

- 4. Dam Safety/Reservoir Operations: (\$850 million)**
 - a. \$850 million to DWR for competitive grants for dam safety projects at high hazard dams, reservoir seismic retrofit projects, and new spillways and repairs at existing dams to facilitate implementation of Forecast Informed Reservoir Operations.

- 5. Conveyance: (\$800 million)**
 - a. \$500 million to DWR for competitive grants to support local and regional water conveyance projects.
 - b. \$300 million to DWR for Central Valley conveyance projects impacted by subsidence.



6. Surface Water Storage: (\$750 million)

- a. \$500 million inflation adjustment for projects funded by the Water Storage Investment Program.
- b. \$250 million to DWR for competitive grants for new surface water storage projects.

7. Safe Drinking Water: (\$600 million)

- a. \$250 million to the State Water Board for competitive grants for projects that help to provide clean, safe, and reliable drinking water.
- b. \$250 million to the State Water Board for competitive grants to local agencies for water quality monitoring and remediation of PFAS.
- c. \$100 million to the State Water Board for competitive grants to local agencies to address constituents of emerging concern.

8. Regional Watershed Resilience: (\$500 million)

- a. \$500 million for regional and inter-regional watershed resilience programs and projects that increase water infrastructure systems resilience to climate change or natural disasters; provide incentives throughout each watershed to collaborate in managing the region's water resources or setting regional priorities for water infrastructure; improve regional water self-reliance or reduce reliance on the Sacramento-San Joaquin Delta.

9. State Water Project Climate Change Resilience: (\$500 million)

- a. \$500 million to DWR for projects that enhance the delivery of water or increase the State Water Project's energy resilience.

10. Water Conservation: (\$500 million)

- a. \$250 million to DWR for competitive grants to large urban and small water suppliers to improve water efficiency, address leaks, reduce demand, provide water use efficiency-related mapping and training, support turf replacement, and maintain a drought vulnerability tool.
- b. \$250 million to DWR for competitive grants to agricultural water agencies for agricultural water use efficiency infrastructure projects.

Total: \$7.85 billion

SB 23 (Caballero): Water Supply and Flood Risk Reduction Projects: Expedited Permitting SUPPORT



March 30, 2023

The Honorable Dave Min
Senate Natural Resources and Water Committee
1021 O Street, Room 3220
Sacramento, CA 95814

RE: SB 23 (Caballero): Water Supply and Flood Risk Reduction Projects: Expedited Permitting
Position: SUPPORT

Dear Senator Min:

On behalf of the Association of California Water Agencies (ACWA) and the undersigned organizations, we write to express our support for SB 23 (Caballero), which would streamline the permitting process of water supply and flood risk reduction projects while preserving established environmental protections. We believe this legislation is critical to ensuring that California's water infrastructure is modernized and made more resilient to the impacts of climate change.

California faces a range of water management challenges, including droughts, floods, and other natural disasters. While our weather patterns have always been variable, climate change has, and will continue to exacerbate the weather whiplash that is intensifying drought and precipitation events. Addressing these challenges requires a coordinated effort between state and local agencies to construct and maintain water infrastructure projects needed in a 21st century climate. Unfortunately, the current permitting process for water infrastructure projects in California is complex and lengthy, and can be a significant barrier to progress in expanding and improving our water supply and flood risk reduction systems. This can result in delays, higher project costs, and uncertainty for communities, agricultural interests, and businesses that rely on a reliable and sustainable water supply. In addition, this can result in worse environmental outcomes, delaying projects that provide important benefits to aquatic and natural resources.

SB 23 would help address these issues by identifying opportunities to improve and streamline the regulatory permitting process, without shortcutting environmental reviews, so these critical infrastructure projects are built at the pace and scale needed to prepare for climate change. SB 23 would address inefficiencies in the application review process and ensure project proponents and state agencies are meeting reasonable deadlines and moving applications forward in an expeditious manner. The bill would utilize permit streamlining tools already available in existing law that are proven to reduce duplicative planning efforts while still meeting rigorous environmental standards. Finally, the bill would help address state agency resource and staffing issues by allowing project applicants to cover the costs of expediting the environmental review process.

SB 23 builds on recommendations in the Newsom Administration's "*California's Water Supply Strategy, Adapting to a Hotter, Drier Future*," released in August 2022. The Water Supply Strategy highlights that hotter and drier conditions caused by climate change could reduce California's water supplies in the coming decades. To continue to grow and thrive as a state, California will need to make up for a loss of supply by pursuing a wide range of infrastructure projects. An essential part of seeing these projects become reality, according to the Newsom Administration, is modernizing and

accelerating regulatory structures. SB 23 answers this call to action by providing a comprehensive set of ideas that address known sources of project delays. These solutions would advance projects that store more water above and below ground, capture water during high-flow events, improve conveyance, create access to drought-proof water supplies, and improve flood management—all of which are necessary to adapting to changing conditions.

From 2020 to 2022, California experienced the driest three-year period on record. In 2023, this prolonged drought was met with a series of atmospheric rivers and a bomb cyclone that brought significant amounts of rain and snow, leading to widespread flooding, property damage, and evacuation orders for tens of thousands of residents. The need for a generational investment in California’s water systems is evident, and over the last three years, state leaders have earmarked more than \$8 billion to modernize water infrastructure and management. Now action is needed to ensure these investments result in the timely delivery of critical projects. SB 23 is a critical step to providing California with modern, resilient, and sustainable water systems that will meet the needs of generations to come.

For these reasons, we are pleased to support SB 23 and respectfully request your “AYE” vote when the bill is heard in the Senate Natural Resources and Water Committee on April 11.

Sincerely,

Kristopher Anderson, Esq.
Legislative Advocate
Association of California Water Agencies

John Friedenbach
General Manager
Humboldt Bay Municipal Water District

Cathy Lee
General Manager
Carmichael Water District

David Merritt
General Manager
Kings River Conservation District

J.M. Barrett
General Manager
Coachella Valley Water District

Anthony Williams, P.E., QSD
General Manager
North Marin Water District

John Bosler
General Manager/CEO
Cucamonga Valley Water District

Cathy Green
Board President
Orange County Water District

Greg Thomas
General Manager
Elsinore Valley Municipal Water District

Edward A. Castaneda
General Manager
Orchard Dale Water District

Nina Jazmadarian
General Manager
Foothill Municipal Water District

Kyle Swanson
General Manager/CEO
Padre Dam Municipal Water District

Robert S. Grantham
General Manager
Rancho California Water District

Paul Helliker
General Manager
San Juan Water District

Craig Miller
General Manager
Western Municipal Water district

Sean Barclay
General Manager
Tahoe City Public Utility District

Matthew Litchfield
General Manager
Three Valleys Municipal Water District

Don Perkins
General Manager
Tuolumne Utilities District

Gary Arant
General Manager
Valley Center Municipal Water District

Brett Hodgkiss
General Manager
Vista Irrigation District

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General Manager
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Senior Director, CA Government Affairs
Western Growers Association

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General Manager
Pajaro Valley Water Management Agency

Sandy Kerl
General Manager
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General Manager
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Kimberly Thorner
General Manager
Olivenhain Municipal Water District

Richard Atkins
Board President
Stockton East Water District

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General Manager
Amador Water Agency

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General Manager
McKinleyville Community Services District

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General Manager
Eastern Municipal Water District

Mary Rogren
General Manager
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Jennifer Galenti
Director of Operations
California Alliance for Jobs

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General Manager
Turlock Irrigation District

Brenda Bass
Policy Advocate
California Chamber of Commerce

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General Manager
Irvine Ranch Water District

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Indian Wells Valley Water District

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Water Policy Director
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Placer County Water Agency

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Mayor
City of Santa Rosa

David Coxey
General Manager
Bella Vista Water District

Danielle Blacet-Hyden
Deputy Executive Director
California Municipal Utilities Association

Paul E. Shoenberger, P.E.
General Manager
Mesa Water District

Peter Sanchez
General Manager
Fresno Metropolitan Flood Control District

Chris Reardon
Director, Government Affairs
California Farm Bureau

Heidi Hannaman
Legislative Representative
California Special Districts Association

Hilary Straus
General Manager
Citrus Heights Water District

Mark Krause
General Manager and Chief Engineer
Desert Water Agency

Jim Abercrombie
General Manager
El Dorado Irrigation District

Chris Lee
Interim General Manager
Solano County Water Agency

P. Anthony Thomas
Senior Vice President of Legislative Affairs
California Building Industry Association

Ian LeMay
President
California Fresh Fruit Association

Rick Tomlinson
President
California Strawberry Commission

Renee Pinel
President/CEO
Western Plant Health Association

Kristy Kneiding
Manager
California Date Commission

Richard Matoian
President
American Pistachio Growers

Manuel Cunha, Jr.
President
Nisei Farmers League

Casey Creamer
President
California Citrus Mutual

Albert Lau, P.E.
General Manager
Santa Fe Irrigation District

Glenn Farrel
Executive Director
CalDesal

Joel Metzger
General Manager
Utica Water and Power Authority

Bruce Kamilos, P.E.
General Manager
Florin Resource Conservation District/Elk
Grove Water District

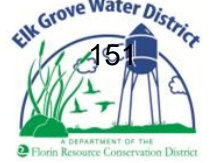
Hannah Davidson
Water Resources Specialist I
Hidden Valley Lake Community Services
District

Kathleen K. Haff
Chair, Tuolumne County Board of
Supervisors
Tuolumne County Water Agency

Bart Broome
Assistant Officer for State Government
Relations
Santa Clara Valley Water District

David J. Stoldt
General Manager
Monterey Peninsula Water Management
District

cc: The Honorable Anna Caballero
Honorable Members, Senate Natural Resources & Water Committee
Genevieve Wong, Principal Consultant, Senate Natural Resources & Water Committee
Todd Moffitt, Policy Consultant, Senate Republican Caucus



March 17, 2023

The Honorable Dave Min
Chair, Senate Natural Resources and Water Committee
1021 O Street, Room 3220
Sacramento, CA 95814

RE: SB 867 (Allen) – Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023.

Position: SUPPORT IF AMENDED

Dear Senator Min,

The Association of California Water Agencies (ACWA) and the undersigned organizations wish to express our support-if-amended position on SB 867 and strongly urge the author and Committee to take amendments that would make a generational investment in California’s water infrastructure system.

ACWA represents over 460 public water agencies throughout California that deliver over 90% of the water used for agricultural, commercial, and residential purposes. ACWA supports efforts to advance a general obligation bond related to climate change and water and is appreciative of Senator Allen’s leadership on this issue over the years.

California’s changing climate creates increased risks of drought, floods, intense rain events, and sea level rise that will present unique challenges to public water agencies and their ability to reliably provide water to California’s farms and cities. The State is currently underprepared to manage a water system with a decreasing snowpack, less frequent precipitation, and weather extremes. Adapting to climate change will require California to urgently and significantly rehabilitate and modify existing water facilities, improve operational flexibility, and make generational investments in new water infrastructure.

Additional above- and below-ground storage capacity must be developed to capture precipitation, especially in extreme weather events such as atmospheric rivers, and to mitigate disappearing snowpack. In addition, new and enhanced conveyance facilities are essential for moving collected and stored water, connecting suppliers with different supply sources, transferring water among water users, recharging groundwater, and storing water for multi-beneficial purposes, including environmental benefits. State investment in water infrastructure is crucial to providing the reliable delivery of safe water to California residents, businesses, and agriculture. In addition, climate resilience projects have also been shown to stimulate local economies and create jobs.

The undersigned organizations respectfully request that SB 867 be amended to include funding for water infrastructure projects as identified in the attached document. These amendments focus on capital investments in water infrastructure projects that would improve California's capacity to adapt to the effects of climate change.

We thank you for your consideration of the amendments and urge the author and Committee to make these investments now. If you have any questions, please do not hesitate to contact ACWA State Relations Director, Adam Quiñonez at adamq@acwa.com or (916) 441-4545.

Sincerely,

Adam Quiñonez
State Relations Director
Association of California Water Agencies

Nina Jazmadarian
General Manager
Foothill Municipal Water District

Anthony Goff
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Calleguas Municipal Water District

Brian Olney
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Monte Vista Water District

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David J. Stoldt
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Kathleen K. Haff
Chair, Tuolumne County Board of
Supervisors
Chair, Tuolumne County Water Agency
Tuolumne County Water Agency

Paul Helliker
General Manager
San Juan Water District

Attachment: SB 867 ACWA Amendments

cc: The Honorable Benjamin Allen
Honorable Members, Senate Natural Resources and Water Committee
Ms. Katharine Moore, Chief Consultant, Senate Natural Resources and Water Committee
Mr. Todd Moffitt, Policy Consultant, Senate Republican Caucus

SB 867 ACWA Amendments

03/15/2023

SECTION 1. The people of California find and declare all of the following:

(a) California’s changing climate creates increased risk of catastrophic wildfires, drought, severe heat events, and sea level rise, as well as impacts to agriculture, water supply and water quality, and the health of the forests, watershed, and wildlife.

(b) These risks and impacts vary by region and can overwhelm the resources of local governments that must cope with severe climate change-related events.

(c) Reducing vulnerability to fire, flood, drought, and other climate change-related events requires a statewide investment to increase climate resilience of communities and natural systems.

(d) Governor Gavin Newsom has issued several reports and executive orders that have created a roadmap to climate resiliency in California that will help guide and direct investments.

(e) Governor Gavin Newsom issued the California’s Water Supply Strategy Adapting to a Hotter, Drier Future that outlines actions needed to take in order to recycle and reuse at least 800,000 acre-feet of water per year by 2030, free up 500,000 acre-feet of water through more efficient water use and conservation and make new water available for use by capturing storm water and desalinating ocean water and salty water in groundwater basins.

(f) Governor Gavin Newsom released in January 2021 the California’s Wildfire and Forest Resilience Action Plan to increase the pace and scale of forest health projects, strengthen protection of communities, and manage forests, to achieve the state’s economic and environmental goals and drive innovation and measure progress.

(g) Governor Gavin Newsom released in April 2022 the Extreme Heat Action Plan to protect communities from rising temperatures in order to accelerate readiness and protection of communities most impacted by extreme heat, including through cooling schools and homes, supporting community resilience centers, and expanding nature-based solutions.

(h) Governor Gavin Newsom released in April 2021 California’s strategy for achieving the first-in-the-nation 30x30 conservation goal. Pathways to 30x30: Accelerating Conservation of California’s Nature outlines a vision to conserve an additional 6,000,000 acres of lands and 500,000 acres of coastal waters needed to reach 30 percent.

(i) Governor Gavin Newsom signed Senate Bill 1 of the 2021–22 Regular Session (Chapter 236 of the Statutes of 2021) that directed the California Coastal Commission to take sea level rise into account in its planning, policies, and activities, and established a cross-government group tasked with educating the public and advising local, regional, and state government on feasible sea level rise mitigation efforts.

SEC. 2. Division 50 (commencing with Section 90000) is added to the Public Resources Code, to read:

DIVISION 50. DROUGHT AND WATER RESILIENCE, WILDFIRE AND FOREST RESILIENCE, COASTAL RESILIENCE, EXTREME HEAT MITIGATION, BIODIVERSITY AND NATURE-BASED CLIMATE SOLUTIONS, CLIMATE SMART AGRICULTURE, AND PARK CREATION AND OUTDOOR ACCESS BOND ACT of 2023

CHAPTER 1. General Provisions

90000. This division shall be known, and may be cited, as the Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023.

90001. *For the purposes of this division, the following definitions apply:*

(a) "Disadvantaged community" has the meaning set forth in subdivision (aa) of Section 116275 of the Health and Safety Code.

(b) "Severely disadvantaged community" has the meaning set forth in subdivision (a) of Section 116760.20 of the Health and Safety Code.

90002. *(c) At least 25 percent of the funds available pursuant to this division shall be allocated for projects benefiting disadvantaged communities or severely disadvantaged communities.*

90500. (a) The proceeds of bonds issued and sold pursuant to this division, exclusive of refunding bonds issued and sold pursuant to Section 95012, shall be deposited in the Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Fund, which is hereby created in the State Treasury. Moneys in the fund shall be available, upon appropriation by the Legislature, for purposes of this division.

(b) Proceeds of bonds issued and sold pursuant to this division shall be allocated according to the following schedule:

(1) ___ dollars (\$___) for drought and water resilience programs, in accordance with Chapter 2 (commencing with Section 91000).

(2) ___ dollars (\$___) for wildfire and forest resilience programs, in accordance with Chapter 3 (commencing with Section 91500).

(3) ___ dollars (\$___) for coastal resilience programs, in accordance with Chapter 4 (commencing with Section 92000).

(4) ___ dollars (\$___) for extreme heat mitigation programs, in accordance with Chapter 5 (commencing with Section 92500).

(5) ___ dollars (\$___) for biodiversity protection and nature-based climate solution programs, in accordance with Chapter 6 (commencing with Section 93000).

(6) ___ dollars (\$___) for climate smart agriculture programs, in accordance with Chapter 7 (commencing with Section 93500).

(7) ___ dollars (\$___) for park creation and outdoor access programs, in accordance with Chapter 8 (commencing with Section 94000).

CHAPTER 2. Drought and Water Resilience

91000. The sum of ___ dollars (\$___) shall be available, upon appropriation by the Legislature, for drought and water resilience programs.

91010. *(a) Of the funds made available by Section 91000, six billion one hundred million dollars (\$6,100,000,000) shall be available, upon appropriation by the Legislature, to ~~the~~ protect and increase California water supply and water quality.*

91011. (a) Of the funds made available by Section 91010, one billion one hundred million dollars (\$1,100,000,000) shall be made available, upon appropriation by the Legislature for competitive grants for projects related to water reuse, recycling, and desalination.

(b) Of the funds made available in subdivision (a) seven hundred and fifty million dollars (\$750,000,000) shall be made available to the Water Board, for competitive grants for projects related to water reuse and recycling.

(c) Of the funds made available in subdivision (a) three hundred and fifty million dollars (\$350,000,000) shall be made available to the Department of Water Resources, for competitive grants for projects related to contaminant and salt removal projects, including, but not limited to, groundwater and seawater desalination and associated treatment, storage, conveyance, and distribution facilities.

91012. (a) Of the funds made available by Section 91010, one billion dollars (\$1,000,000,000) shall be made available, upon appropriation by the Legislature for competitive grants for projects related to groundwater storage, banking, conjunctive use, recharge, or other groundwater projects that improve water resilience.

(b) Of the funds made available in subdivision (a), five hundred million (\$500,000,000) shall be made available to the Department of Water Resources, for competitive grants for projects that increase groundwater storage.

(c) Of the funds made available in subdivision (a), five hundred million (\$500,000,000) shall be made available to the Department of Water Resources, for competitive grants for projects that support groundwater banking, conjunctive use, recharge, or other groundwater projects that improve water resilience

91013. (a) Of the funds made available by Section 91010, eight hundred and fifty million dollars (\$850,000,000) shall be made available, upon appropriation by the Legislature, to the Department of Water Resources, for competitive grants for projects that enhance dam safety and reservoir operations. Eligible projects include, but are not limited to, dam safety projects at high hazard dams, new spillways and repairs at existing dams to facilitate implementation of Forecast Informed Reservoir Operations, and reservoir seismic retrofit projects.

91014. (a) Of the funds made available by Section 91010, eight hundred million dollars (\$800,000,000) shall be made available, upon appropriation by the Legislature, to the Department of Water Resources, for competitive grants for regional conveyance projects or repairs to existing conveyance. Priority shall be given to projects that provide one or more of the following benefits:

(b) Of the funds made available in subdivision (a), five hundred million (\$500,000,000) shall be available for Central Valley conveyance projects and three hundred million (\$300,000,000) shall

be available to other conveyance projects throughout the state that provide one or more of the following benefits:

(1) Improvements in regional or inter regional water supply or water supply reliability.

(2) Increased ground water recharge or mitigation of conditions of groundwater overdraft, salinity intrusion, water quality degradation, or subsidence.

(3) Adaptation to the impacts of hydrologic changes.

(4) Improvements in water security from drought, natural disasters, or other events that could interrupt water supplies.

(5) Providing safe drinking water for disadvantaged communities and economically distressed areas.

91015. (a) Of the funds made available by Section 91010, seven hundred and fifty million dollars (\$750,000,000) shall be made available, upon appropriation by the Legislature, to the Department of Water Resources, for water storage projects.

(b) Of the amount made available in subdivision (a) five hundred million dollars (\$500,000,000) shall be made available to the California Water Commission for projects under the Water Storage Investment Program.

(c) Of the amount made available in subdivision (a) two hundred and fifty million dollars (\$250,000,000) shall be made available to the Department of Water Resources for projects that increase water storage.

91016. (a) Of the funds made available by Section 91010, six hundred million dollars (\$600,000,000) shall be made available, upon appropriation by the Legislature, to the Water Board for projects that improve water quality or help provide clean, safe, and reliable drinking water.

(b) Of the amount made available in subdivision (a) two hundred and fifty million dollars (\$250,000,000) shall be made available to the State Water Board for competitive grants for projects that help to provide clean, safe, and reliable drinking water to disadvantaged communities.

(c) Of the amount made available in subdivision (a) two hundred and fifty million dollars (\$250,000,000) shall be made available to the State Water Board for competitive grants for projects that increase water quality monitoring and remediation of perfluoroalkyl and polyfluoroalkyl substances.

(d) Of the amount made available in subdivision (a) one hundred million dollars (\$100,000,000) shall be made available to the State Water Board for competitive grants for projects that address constituents of emerging concern.

91017. (a) Of the funds made available by Section 91010, five hundred million dollars (\$500,000,000) shall be made available, upon appropriation by the Legislature, to the Department of Water Resources for projects that enhance the delivery of water or increase the energy resilience of the State Water Project.

91019. (a) Of the funds made available by Section 91010, five hundred million dollars (\$500,000,000) shall be made available, upon appropriation by the Legislature, to the Department of Water Resources for projects that increase water conservation in agricultural and urban areas.

(b) Of the amount made available in subdivision (a) two hundred and fifty million dollars (\$250,000,000) shall be made available to the Department of Water Resources for competitive grants to large urban and small water suppliers to improve water efficiency, address leaks, reduce demand, support turf replacement, and maintain drought vulnerability tools.

(c) Of the amount made available in subdivision (a) two hundred and fifty million dollars (\$250,000,000) shall be made available to the Department of Water Resources for competitive grants for agricultural water use efficiency infrastructure projects.

91020. (a) Of the funds made available by Section 91000, one billion two hundred and fifty million dollars (\$1,250,000,000) shall be available, upon appropriation by the Legislature, to reduce flood risk and improve stormwater management.

(b) Of the funds made available by subdivision (a), four hundred million dollars (\$400,000,000) shall be made available to the Department of Water Resources for competitive grants for projects related to the evaluation, repair, rehabilitation, reconstruction, expansion, or replacement of levees, weirs, bypasses, and facilities of the State Plan of Flood Control.

(c) Of the funds made available by subdivision (a), two hundred and fifty million dollars (\$250,000,000) shall be made available to the Department of Water Resources for the Coastal Watershed Flood Risk Reduction Program for competitive grants for projects that reduce the risk of flood and increase public safety, enhance coastal ecosystems, and promote natural resources stewardship and public access corridors.

(d) Of the funds made available by subdivision (a), two hundred million dollars (\$200,000,000) shall be made available to the Department of Water Resources for the State Flood Control Subventions Program.

(e) Of the funds made available by subdivision (a), one hundred and fifty million dollars (\$150,000,000) shall be made available to the Department of Water Resources for competitive grants for projects in the Delta to increase flood protection and climate resiliency.

(f) Of the funds made available by subdivision (a), two hundred and fifty million dollars (\$250,000,000) shall be made available to the Water Board for competitive grants for multi-benefit storm water management projects.

91030. *(a)* Of the funds made available by Section 91000, *five hundred million* dollars (*\$500,000,000*) shall be available, upon appropriation by the Legislature, *for competitive grants for projects that provide one or more of the following benefits:*

(1) Increase water infrastructure system resilience to climate change or natural disasters.

(2) Provide incentives throughout each watershed to collaborate in managing the region's water resources or setting regional priorities for water infrastructure.

(3) Improve regional water self-reliance, including but not limited to, reducing reliance on the Sacramento-San Joaquin Delta or the Colorado River.

(4) Implement projects that are included in, and implemented in, an adopted integrated regional water management plan consistent with Part 2.2 (commencing with Section 10530) of Division 6 of the Water Code and that respond to climate change and contribute to regional water security.

(5) Improve watershed resilience and ~~to~~ protect and restore rivers, lakes, and streams.

91040. Of the funds made available by Section 91000, ____ dollars (\$____) shall be available, upon appropriation by the Legislature, to establish a water trust.

CHAPTER 3. Wildfire and Forest Resilience

91500. The sum of ____ dollars (\$____) shall be available, upon appropriation by the Legislature, for wildfire prevention, including reducing community wildfire risk and restoring the health and resilience of forests.

CHAPTER 4. Coastal Resilience

92000. The sum of ____ dollars (\$____) shall be available, upon appropriation by the Legislature, for the protection of coastal lands, waters, communities, natural resources, and urban waterfronts from climate impacts. Eligible projects include, but are not limited to, projects to restore coastal wetlands and projects to address sea level rise.

CHAPTER 5. Extreme Heat Mitigation

92500. The sum of ____ dollars (\$____) shall be available, upon appropriation by the Legislature, to address extreme heat in communities.

CHAPTER 6. Protect Biodiversity and Accelerating Nature-Based Climate Solutions

93000. The sum of ____ dollars (\$____) shall be available, upon appropriation by the Legislature, for the protection of California's biodiversity and to protect nature and restore landscape health to achieve California's climate change goals.

CHAPTER 7. Climate Smart Agriculture for Sustainability and Resiliency

93500. The sum of ____ dollars (\$____) shall be available, upon appropriation by the Legislature, for improving climate resilience of agricultural lands.

CHAPTER 8. Park Creation and Outdoor Access

94000. The sum of ____ dollars (\$____) shall be made available, upon appropriation by the Legislature, for the creation and protection of parks, outdoor access, and educational institutions.

CHAPTER 9. Fiscal Provisions

95000. (a) Bonds in the total amount of ____ dollars (\$____), not including the amount of any refunding bonds issued in accordance with Section 95012, may be issued and sold for carrying out the purposes expressed in this division and to reimburse the General Obligation Bond Expense Revolving Fund pursuant to Section 16724.5 of the Government Code. The bonds, when sold, issued, and delivered, shall be and constitute a valid and binding obligation of the State of California, and the full faith and credit of the State of California is hereby pledged for the punctual payment of both the principal of, and interest on, the bonds as the principal and interest become due and payable.

(b) The Treasurer shall cause the issuance and sell the bonds authorized by the committee pursuant to subdivision (a) in the amount determined by the committee to be necessary or desirable pursuant to Section 95003. The bonds shall be issued and sold upon the terms and conditions specified in a resolution to be adopted by the committee pursuant to Section 16731 of the Government Code.

95001. The bonds authorized by this division shall be prepared, executed, issued, sold, paid, and redeemed as provided in the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), as amended from time to time, and all of the provisions of that law, except subdivisions (a) and (b) of Section 16727 of the Government Code, apply to the bonds and to this division and are hereby incorporated in this division as though set forth in full in this division.

95002. (a) Solely for the purpose of authorizing the issuance and sale, pursuant to the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), of the bonds authorized by this division, the Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Finance Committee is hereby created. For purposes of this division, the Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Finance Committee is the “committee,” as that term is used in the State General Obligation Bond Law.

(b) The committee consists of the _____. Notwithstanding any other law, any member may designate a representative to act as that member in that member’s place for all purposes, as though the member were personally present.

(c) The _____ shall serve as the chairperson of the committee.

(d) A majority of the committee may act for the committee.

95003. The committee shall by resolution determine whether or not it is necessary or desirable to issue and sell bonds authorized by this division in order to carry out the actions specified in this division and, if so, the amount of bonds to be issued and sold. Successive issues of bonds may be authorized and sold to carry out those actions progressively, and it is not necessary that all of the bonds authorized to be issued be sold at any one time.

95004. For purposes of the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), “board,” as defined in Section 16722 of the Government Code, means the Secretary of the Natural Resources Agency.

95005. There shall be collected each year and in the same manner and at the same time as other state revenue is collected, in addition to the ordinary revenues of the state, a sum in an amount required to pay the principal of, and interest on, the bonds becoming due in that year. It is the duty of all officers charged by law with any duty regarding the collection of the revenue to do and perform each and every act that is necessary to collect that additional sum.

95006. Notwithstanding Section 13340 of the Government Code, there is hereby continuously appropriated from the General Fund in the State Treasury, for the purposes of this division, and without regard to fiscal years, an amount that will equal the total of the following:

- (a) The sum annually necessary to pay the principal of, and interest on, bonds issued and sold pursuant to this division, as the principal and interest become due and payable.
- (b) The sum that is necessary to carry out Section 95009.

95007. The board may request the Pooled Money Investment Board to make a loan from the Pooled Money Investment Account or any other form of interim financing in accordance with Section 16312 of the Government Code, for the purpose of carrying out this division. The amount of the request shall not exceed the amount of the unsold bonds that the committee has, by resolution, authorized to be sold for the purpose of carrying out this division, excluding any refunding bonds authorized pursuant to Section 95012, less any amount loaned and not yet repaid pursuant to this section and any amount withdrawn from the General Fund pursuant to Section 95009 and not yet returned to the General Fund. The board shall execute those documents required by the Pooled Money Investment Board to obtain and repay the loan. Any amounts loaned shall be deposited in the fund to be allocated in accordance with this division.

95008. Notwithstanding any other provision of this division, or of the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), if the Treasurer sells bonds pursuant to this chapter that include a bond counsel opinion to the effect that the interest on the bonds is excluded from gross income for federal tax purposes under designated conditions or is otherwise entitled to any federal tax advantage, the Treasurer may maintain separate accounts for the bond proceeds invested and for the investment earnings on those proceeds and may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or take any other action with respect to the investment and use of those bond proceeds, as may be required or desirable under federal law in order to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

95009. For purposes of carrying out this division, the Director of Finance may authorize the withdrawal from the General Fund of an amount or amounts not to exceed the amount of the unsold bonds that have been authorized by the committee to be sold for the purpose of carrying out this division, excluding refunding bonds authorized pursuant to Section 95012, less any amount loaned pursuant to Section 95007 and not yet repaid and any amount withdrawn from the General Fund pursuant to this section and not yet returned to the General Fund. Any amounts withdrawn shall be deposited in the fund to be allocated in accordance with this division. Any moneys made available under this section shall be returned to the General Fund, with interest at the rate earned by the moneys in the Pooled Money Investment Account, from proceeds received from the sale of bonds for the purpose of carrying out this division.

95010. All moneys deposited in the fund that are derived from premiums and accrued interest on bonds sold pursuant to this division shall be reserved in the fund and shall be available for transfer to the General Fund as a credit to expenditures for bond interest, except that amounts derived from premiums may be reserved and used to pay costs of bond issuance before any transfer to the General Fund.

95011. Pursuant to the State General Obligation Bond Law (Chapter 4 (commencing with Section 16720) of Part 3 of Division 4 of Title 2 of the Government Code), the cost of bond issuance shall be paid or reimbursed out of the bond proceeds, including premiums, if any. To the extent the cost of bond issuance is not paid from premiums received from the sale of bonds, these costs shall be allocated proportionally to each program funded through this division by the applicable bond sale.

95012. The bonds issued and sold pursuant to this division may be refunded in accordance with Article 6 (commencing with Section 16780) of Chapter 4 of Part 3 of Division 4 of Title 2 of the Government Code, which is a part of the State General Obligation Bond Law, as amended. Approval by the voters of the state for the issuance of the bonds under this division shall include approval of the issuance, sale, or exchange of any bonds issued to refund any bonds originally issued under this division or any previously issued refunding bonds. Any bond refunded with the proceeds of a refunding bond as authorized by this section may be legally defeased to the extent permitted by law in the manner and to the extent set forth in the resolution, as amended from time to time, authorizing that refunded bond.

95013. Notwithstanding Section 16727 of the Government Code, funds provided pursuant to this division may be used for grants and loans to nonprofit organizations to repay financing described in Section 22064 of the Financial Code related to projects that are consistent with the purpose of the respective provisions of this division.

95014. The proceeds from the sale of bonds authorized by this division are not “proceeds of taxes” as that term is used in Article XIII B of the California Constitution, and the disbursement of these proceeds is not subject to the limitations imposed by that article.

95015. Bonds issued under this division shall, whenever practical, be aligned with generally recognized principles and best practice guidelines for financing drought and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, and park creation and outdoor access projects.

SEC. 3. Section 2 of this act shall take effect upon the approval by the voters of the Drought and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, and Park Creation and Outdoor Access Bond Act of 2023, as set forth in Section 2 of this act.

SEC. 4. (a) Section 2 of this act shall be submitted by the Secretary of State to the voters at the _____, statewide _____ election.

(b) The Secretary of State shall include in the ballot pamphlets mailed pursuant to Section 9094 of the Elections Code the information specified in Section 9084 of the Elections Code regarding Section 2 of this act.

SEC. 5. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

MPWMD Legislative Track

As of August 2023

Measure	Author	Topic	Status	Brief Summary	Position
<u>AB 45</u>	<u>Boerner D</u>	Coastal resources: coastal development permits: blue carbon demonstration projects.	7/3/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 1.) (July 3). Re-referred to Com. on APPR.	The California Coastal Act of 1976, among other things, requires anyone wishing to perform or undertake any development in the coastal zone, except as specified, in addition to obtaining any other permit required by law from any local government or from any state, regional, or local agency, to obtain a coastal development permit from the California Coastal Commission, as provided. This bill would authorize the commission to authorize blue carbon demonstration projects, as defined, in order to demonstrate and quantify the carbon sequestration potential of these projects to help inform the state's natural and working lands and climate resilience strategies.	
<u>AB 62</u>	<u>Mathis R</u>	Statewide water storage: expansion.	5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)	Current law establishes within the Natural Resources Agency the State Water Resources Control Board and the California regional water quality control boards. Current law requires the work of the state board to be divided into at least 2 divisions, known as the Division of Water Rights and the Division of Water Quality. This bill would establish a statewide goal to increase above- and below-ground water storage capacity by a total of 3,700,000 acre-feet by the year 2030 and a total of 4,000,000 acre-feet by the year 2040. The bill would require the Department of Water Resources, in consultation with the state board, to take reasonable actions to promote or assist efforts to achieve the statewide goal, as provided. The bill would require the department, beginning July 1, 2027, and on or before July 1 every 2 years thereafter until January 1, 2043, in consultation with the state board, to prepare and submit a report to the Legislature on the progress made to achieve the statewide goal.	
<u>AB 66</u>	<u>Mathis R</u>	Natural Resources Agency: water	5/19/2023-Failed Deadline pursuant to	Current law establishes the Natural Resources Agency, composed of departments, boards, conservancies, and commissions	

		storage projects: permit approval.	Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)	responsible for the restoration, protection, and management of the state's natural and cultural resources. Current law establishes in the agency the Department of Water Resources, which manages and undertakes planning with regard to water resources in the state. This bill would require the agency, and each department, board, conservancy, and commission within the agency, to take all reasonable steps to approve the necessary permits for specified projects that meet certain employment conditions within 180 days from receiving a complete permit application.	
<u>AB 305</u>	<u>Villapudua D</u>	California Flood Protection Bond Act of 2024.	6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.	Would enact the California Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$4,500,000,000 pursuant to the State General Obligation Bond Law for flood protection projects, as specified. The bill would provide for the submission of these provisions to the voters at the November 5, 2024, statewide general election.	
<u>AB 345</u>	<u>Wilson D</u>	Habitat restoration: flood control: advance payments.	7/10/2023-In committee: Referred to APPR. suspense file.	Current law establishes the Central Valley Flood Protection Board and authorizes the board to engage in various flood control activities along the Sacramento River, the San Joaquin River, their tributaries, and related areas. This bill would authorize the Department of Water Resources or the board to provide advance payments, as defined, to local agencies for projects that restore habitat for threatened and endangered species under state or federal law or improve flood protection, as provided. The bill would prohibit the amount of funds advanced by the department or the board to the local agency at any one time from exceeding 25% of the entire amount authorized to be provided under the funding agreement. The bill would require the project proponent to demonstrate a need for an advance payment and that the project proponent is sufficiently qualified to manage the project and the project's finances. The bill would require the funds to be spent within 6 months and would require the recipient to provide an accountability report to the department or the board on a quarterly basis, as specified.	
<u>AB 429</u>	<u>Bennett D</u>	Groundwater	4/28/2023-Failed	Current law requires the State Water Resources Control Board to	

		wells: permits.	Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/2/2023)(May be acted upon Jan 2024)	adopt a model water well, cathodic protection well, and monitoring well drilling and abandonment ordinance implementing certain standards for water well construction, maintenance, and abandonment and requires each county, city, or water agency, where appropriate, not later than January 15, 1990, to adopt a water well, cathodic protection well, and monitoring well drilling and abandonment ordinance that meets or exceeds certain standards. Under current law, if a county, city, or water agency, where appropriate, fails to adopt an ordinance establishing water well, cathodic protection well, and monitoring well drilling and abandonment standards, the model ordinance adopted by the state board is required to take effect on February 15, 1990, and is required to be enforced by the county or city and have the same force and effect as if adopted as a county or city ordinance. The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. This bill would, if 1% of domestic wells go dry in a critically overdrafted basin, as specified, prohibit a county, city, or any other water well permitting agency from approving a permit for a new groundwater well or for an alteration to an existing well in a basin subject to the act and classified as a critically overdrafted basin unless specified conditions are met.	
<u>AB 460</u>	<u>Bauer-Kahan D</u>	State Water Resources Control Board: water rights and usage: interim relief: procedures.	7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/7/2023)(May be acted upon Jan 2024)	Current law authorizes the State Water Resources Control Board to investigate all streams, stream systems, lakes, or other bodies of water, take testimony relating to the rights to water or the use of water, and ascertain whether water filed upon or attempted to be appropriated is appropriated under the laws of the state. Current law requires the board to take appropriate actions to prevent waste or the unreasonable use of water. This bill would authorize the	Oppose

				board, in conducting specified investigations or proceedings to inspect the property or facilities of a person or entity, as specified. The bill would authorize the board, if consent is denied for an inspection, to obtain an inspection warrant, as specified, or in the event of an emergency affecting public health and safety, to conduct an inspection without consent or a warrant.	
<u>AB 541</u>	<u>Wood D</u>	California Safe Drinking Water Act: wildfire aftermath: benzene testing.	7/5/2023-Read second time. Ordered to third reading.	Would direct the State Water Resources Control Board to require a public water system that has experienced a wildfire event meeting specified criteria to perform sample collection and analysis of its source waters, treatment facilities, conveyance facilities, distribution systems, or a combination thereof, for the presence of benzene as soon as it is safe to do so.	
<u>AB 557</u>	<u>Hart D</u>	Open meetings: local agencies: teleconferences.	6/29/2023-Read second time. Ordered to third reading.	The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency, as those terms are defined, be open and public and that all persons be permitted to attend and participate. The act contains specified provisions regarding providing for the ability of the public to observe and provide comment. The act allows for meetings to occur via teleconferencing subject to certain requirements, particularly that the legislative body notice each teleconference location of each member that will be participating in the public meeting, that each teleconference location be accessible to the public, that members of the public be allowed to address the legislative body at each teleconference location, that the legislative body post an agenda at each teleconference location, and that at least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill would revise the authority of a legislative body to hold a teleconference meeting under those abbreviated teleconferencing procedures when a declared state of emergency is in effect. Specifically, the bill would extend indefinitely that authority in the circumstances under which the legislative body either (1) meets for the purpose of determining whether, as a result of the emergency, meeting in person would present imminent risks to the health or	

				safety of attendees, or (2) has previously made that determination.	
<u>AB 779</u>	<u>Wilson D</u>	Groundwater: adjudication.	7/12/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 8. Noes 3.) (July 11). Re-referred to Com. on APPR.	Current law establishes various methods and procedures for a comprehensive adjudication of groundwater rights in civil court. This bill would require the court to appoint one party to forward all case management orders, judgments, and interlocutory orders to the Department of Water Resources within 10 business days of issuance. The bill would require the court to allocate payment of the costs incurred by the party appointed to forward all case management orders, judgments, and interlocutory orders to the department among the parties in an amount and a manner that the court deems equitable. The bill would require the department to post the documents on its internet website in the interest of transparency and accessibility within 20 business days of receipt from a party, as specified. The bill would authorize the court to refer the matter to the State Water Resources Control Board for investigation and report in order to assist the court in making findings pursuant to these provisions, and would authorize a party to request that the court refer the matter to the board for these purposes. The bill would require the court to consider the water use of small farmers and disadvantaged communities, as those terms are defined, before entering a judgment.	
<u>AB 805</u>	<u>Arambula D</u>	Drinking water consolidation: sewer service.	5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)	Would authorize the State Water Resources Control Board, if sufficient funds are available, to order consolidation of sewer service along with an order of consolidation of drinking water systems when both of the receiving and subsumed water systems provide sewer service and after the state board engages in certain activities, including, but not limited to, consulting with the relevant regional water board and the receiving water system and conducting outreach to ratepayers and residents served by the receiving and subsumed water systems, as provided.	
<u>AB 817</u>	<u>Pacheco D</u>	Open meetings: teleconferencing: subsidiary body.	5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was L. GOV. on 3/16/2023)(May	Current law, until January 1, 2026, authorizes the legislative body of a local agency to use alternative teleconferencing in certain circumstances related to the particular member if at least a quorum of its members participate from a singular physical location that is open to the public and situated within the agency's jurisdiction and	

			be acted upon Jan 2024)	other requirements are met, including restrictions on remote participation by a member of the legislative body. This bill would authorize a subsidiary body, as defined, to use alternative teleconferencing provisions similar to the emergency provisions indefinitely and without regard to a state of emergency. In order to use teleconferencing pursuant to the Ralph M. Brown Act, the bill would require the legislative body that established the subsidiary body by charter, ordinance, resolution, or other formal action to make specified findings by majority vote, before the subsidiary body uses teleconferencing for the first time and every 12 months thereafter.	
<u>AB 828</u>	<u>Connolly D</u>	Sustainable groundwater management: managed wetlands.	4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was W.,P. & W. on 3/2/2023)(May be acted upon Jan 2024)	The Sustainable Groundwater Management Act requires all groundwater basins designated as high- or medium-priority basins by the Department of Water Resources that are designated as basins subject to critical conditions of overdraft to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2020, and requires all other groundwater basins designated as high- or medium-priority basins to be managed under a groundwater sustainability plan or coordinated groundwater sustainability plans by January 31, 2022, except as specified. Current law defines various terms for purposes of the act. This bill would add various defined terms for purposes of the act, including the term “managed wetland.”	
<u>AB 830</u>	<u>Soria D</u>	Lake and streambed alteration agreements: exemptions.	7/11/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 10. Noes 0.) (July 10). Re-referred to Com. on APPR.	Current law prohibits a person, a state or local governmental agency, or a public utility from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or depositing or disposing of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, unless prescribed requirements are met, including written notification to the Department of Fish and Wildlife regarding the activity. Current law prescribes various requirements for lake and streambed alteration agreements. Current law also establishes various exemptions from these provisions, including exemptions for	

				specified emergency work. This bill would additionally exempt from these provisions the temporary operation of existing infrastructure or temporary pumps being used to divert flood stage flows, as identified by the California Nevada River Forecast Center or the State Water Resources Control Board, or near-flood stage flows, as defined, to groundwater recharge as long as certain conditions are met.	
<u>AB 838</u>	<u>Connolly D</u>	California Water Affordability and Infrastructure Transparency Act of 2023.	5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/19/2023)(May be acted upon Jan 2024)	The California Safe Drinking Water Act requires the State Water Resources Control Board to administer provisions relating to the regulation of drinking water to protect public health. Current law declares it to be the established policy of the state that every human being has the right to safe, clean, affordable, and accessible water adequate for human consumption, cooking, and sanitary purposes. The act prohibits a person from operating a public water system unless the person first submits an application to the state board and receives a permit to operate the system, as specified. The act requires a public water system to submit a technical report to the state board as a part of the permit application or when otherwise required by the state board, as specified, and to submit the report in the form and format and at intervals specified by the state board. This bill would require, beginning January 1, 2025, and thereafter at intervals determined by the state board, public water systems to provide specified information and data related to customer water bills and efforts to replace aging infrastructure to the state board.	
<u>AB 896</u>	<u>Aguiar-Curry D</u>	Flood control: City of Woodland: Lower Cache Creek.	5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)	Current law authorizes a plan of improvement for flood control and water conservation on Cache Creek, including Clear Lake, in the Counties of Yolo and Lake. This bill would specifically adopt and approve the Lower Cache Creek Flood Risk Management Project, as provided. The bill would also authorize the state to provide funds, up to 99% of the costs, as specified, for the project for flood control on the Lower Cache Creek in the County of Yolo, and would authorize the City of Woodland to receive funds for these purposes under specified conditions. The bill would also authorize the state to authorize funding, upon appropriation by	

				the Legislature, to be used for planning, engineering, designing, mitigation, and constructing the project if the Director of Water Resources makes specified findings.	
<u>AB 900</u>	<u>Bennett D</u>	Aquifer recharge.	5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/10/2023)(May be acted upon Jan 2024)	Current law requires the Natural Resources Agency to update every 3 years the state’s climate adaptation strategy, known as the Safeguarding California Plan, and to coordinate with other state agencies to identify vulnerabilities to climate change by sectors and priority actions needed to reduce the risks in those sectors. Current law requires, to address the vulnerabilities identified in the plan, state agencies to maximize specified objectives, including promoting the use of the plan to inform planning decisions and ensure that state investments consider climate change impacts, as well as promote the use of natural systems and natural infrastructure, when developing physical infrastructure to address adaptation. This bill would add aquifers as part of the meaning of natural infrastructure.	
<u>AB 1024</u>	<u>Aguiar-Curry D</u>	Water rights: small irrigation use: lake or streambed alteration agreements.	6/27/2023-From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. (Ayes 11. Noes 0.) (June 27). Re-referred to Com. on APPR.	The Water Rights Permitting Reform Act of 1988 authorizes a person to obtain a right to appropriate water for a small domestic use, small irrigation use, or livestock stockpond use upon first registering the use, as those uses are defined by the act, with the State Water Resources Control Board and thereafter applying the water to reasonable and beneficial use with due diligence. The act requires the registration of water use to be made upon a form prescribed by the board that requires, among other things, a certification that the registrant has contacted a representative of the Department of Fish and Wildlife and has agreed to comply with conditions set forth by the department. The act requires the board to establish reasonable general conditions to which all appropriations made pursuant to the act are required to be subject, including, among other things, that all conditions lawfully required by the department are conditions upon the appropriations. The act provides that the board is not required to adopt general conditions for small irrigation use until the board determines that funds are available for that purpose, and that a registration for small irrigation use pursuant to the act is not authorized until the board	

				establishes general conditions for small irrigation use to protect instream beneficial uses, as specified. This bill would require the board to give priority to adopting, on or before June 30, 2027, except as provided, general conditions that permit specified registrants to store water for small irrigation use during times of high streamflow in exchange for those registrants reducing diversions during periods of low streamflow, as specified.	
<u>AB 1196</u>	<u>Villapudua D</u>	Water Quality, Supply, and Infrastructure Improvement Act of 2014.	5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/16/2023)(May be acted upon Jan 2024)	The Water Quality, Supply, and Infrastructure Improvement Act of 2014, a bond act approved by the voters as Proposition 1 at the November 4, 2014, statewide general election, authorizes the issuance of general obligation bonds to finance a water quality, supply, and infrastructure improvement program, as specified. Under the bond act, \$520,000,000 is available, upon appropriation by the Legislature, for expenditures, grants, and loans for projects that improve water quality or help provide clean, safe, and reliable drinking water to all Californians. Current law requires projects eligible for this funding to help improve water quality for a beneficial use. This bill would make a nonsubstantive change to the latter provision.	
<u>AB 1205</u>	<u>Bauer-Kahan D</u>	Water rights: sale, transfer, or lease: agricultural lands.	7/13/2023-Read second time and amended. Ordered to third reading.	Current law declares that, because of the conditions prevailing in this state, the general welfare requires that the water resources of the state be put to beneficial use to the fullest extent of which they are capable, that the waste or unreasonable use or unreasonable method of use of water be prevented, and that the conservation of the water is to be exercised with a view to the reasonable and beneficial use of the water in the interest of the people and for the public welfare. This bill would require the State Water Resources Control Board to, on or before January 1, 2027, conduct a study and report to the Legislature and appropriate policy committees on the existence of speculation or profiteering by an investment fund in the sale, transfer, or lease of an interest in any surface water right or groundwater right previously put to beneficial use on agricultural lands, as specified. The bill would repeal this provision on January 1, 2031.	
<u>AB 1272</u>	<u>Wood D</u>	State Water	7/10/2023-In	Would require the State Water Resources Control Board, in	

		Resources Control Board: drought planning.	committee: Referred to APPR. suspense file.	consultation with the Department of Fish and Wildlife, to adopt principles and guidelines for diversion and use of water in coastal watersheds, as specified, during times of water shortage for drought preparedness and climate resiliency. The bill would require that the principles and guidelines allow for the development of locally generated watershed-level plans to support public trust uses, public health and safety, and the human right to water in times of water shortage, among other things. The bill also would require the state board, prior to adopting those principles and guidelines, to allow for public comment and hearing, as provided. The bill would make the implementation of these provisions contingent upon an appropriation of funds by the Legislature for this purpose.	
<u>AB 1337</u>	<u>Wicks D</u>	State Water Resources Control Board: water diversion curtailment.	7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. & W. on 6/7/2023)(May be acted upon Jan 2024)	Under existing law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability. This bill would expand the instances when the diversion or use of water is considered a trespass. This bill contains other related provisions and other existing laws.	Oppose
<u>AB 1348</u>	<u>Grayson D</u>	State government: Controller: claims audits.	7/11/2023-From committee: Do pass and re-refer to Com. on APPR with recommendation: To Consent Calendar. (Ayes 14. Noes 0.) (July 11). Re-referred to Com. on APPR.	Existing law, the Government Claims Act, generally requires the presentation of all claims for money or damages against local public entities and the state. Existing law provides for the presentation of a claim for which appropriations have been made, or for which state funds are available, under that act to the Controller, in the form and manner prescribed by the general rules and regulations adopted by the Department of General Services. Existing law, with specified exceptions, prohibits the Controller from drawing a warrant for any claim until it has been audited in conformity with law and the general rules and regulations adopted by the Department of General Services governing the presentation and audit of claims. This bill would authorize the Controller to conduct, unless prohibited by the provisions of a state ballot proposition passed by the electorate, financial and compliance audits as the Controller’s office deems as necessary for purposes	

				of ensuring that any expenditures, regardless of the source or fund from which the warrants for claims are drawn, are expended in a manner consistent with the law and the voters' intent. The bill would also authorize the Controller to conduct any audits necessary to carry out their constitutional and statutory duties and responsibilities under the law. The bill would require, if an audit is conducted as specified, the Controller to provide a report with specified information from these audits to the Legislature by June 30 following the completion of the audit and would require the Controller to allow all auditees in the report a reasonable period of time to review and comment on the section of the report relating to the auditee, as described. The bill would make related legislative findings and declarations.	
<u>AB 1364</u>	<u>Carrillo, Juan D</u>	Fish and wildlife protection and conservation: lake or streambed alterations.	5/5/2023-Failed Deadline pursuant to Rule 61(a)(3). (Last location was PRINT on 2/17/2023)(May be acted upon Jan 2024)	Current law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or from depositing or disposing of certain material where it may pass into any river, stream, or lake, without first notifying the Department of Fish and Wildlife of that activity, and entering into a lake or streambed alteration agreement if required by the department to protect fish and wildlife resources, except as specified. This bill would make nonsubstantive changes to these provisions.	
<u>AB 1488</u>	<u>Wallis R</u>	California Environmental Quality Act: environmental leadership development projects: water storage, water conveyance, and groundwater recharge projects: streamlined review.	4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was NAT. RES. on 3/9/2023)(May be acted upon Jan 2024)	The Jobs and Economic Improvement Through Environmental Leadership Act of 2021 authorizes the Governor, until January 1, 2024, to certify environmental leadership development projects that meet specified requirements for certain streamlining benefits related to 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 include a specified notice in the draft EIR and final EIR. The act is repealed by its own term on January 1, 2026. 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. The bill would authorize the	

				Governor, until January 1, 2025, to certify water storage projects, water conveyance projects, and groundwater recharge projects as environmental leadership development projects. The bill would make other conforming changes. 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.	
<u>AB 1563</u>	<u>Bennett D</u>	Groundwater sustainability agency: groundwater extraction permit: verification.	7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was GOV. & F. on 6/22/2023)(May be acted upon Jan 2024)	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 and imposes specified duties upon that agency or combination of agencies, as provided. Current law authorizes a groundwater sustainability agency to request of the county, and requires a county to consider, that the county forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the agency before permit approval. This bill would instead require a county to forward permit requests for the construction of new groundwater wells, the enlarging of existing groundwater wells, and the reactivation of abandoned groundwater wells to the groundwater sustainability agency before permit approval.	
<u>AB 1567</u>	<u>Garcia D</u>	Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024.	6/14/2023-Referred to Coms. on N.R. & W. and GOV. & F.	Would enact the Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, Clean Energy, and Workforce Development Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,995,000,000 pursuant to the State General Obligation Bond Law to finance projects for safe drinking water, wildfire prevention, drought preparation, flood protection, extreme heat mitigation, clean energy, and workforce development programs.	Support
<u>AB 1572</u>	<u>Friedman D</u>	Potable water:	7/10/2023-Read	(1)Current law establishes various state water policies, including	Was

		nonfunctional turf.	second time and amended. Re-referred to Com. on APPR.	the policy that the use of water for domestic purposes is the highest use of water. This bill would make legislative findings and declarations concerning water use, including that the use of potable water to irrigate nonfunctional turf is wasteful and incompatible with state policy relating to climate change, water conservation, and reduced reliance on the Sacramento-San Joaquin Delta ecosystem. The bill would direct all appropriate state agencies to encourage and support the elimination of irrigation of nonfunctional turf with potable water. This bill contains other related provisions and other existing laws.	Oppose but ACWA negotiated out amendments
<u>AB 1573</u>	<u>Friedman D</u>	Water conservation: landscape design: model ordinance.	7/10/2023-Read second time and amended. Re-referred to Com. on APPR.	The Water Conservation in Landscaping Act provides for a Model Water Efficient Landscape Ordinance that is adopted and updated at least every 3 years by the Department of Water Resources, unless the department makes a specified finding. This bill would require the updated model ordinance to include provisions that require that plants included in a landscape design plan be selected based on their adaptability to climatic, geological, and topographical conditions of the project site, as specified. The bill would also exempt landscaping that is part of ecological restoration projects that do not require a permanent irrigation system, mined-land reclamation projects that do not require a permanent irrigation system, and existing plant collections, as part of botanical gardens and arboretums open to the public, from the model ordinance. The bill would require the updated model ordinance to include provisions that require that all new or renovated nonresidential areas install plants that meet specified criteria, and that prohibit the inclusion of nonfunctional turf in nonresidential landscape projects after January 1, 2026. The bill would make other clarifying changes to the updated model ordinance. The bill would require the department, no later than July 1, 2024, to convene a working group composed of a broad range of stakeholders with expertise in horticulture and native plants, as specified, to develop a strategic plan with measurable milestones to, by January 1, 2035, reach a target that all new and renovated nonresidential areas install in the project footprint not less than 75% native plants.	

<p><u>AB 1631</u></p>	<p><u>Schiavo D</u></p>	<p>Water resources: permit to appropriate: application procedure: mining use.</p>	<p>7/11/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 0.) (July 10). Re-referred to Com. on APPR.</p>	<p>Under existing law, the State Water Resources Control Board administers a water rights program pursuant to which the board grants permits and licenses to appropriate water. Existing law requires an application for a permit to appropriate water to include, among other things, sufficient information to demonstrate a reasonable likelihood that unappropriated water is available for the proposed appropriation. Existing law requires the board to issue and deliver a notice of an application as soon as practicable after the receipt of an application for a permit to appropriate water that conforms to the law. Existing law allows interested persons to file a written protest with regard to an application to appropriate water and requires the protestant to set forth the objections to the application. Existing law declares that no hearing is necessary to issue a permit in connection with an unprotested application, or if the undisputed facts support the issuance of the permit and there is no disputed issue of material fact, unless the board elects to hold a hearing. This bill, if the board has not rendered a final determination on an application for a permit to appropriate water for a beneficial use or uses that include mining use within 30 years from the date the application was filed, would require the board to issue a new notice and provide an opportunity for protests before rendering a final determination, with specified exceptions.</p>	
<p><u>AB 1684</u></p>	<p><u>Maienschein D</u></p>	<p>Local ordinances: fines and penalties: cannabis.</p>	<p>7/13/2023-Read second time and amended. Ordered to third reading.</p>	<p>Current law authorizes the legislative body of a local agency, as defined, to make, by ordinance, any violation of an ordinance subject to an administrative fine or penalty, as specified. Current law requires the ordinance adopted by the local agency to provide for a reasonable period of time, as specified in the ordinance, for a person responsible for a continuing violation to correct or otherwise remedy the violation prior to the imposition of administrative fines or penalties, when the violation pertains to building, plumbing, electrical, or other similar structural or zoning issues that do not create an immediate danger to health or safety. Current law authorizes the ordinance to provide for the immediate imposition of administrative fines or penalties for the violation of building, plumbing, electrical, or other similar structural, health and safety, or zoning requirements if the violation exists as a result</p>	

				of, or to facilitate, the illegal cultivation of cannabis, except as specified. This bill would expand the authorization for an ordinance providing for the immediate imposition of administrative fines or penalties to include all unlicensed commercial cannabis activity, including cultivation, manufacturing, processing, distribution, or retail sale of cannabis, and would authorize the ordinance to declare unlicensed commercial cannabis activity a public nuisance. The bill would prohibit the ordinance from imposing an administrative fine or penalty exceeding \$1,000 per violation or \$10,000 per day.	
<u>ACA 2</u>	<u>Alanis R</u>	Public resources: Water and Wildfire Resiliency Act of 2023.	4/20/2023-Referred to Coms. on W., P., & W. and NAT. RES.	Would establish the Water and Wildfire Resiliency Fund within the State Treasury, and would require the Treasurer to annually transfer an amount equal to 3% of all state revenues that may be appropriated as described from the General Fund to the Water and Wildfire Resiliency Fund. The measure would require the moneys in the fund to be appropriated by the Legislature and would require that 50% of the moneys in the fund be used for water projects, as specified, and that the other 50% of the moneys in the fund be used for forest maintenance and health projects, as specified.	
<u>SB 3</u>	<u>Dodd D</u>	Discontinuation of residential water service: public water system.	6/21/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 7. Noes 2.) (June 20). Re-referred to Com. on APPR.	Current law authorizes the State Water Resources Control Board to provide for the deposit into the Safe and Affordable Drinking Water Fund of certain moneys and continuously appropriates the moneys in the fund to the state board for grants, loans, contracts, or services to assist eligible recipients. This bill would require the board to, upon appropriation by the Legislature, expend moneys to provide training statewide to community water systems with between 15 and 200 service connections to meet compliance with the Water Shutoff Protection Act.	
<u>SB 23</u>	<u>Caballero D</u>	Water supply and flood risk reduction projects: expedited permitting.	5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/15/2023)(May be	Current law prohibits an entity from substantially diverting or obstructing the natural flow of, or substantially changing or using any material from the bed, channel, or bank of, any river, stream, or lake, or deposit or dispose of debris, waste, or other material containing crumbled, flaked, or ground pavement where it may pass into any river, stream, or lake, except under specified	

			acted upon Jan 2024)	conditions, including requiring the entity to send written notification to the Department of Fish and Wildlife regarding the activity in the manner prescribed by the department. This bill would require a project proponent, if already required to submit a notification to the department, to submit to the department the certified or adopted environmental review document, as applicable, for the activity in the notification. The bill would require the department, under prescribed circumstances, to take certain actions within specified timelines, or within a mutually agreed-to extension of time.	
<u>SB 315</u>	<u>Hurtado D</u>	Groundwater: groundwater sustainability agencies: probationary basins.	5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)	The Sustainable Groundwater Management Act authorizes the State Water Resources Control Board to designate specified basins as probationary basins if certain conditions are met, including, but not limited to, that the Department of Water Resources, in consultation with the board, determines that a groundwater sustainability plan is inadequate or that the groundwater sustainability program is not being implemented in a manner that will likely achieve the sustainability goal. Current law requires the board, if it designates a basin as a probationary basin pursuant to specified conditions, to identify the specific deficiencies and potential remedies. Current law authorizes the board to request the department, within 90 days of the designation, to provide technical recommendations to local agencies to remedy the deficiencies and to develop an interim plan for the probationary basin one year after the designation, as specified. This bill would require any groundwater sustainability agency that hires a third-party consulting firm to ensure that the integrity of the science being used to develop a groundwater sustainability plan is protected and the data is not sold. The bill would delete the authorizations for the board to request technical recommendations from the department. The bill would additionally place various requirements on the board in working with a groundwater sustainability agency, including, among other things, requiring the board to provide clear benchmarks and guidance for groundwater sustainability agencies to improve their groundwater management plans.	

<p><u>SB 361</u></p>	<p><u>Dodd D</u></p>	<p>Water resources: stream gages.</p>	<p>5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 4/17/2023)(May be acted upon Jan 2024)</p>	<p>Current law requires the Department of Water Resources and the State Water Resources Control Board, in consultation with the Department of Fish and Wildlife, the Department of Conservation, the Central Valley Flood Protection Board, interested stakeholders, and, to the extent they wish to consult, local agencies, to develop the plan to address significant gaps in information necessary for water management and the conservation of freshwater species. This bill would require the Department of Water Resources and the board, upon appropriation of funds by the Legislature, to reactivate, upgrade, and install new stream gages, as provided. The bill would require the department and board to use the recommendations and data provided in the California Stream Gaging Prioritization Plan 2022 to complete specified actions by 2030. The bill would require the department to report to the Legislature, on or before January 1, 2026, and every 2 years thereafter, on progress made in completing those specified actions. The bill would require the data from all stream gages operating with any public money to be published as provisional data within 10 days of collection and made publicly available on the state’s open water data platforms. The bill would require the department and board to develop and adopt a set of standards and processes for assessing, tracking, and reporting the accuracy of stream gages, evapotranspiration data, water meters, and other critical data inputs for water management, as provided. The bill would require the department and the board to consult with interested stakeholders to develop a plan to identify the gaps in the network of automated weather stations and eddy covariance towers to ensure accurate and comprehensive data collection.</p>	
<p><u>SB 366</u></p>	<p><u>Caballero D</u></p>	<p>The California Water Plan: long-term supply targets.</p>	<p>7/14/2023-Failed Deadline pursuant to Rule 61(a)(10). (Last location was W.,P. & W. on 6/8/2023)(May be acted upon Jan 2024)</p>	<p>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,</p>	<p>Support</p>

				<p>conjunctive use, water transfers, and alternative pricing policies that may be pursued in order to meet the future needs of the state. Current law requires the department to establish an advisory committee to assist the department in updating the plan. This bill would revise and recast certain provisions regarding The California Water Plan to, among other things, require the department to instead establish a stakeholder advisory committee and to expand the membership of the committee to include tribes, labor, and environmental justice interests. The bill would require the department to coordinate with the California Water Commission, the State Water Resources Control Board, other state and federal agencies as appropriate, and the stakeholder advisory committee to develop a comprehensive plan for addressing the state’s water needs and meeting specified long-term water supply targets established by the bill for purposes of The California Water Plan. The bill would require the plan to provide recommendations and strategies to ensure enough water supply for all beneficial uses.</p>	
<p><u>SB 389</u></p>	<p><u>Allen D</u></p>	<p>State Water Resources Control Board: investigation of water right.</p>	<p>7/11/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 9. Noes 3.) (July 11). Re-referred to Com. on APPR.</p>	<p>Current law authorizes the State Water Resources Control Board to investigate bodies of water, to take testimony in regard to the rights to water or the use of water, and to ascertain whether or not water is appropriated lawfully, as provided. Under current law, the diversion or use of water other than as authorized by specified provisions of law is a trespass, subject to specified civil liability. This bill would instead authorize the board to investigate and ascertain whether or not a water right is valid. The bill would authorize the board to issue an information order in furtherance of an investigation, as executed by the executive director of the board, to a water right holder or claimant, diverter, or user to provide the information related to a diversion and use of water, as specified. The bill would authorize a diversion or use of water ascertained to be unauthorized pursuant to this provision to be enforced as a trespass.</p>	
<p><u>SB 411</u></p>	<p><u>Portantino D</u></p>	<p>Open meetings: teleconferences:</p>	<p>7/13/2023-From committee: Do pass</p>	<p>The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body, as defined, of a local agency be</p>	

		neighborhood councils.	as amended. (Ayes 7. Noes 0.) (July 12).	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. The act provides an exemption to the jurisdictional requirement for health authorities, as defined. This bill, until January 1, 2028, would authorize an eligible legislative body to use alternate teleconferencing provisions related to notice, agenda, and public participation, as prescribed, if the city council has adopted an authorizing resolution and 2/3 of an eligible legislative body votes to use the alternate teleconferencing provisions. The bill would define “eligible legislative body” for this purpose to mean a neighborhood council that is an advisory body with the purpose to promote more citizen participation in government and make government more responsive to local needs that is established pursuant to the charter of a city with a population of more than 3,000,000 people that is subject to the act.	
<u>SB 414</u>	<u>Allen D</u>	Climate change: applications using hydrogen: assessment.	6/20/2023-From committee: Do pass and re-refer to Com. on APPR. (Ayes 11. Noes 0.) (June 19). Re-referred to Com. on APPR.	Would, on or before December 31, 2025, require the State Air Resources Board, in consultation with the State Energy Resources Conservation and Development Commission (Energy Commission) and the Public Utilities Commission (PUC), upon appropriation by the Legislature, to complete an assessment of the use of hydrogen in certain applications, as specified. The bill would require the assessment to incorporate the findings of, and not duplicate, the above-described evaluation. The bill would require the state board, the Energy Commission, and the PUC to consider the findings in the assessment in their plans, rulemakings, reports, or other process related to the planning, implementation, or regulation of hydrogen production, distribution, storage, or usage in the state.	

<p><u>SB 649</u></p>	<p><u>Hurtado D</u></p>	<p>California Endangered Species Act: incidental take permits.</p>	<p>4/28/2023-Failed Deadline pursuant to Rule 61(a)(2). (Last location was N.R. & W. on 3/1/2023)(May be acted upon Jan 2024)</p>	<p>The California Endangered Species Act requires the Department of Fish and Wildlife to adopt regulations for issuance of incidental take permits. Existing law prohibits the department from issuing an incidental take permit if issuance of the permit would jeopardize the continued existence of the species. Existing law requires the department to make this determination based on the best scientific and other information that is reasonably available, and to include consideration of the species’ capability to survive and reproduce, and any adverse impacts of the taking on those abilities in light of (1) known population trends; (2) known threats to the species; and (3) reasonably foreseeable impacts on the species from other related projects and activities. This bill would require the department to make that decision based on a real-time monitoring system, rather than a calendar-based schedule, and to additionally consider the proximity of the species relative to the operation of a facility subject to the permit conditions and the known location of the population relative to the facility subject to the permit.</p>	
<p><u>SB 659</u></p>	<p><u>Ashby D</u></p>	<p>California Water Supply Solutions Act of 2023.</p>	<p>7/12/2023-Read second time and amended. Re-referred to Com. on APPR.</p>	<p>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.” This bill would establish the California Water Supply Solutions Act of 2023 to, among other things, require the department to develop a groundwater recharge action plan by January 1, 2026, as specified, that provides actionable recommendations that result in the ability to create additional groundwater recharge capacity. The bill would require the department to consult with the State Water Resources Control Board, the 9 regional water quality control boards, and the advisory committee, which may be enlarged as provided, in carrying out these provisions. The bill would require the groundwater recharge action plan to identify and make recommendations on immediate opportunities and potential long-term solutions to increase the state’s groundwater supply, as specified. The bill would require specified actions with regard to</p>	

				the groundwater recharge action plan, including, among other things, requiring the department to include it as part of the 2028 update to the California Water Plan and to update the groundwater recharge action plan at the same time that it prepares updates to the California Water Plan. The bill would require the department to establish a target for additional groundwater recharge capacity creation, to be used for planning purposes only, and to determine the target with consideration for other beneficial or environmental uses of water and water goals.	
<u>SB 706</u>	<u>Caballero D</u>	Public contracts: progressive design-build: local agencies.	6/28/2023-Read second time and amended. Re-referred to Com. on APPR.	Current law, until January 1, 2029, authorizes local agencies, defined as any city, county, city and county, or special district authorized by law to provide for the production, storage, supply, treatment, or distribution of any water from any source, to use the progressive design-build process for up to 15 public works projects in excess of \$5,000,000 for each project, similar to the progressive design-build process authorized for use by the Director of General Services. This bill would, until January 1, 2030, provide additional authority for cities, counties, cities and counties, or special districts to use the progressive design-build process for up to 10 public works in excess of \$5,000,000, not limited to water-related projects, excluding projects on state-owned or state-operated facilities. The bill would require information to be provided under penalty of perjury and would require similar reports due no later than December 31, 2028.	
<u>SB 737</u>	<u>Hurtado D</u>	Groundwater: recharge.	3/1/2023-Referred to Com. on RLS.	Would state the intent of the Legislature to enact subsequent legislation to capture floodwater to recharge groundwater basins and to require the Department of Water Resources and the State Water Resources Control Board to work together to expedite the regulatory steps necessary to store significant rainfall and excess water underground, while still ensuring protections for the environment and other water users as required by state law.	
<u>SB 745</u>	<u>Cortese D</u>	The Drought-Resistant Buildings Act.	7/13/2023-Read second time and amended. Re-referred to Com. on APPR.	Would require the California Building Standards Commission to research, develop, and propose building standards to reduce potable water use in new residential and nonresidential buildings, as specified. The bill would require the commission to perform a	

				review of water efficiency and water reuse standards in the California Buildings Standards Code every 3 years, commencing with the next triennial edition, and update as needed.	
<u>SB 861</u>	<u>Dahle R</u>	California Environmental Quality Act: water conveyance or storage projects: judicial review.	5/19/2023-Failed Deadline pursuant to Rule 61(a)(5). (Last location was APPR. SUSPENSE FILE on 5/1/2023)(May be acted upon Jan 2024)	The California Environmental Quality Act 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. CEQA establishes a procedure by which a person may seek judicial review of the decision of the lead agency made pursuant to CEQA. This bill would require the Judicial Council to adopt rules of court applicable to actions or proceedings brought to attack, review, set aside, void, or annul the certification or adoption of an environmental impact report for specified water projects, as defined, or the granting of any project approvals, including any appeals to the court of appeal or the Supreme Court, to be resolved, to the extent feasible, within 270 days of the filing of the certified record of proceedings with the court to an action or proceeding seeking judicial review of the lead agency’s action related to those projects. The bill would require the lead agency to prepare the record of proceedings for a project, as provided, and to include a specified notice in the draft EIR and final EIR for the project.	
<u>SB 867</u>	<u>Allen D</u>	Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions,	7/6/2023-July 10 hearing postponed by committee.	Would enact the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,500,000,000 pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean	Support

		Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024.		energy programs.	
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ITEM: PUBLIC HEARING**12. CONSIDER FIRST READING OF ORDINANCE NO. 194 AMENDING RULE 11 AND ADDING RULE 23.10 TO ESTABLISH A WATER ENTITLEMENT FOR THE CITY OF SEASIDE****Meeting Date:** January 22, 2024 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program/
Line Item No.:** N/A**Prepared By:** Stephanie Locke **Cost Estimate:** N/A**General Counsel Review:** Yes**Committee Recommendation:** N/A**CEQA Compliance:** MPWMD has determined that a Statutory Exemption applies as defined in CEQA Guidelines Section 15268 (Ministerial Projects), based on previous environmental determinations by the Courts.

SUMMARY: Ordinance No. 194 (**Exhibit 12-A**) establishes a Water Entitlement for Benefited Properties in the City of Seaside supplied by California-American Water Company (Cal-Am) from Wells located in the Coastal Subareas of the Seaside Groundwater Basin based on a temporary assignment of Seaside's banked water credits from its in-lieu groundwater storage program as recognized by the Seaside Watermaster. The ordinance establishes the City of Seaside (Seaside) Water Entitlement of 13.00 Acre-Feet annually (AFA) through the California-American Water Company (Cal-Am) Water Distribution System (WDS) for production from Cal-Am's Seaside Groundwater Basin Wells, less an assumed system loss factor of seven percent (7%). The water available for permitting purposes will be 12.09 AFA. As a condition of Ordinance No. 194, Cal-Am is required to amend its WDS Permit to increase its Production Limit by 13.0 AFA.

The Seaside Entitlement will be used to issue Water Permits for the Ascent Project (Benefited Properties) in the Seaside Groundwater Basin until the State Water Resources Control Board Cease and Desist Order and the California Public Utilities Commission moratorium are lifted. The Ascent Project is owned by Ascent Seaside LLC, a Delaware Limited Liability Company, and is a ten-building workforce rental housing development at Broadway Avenue and Terrace Street (APNs: 012-191-001, -002, -003, -004, -030, -031, -033, -034, and -035). The project is ready to start construction.

A Water Entitlement is a discrete quantity of water designated by a District ordinance to a specified Water Entitlement Holder for new or Intensified Water Use. A Water Entitlement Holder may assign water to subscribers via an "Assignment Document" that the subscriber then uses to obtain a Water Use Permit from the District (MPWMD Rule 23.1). The Water Use Permit can then be used to permit new or intensified water use up to the amount specified using the District's Water Permit process.

CEQA: MPWMD has followed those guidelines adopted by the State of California and published in the California Administrative Code, Title 14, Section 15000, *et seq.* Specifically, the MPWMD has determined that a Statutory Exemption applies as defined in CEQA Guidelines Section 15268 (Ministerial Projects), based on previous environmental determinations by the Courts. The Monterey County Superior Court concluded that its Adjudication Decision included environmental determinations related to the Seaside Basin and adjudication of the rights therein. The MPWMD action is also consistent with the May 11, 2009, Court Order as confirmed by the Sixth District Court of Appeal, which limits CEQA review of water-related issues to areas other than the Seaside Basin.

RECOMMENDATION: Staff recommends the Board approve the first reading of Ordinance No. 194, Amending Rule 11 and Adding Rule 23.10 to Establish a Water Entitlement for the City of Seaside.

EXHIBIT

12-A Draft Ordinance No. 194

EXHIBIT 12-A

**ORDINANCE NO. 194
AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE
MONTEREY PENINSULA WATER MANAGEMENT DISTRICT
AMENDING RULE 11 AND ADDING RULE 23.10
TO ESTABLISH A WATER ENTITLEMENT FOR
THE CITY OF SEASIDE**

FINDINGS

1. The Monterey Peninsula Water Management District (MPWMD or District) is charged under the Monterey Peninsula Water Management District Law with the integrated management of all ground and surface water resources in the Monterey Peninsula area.
2. The Monterey Peninsula Water Management District Law grants MPWMD general and specific powers to cause sufficient water to be available for present and future beneficial use or uses of lands or inhabitants within the District. MPWMD Rule 30 requires the District to establish a specific Allocation for each Jurisdiction and provides that the District also may establish Water Entitlements as necessary to manage water supplies throughout the District.
3. This ordinance establishes a Water Entitlement that is sourced from adjudicated groundwater rights that the City of Seaside (Seaside) possesses in the Seaside Groundwater Basin that California-American Water Company (Cal-Am) will convey through its Water Distribution System (WDS) to Water Use Permit and Water Permit holders.
4. Seaside is a general law city situated in the County of Monterey. Seaside produces groundwater from the Seaside Basin (1) for use on two city-owned golf courses that overly the Basin, and (2) for municipal water service to its residents.
5. Seaside holds adjudicated rights under the judgment issued in the Seaside Basin Groundwater Adjudication Decision (Amended Decision of the Monterey County Superior Court, Case No. M66343) to an Alternative Production Allocation of water totaling 540 Acre-Feet annually (AFA) from the Seaside Groundwater Basin for municipal use and irrigation of the two city-owned golf courses. Recent golf course irrigation is recognized at 450 AFA. On October 25, 2019, Judge Robert O'Farrell approved the In-Lieu Groundwater Storage Program proposed by the City of Seaside. As a result, Seaside has

been purchasing recycled water from Marina Coast Water District to irrigate the golf courses in lieu of using a portion of its Alternative Production Allocation. Under the program, Seaside may use the stored water credits or assign the credits to others to allow production of groundwater to serve other water demands.

6. A portion of the stored water credit is being assigned to Cal-Am for service to the Ascent Project (Benefited Properties) in the Seaside Groundwater Basin until the State Water Resources Control Board Cease and Desist Order and the California Public Utilities Commission moratorium are lifted. The Ascent Project is owned by Ascent Seaside LLC, a Delaware Limited Liability Company, and will consist of a ten-building workforce rental housing development at Broadway Avenue and Terrace Street (APNs: 012-191-001, -002, -003, -004, -030, -031, -033, -034, and -035).
7. Upon approval by the MPWMD of a Water Distribution System Amendment to the Cal-Am Production Limit as a result of the assignment of stored water credit from the Seaside golf courses to Cal-Am, the Cal-Am production limit from the Coastal Subareas of the Seaside Basin will be increased by 13.00 AFA to meet the water needs of the Benefited Properties. This is equivalent to metered sales (customer water consumption) of 12.09 AFA that will be approved via MPWMD Water Permits for use on the Benefited Properties, based on an assumed system loss factor (unaccounted for water) of seven percent (7%).
8. This ordinance shall allow for new Connections and modifications of existing Connections at the Benefited Properties.
9. This ordinance authorizes Seaside, on terms and conditions set forth in this ordinance, to separately sell and convey portions of the Water Entitlement established by this ordinance within the Cal-Am WDS supplied with water from Cal-Am Wells in the Seaside Groundwater Basin as is allowed by the Seaside Basin Groundwater Adjudication Decision.
10. This ordinance provides that water use authorized by the Water Use Permit issued under this ordinance shall be subject to the water efficiency and conservation rules of MPWMD under its Regulation XIV and the rationing rules of MPWMD under its Regulation XV.
11. This ordinance amends Rule 11 (Definitions) and adds Rule 23.10 (City of Seaside Water Entitlement) to the Rules and Regulations of the MPWMD.

12. MPWMD has followed those guidelines adopted by the State of California and published in the California Administrative Code, Title 14, Section 15000, *et seq.* Specifically, the MPWMD has determined that a Statutory Exemption applies as defined in CEQA Guidelines Section 15268 (Ministerial Projects), based on previous environmental determinations by the Courts. The Monterey County Superior Court concluded that its Adjudication Decision included environmental determinations related to the Seaside Basin and adjudication of the rights therein. The MPWMD action is also consistent with the May 11, 2009, Court Order as confirmed by the Sixth District Court of Appeal, which limits CEQA review of water-related issues to areas other than the Seaside Basin.

NOW THEREFORE, be it ordained as follows:

DRAFT

ORDINANCE

Section One: Short Title

This ordinance shall be known as the City of Seaside Water Entitlement Ordinance of the Monterey Peninsula Water Management District.

Section Two: Purpose

This ordinance establishes a Water Entitlement for Benefited Properties in the City of Seaside supplied by California-American Water Company (Cal-Am) from Wells located in the Coastal Subareas of the Seaside Groundwater Basin based on a temporary assignment of Seaside's banked water credits from its in-lieu groundwater storage program as recognized by the Seaside Watermaster and approved by the Monterey County Superior Court pursuant to the Seaside Basin Groundwater Adjudication Decision.

Section Three: Amendment of Rule 11, Definitions

The following definitions in Rule 11 shall be amended as shown in bold italics (*bold italics*) and strikeout (~~strikethrough~~).

WATER ENTITLEMENT HOLDER – “Water Entitlement Holder” shall refer to one of the following entities: The Pebble Beach Company (Ordinance Nos. 39 and 109), Hester Hyde Griffin Trust (Ordinance No. 39), Lohr Properties Inc. (Ordinance No. 39), the City of Sand City (Ordinance No. 132), Cypress Pacific Investors LLC (Water Distribution System Permit approved September 15, 2014), Malpaso Water Company LLC (Ordinance No. 165), ~~and~~ D.B.O. Development No. 30, a California Limited Liability Company (Ordinance No. 166), *and City of Seaside (Ordinance No. 194).*

Section Four: Addition of Rule 23.10, City of Seaside Water Entitlement

The following text shall be added as Rule 23.10 City of Seaside Water Entitlement:

RULE 23.10 – CITY OF SEASIDE WATER ENTITLEMENT

A. CITY OF SEASIDE WATER ENTITLEMENT

1. The City of Seaside (Seaside) Water Entitlement confers a Water Entitlement of 13.00 Acre-Feet annually (AFA) through the California-American Water Company (Cal-Am) Water Distribution System (WDS) for production from Cal-Am's Seaside Groundwater Basin Wells, less an assumed system loss factor of seven percent (7%). The water available for permitting purposes shall be 12.09 AFA.
2. The Seaside Water Entitlement shall be available for assignment to the Benefited Properties that are supplied with water from the Seaside Groundwater Basin and that are located within the Cal-Am WDS and the City of Seaside. Ascent Seaside LLC, a Delaware Limited Liability Company, owns the Benefited Properties consisting of Assessor's Parcel Numbers 012-191-001, -002, -003, -004, -030, -033, -034, and -035.
3. Seaside is authorized to separately sell, transfer, and convey to owners of Benefited Properties for such consideration and upon such terms and conditions as Seaside in its discretion may determine, such portions of the Seaside Water Entitlement as it may choose. Any portion of the Seaside Water Entitlement conveyed to the owner of a Benefited Property by an Assignment Document shall temporarily vest in the owner of the Benefited Property subject to the provisions of Rule 23.10-C.
4. The Seaside Water Entitlement shall be separate and distinct from any other Allocations provided in Rule 30. The existence of the Seaside Water Entitlement shall not affect any existing use of water in the County of Monterey or any City, or any existing Allocation to the County of Monterey or any City.
5. For purposes of collecting Capacity Fees and tracking the use of a Water Entitlement, the projected increase in Water Use Capacity of a Benefited Property shall be calculated in the manner set forth in Rule 24, as it may be amended from time to time.
6. Each Water Use Permit issued pursuant to this Rule shall represent a temporarily vested property interest upon issuance and shall be subject to Revocation or cancellation as expressly set forth in subparagraph C below.

7. The portion of the Seaside Water Entitlement granted by the Water Use Permit shall not be subject to reallocation pursuant to MPWMD Rule 30, nor shall the setting of meters by Cal-Am be terminated or diminished by reason of a water emergency, water moratorium, or other curtailment on the setting of meters with the exception of a water emergency or other curtailment that affects the use of water by all Cal-Am Users of the Coastal Subarea of the Seaside Groundwater Basin.

B. REPORTING REQUIRED

The City of Seaside will provide MPWMD with a copy of its monthly Recycled Water Reports at the same time Seaside provides such reports to the Watermaster to ensure compliance with this Rule.

C. REVOCAION, TERMINATION, OR MODIFICATION OF WATER USE PERMITS

Prior to sunset of this Ordinance, Seaside shall authorize a deduction of water from a Cal-Am Allocation for each Water Permit issued using this Entitlement and shall ensure conversion of all Water Permits from the Seaside Entitlement to a Seaside Allocation by issuance of an amended Water Permit that identifies the Allocation used.

D. SUNSET OF SEASIDE ENTITLEMENT

This Ordinance shall sunset following Cal-Am's filing of a Tier 1 advice letter transmitting the written concurrence of the Deputy Director of Water Rights of the State Water Resources Control Board with a finding that a permanent supply of water is ready to serve as a replacement for the unlawful diversion of Carmel River water and removing from its tariffs the special condition contained in Ordering Paragraph 1 of California Public Utilities Commission Decision 11-03-048. Sunset shall occur upon completion of the conversion of Water Permits from the Seaside Entitlement to a Seaside Allocation as set forth in subparagraph C above.

Section Five: Effective Date

This ordinance shall take effect at 12:01 a.m. on the 30th day after it has been enacted on second

reading and upon approval of a Water Distribution System Amendment to the California-American Water Company Water Distribution System to increase its Production Limit by 13.0 AFA.

Section Six: **Severability**

If any subdivision, paragraph, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity or enforcement of the remaining portions of this ordinance, or of any other provisions of the Monterey Peninsula Water Management District Rules and Regulations. It is the District's express intent that each remaining portion would have been adopted irrespective of the fact that one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

On motion by Director _____, and second by Director _____, the foregoing ordinance is adopted upon this ___ day of _____, 2024 by the following vote:

AYES:

NAYS:

ABSENT:

I, David J. Stoldt, Secretary to the Board of Directors of the Monterey Peninsula Water Management District, hereby certify the foregoing is a full, true and correct copy of an ordinance duly adopted on the ___ day of _____ 2024.

Witness my hand and seal of the Board of Directors this ___ day of _____ 2024.

David J. Stoldt, Secretary to the Board

ITEM: DISCUSSION ITEM**13. DISCUSS AQUIFER STORAGE AND RECOVERY THIRD INJECTION WELL CONCEPT**

Meeting Date:	January 22, 2024	Budgeted:
From:	Dave Stoldt General Manager	Program/ Line Item No.:
Prepared By:	Maureen Hamilton Jonathan Lear	Cost Estimate:

General Counsel Approval: N/A**Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

SUMMARY: The Aquifer Storage and Recovery (ASR) project diverts water from the Carmel River when State Water Resources Control Board (SWRCB) permits' criteria are met. The water is conveyed to the Seaside Groundwater Basin (SGB) for storage and produced by California-American water (Cal-Am) wells for customer use. The stored ASR water can be accumulated year-to-year for use in droughts. The ASR project is the least expensive potable-water project on the Monterey Peninsula.

The ASR project performance is constrained to approximately 13.3 acre-feet per day (AFD) while two of the four ASR wells are used by Cal-Am as full-time production wells. This constraint will continue until 2 new production wells are constructed by Cal-Am. When Pure Water Monterey (PWM) Expansion is constructed, a total of 4 new production wells will be required. The ASR project performance may be constrained to 13.3 AFD for years.

Under this proposal, a 5th ASR well (ASR-5) could be constructed at the Santa Margarita site, for a total of 3 ASR wells located at that site. The injection capacity of all 3 ASR wells could be approximately 20 AFD. The conveyance from the Carmel River to the ASR injection wells is presently constrained to approximately 17-18 AFD. Thus, the proposed ASR-5 well at the Santa Margarita site would restore ASR project performance, which has historically been constrained by the conveyance pipeline.

Preliminary budget estimates utilizing the winning PWM Expansion Injection Wellfield (IWF) bid are detailed in the table below. The IWF was bid twice due to material deviations in the first bid round. The second IWF bids were opened on September 7, 2023 and were lower than the first bids. The ASR-5 construction estimate has been adjusted for some known differences between the projects.

Item	Estimate	Details
Soft Costs	\$1,000,000	BOD, Survey, Geotech, CEQA, Design, Permits, Outreach and Notices, UXO
Construction	\$5,500,000	Well \$2.4M, mechanical, electrical
PGE	\$400,000	Placeholder for new PGE line drop
Total	\$6,900,000	

EXHIBIT**13-A ASR Well Location Map**

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EXHIBIT 13-A



New ASR5 Well
Potential Location Map

ITEM: INFORMATIONAL ITEM/STAFF REPORT**14. REPORT ON ACTIVITY/PROGRESS ON CONTRACTS OVER \$25,000****Meeting Date: January 22, 2024 Budgeted: N/A****From: David J. Stoldt, General Manager Program/ Line Item No.: N/A****Prepared By: Nishil Bali Cost Estimate: N/A****General Counsel Review: N/A****Committee Recommendation: The Finance and Administration Committee reviewed this item on January 16, 2024.****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

SUMMARY: Attached for review as **Exhibit 14-A** is a monthly status report on contracts over \$25,000 for the period November 2023. This status report is provided for information only, no action is required.

EXHIBIT**14-A Status on District Open Contracts (over \$25k)**

**Monterey Peninsula Water Management District
Status on District Open Contracts (over \$25K)
For The Period November 2023**

Contract	Description	Date Authorized	Contract Amount	Prior Period Expended To Date	Current Period Spending	Total Expended To Date	Current Period Activity	P.O. Number
1	DeVeera Inc.	2/24/2023	\$ 37,955.00	\$ -	\$ 35,951.71	\$ 35,951.71	Current period billing for IT managed services	PO03578
2	Telemetry	1/23/2023	\$ 85,000.00	\$ 41,124.09		\$ 41,124.09		PO03556
3	Clifton Larson Allen LLP	8/21/2023	\$ 64,000.00	\$ 34,650.00	\$ 5,250.00	\$ 39,900.00	Current period billing for audit services	PO03541
4	Rincon Consultants, Inc.	5/25/2023	\$ 29,000.00	\$ 21,944.25		\$ 21,944.25		PO03525
5	Regional Government Services	6/20/2023	\$ 25,000.00	\$ 3,538.13	\$ 6,858.78	\$ 10,396.91	Current period billing for HR contract services	PO03499
6	Tyler Technologies	6/20/2023	\$ 33,266.25	\$ 32,673.11		\$ 32,673.11		PO03476
7	Schaaf & Wheeler	4/23/2023	\$ 30,000.00	\$ 6,752.50		\$ 6,752.50		PO03474
8	Lynx Technologies, Inc	6/20/2023	\$ 35,000.00	\$ 10,875.00	\$ 1,275.00	\$ 12,150.00	Current period billing for GIS services	PO03475
9	DeVeera Inc.	6/15/2020	\$ 62,500.00	\$ 20,768.00	\$ 5,192.00	\$ 25,960.00	Current period billing for IT managed services	PO03433
10	JEA & Associates	6/20/2023	\$ 40,800.00	\$ 13,600.00	\$ 3,400.00	\$ 17,000.00	Current period retainer billing	PO03412
11	The Ferguson Group LLC	6/20/2023	\$ 72,000.00	\$ 24,034.54	\$ 6,055.74	\$ 30,090.28	Current period retainer billing	PO03411
12	Montgomery & Associates	6/20/2023	\$ 55,000.00	\$ -		\$ -		PO03408
13	Maggiora Bros. Drilling, Inc	6/20/2023	\$ 50,000.00	\$ -		\$ -		PO03407
14	Pueblo Water Resources, Inc.	6/20/2023	\$ 25,000.00	\$ -		\$ -		PO03406
15	CSC	7/1/2023	\$ 50,000.00	\$ 20,000.00	\$ 10,000.00	\$ 30,000.00	Current period payment for e-recording services	PO03402
16	WellmanAD	7/1/2023	\$ 94,500.00	\$ 31,600.00	\$ 16,300.00	\$ 47,900.00	Current period payment for public outreach retainer	PO03380
17	Montgomery & Associates	3/20/2023	\$ 119,200.00	\$ 14,642.00		\$ 14,642.00		PO03368
18	Kevin Robert Knapp/ Tierra Plan LLC	11/14/2022	\$ 27,730.00	\$ 24,025.81		\$ 24,025.81		PO03302
19	City of Monterey	10/17/2022	\$ 25,000.00	\$ 14,955.50		\$ 14,955.50		PO03242
20	DeVeera Inc.	12/12/2022	\$ 160,000.00	\$ 157,273.63		\$ 157,273.63		PO03222
21	DeVeera Inc.	12/12/2022	\$ 30,000.00	\$ 19,012.00		\$ 19,012.00		PO03221
22	Access Monterey Peninsula	12/12/2022	\$ 25,000.00	\$ 24,383.71		\$ 24,383.71		PO03220
23	Montgomery & Associates	6/20/2022	\$ 50,000.00	\$ 7,957.00		\$ 7,957.00		PO03193
24	Telemetry	6/20/2022	\$ 27,060.00	\$ 24,554.64		\$ 24,554.64		PO03121
25	De Lay & Laredo	8/15/2022	\$ 75,000.00	\$ 45,490.46		\$ 45,490.46		PO03113

Monterey Peninsula Water Management District
Status on District Open Contracts (over \$25K)
For The Period November 2023

Contract	Description	Date Authorized	Contract Amount	Prior Period Expended To Date	Current Period Spending	Total Expended To Date	Current Period Activity	P.O. Number	
26	Monterey One Water	PWM Expansion Project Amd #6	11/15/2021	\$ 1,200,000.00	\$ 909,545.39	\$ 909,545.39		PO03042	
27	DeVeera Inc.	BDR Datto Services Contract FY 2022-2024	9/6/2019	\$ 32,940.00	\$ 32,940.00	\$ 32,940.00		PO03027	
28	MBAS	ASR Water Quality FY 2022-2023	6/20/2022	\$ 40,000.00	\$ 14,202.00	\$ 14,202.00		PO02982	
29	City of Sand City	IRWM Grant Reimbursement	3/28/2022	\$ 1,084,322.50	\$ 19,554.85	\$ 19,554.85		PO03093	
30	Marina Coast Water District	IRWM Grant Reimbursement	3/28/2022	\$ 83,079.00	\$ 42,375.00	\$ 42,375.00		PO02947	
31	City of Seaside	IRWM Grant Reimbursement	3/28/2022	\$ 578,987.90	\$ 442,866.17	\$ 442,866.17		PO02948	
32	Montgomery & Associates	Annual Groundwater Modeling support	11/15/2021	\$ 50,000.00	\$ 44,122.00	\$ 44,122.00		PO02849	
33	DUDEK	Grant administration services for the Proposition 1 IRWM Implementation	12/14/2020	\$ 114,960.00	\$ 44,803.75	\$ 3,661.25	\$ 48,465.00	Current period billing for Prop 1 IRWM grant administration services	PO02847
34	Shute, Mihaly & Weinberger LLP	Measure J LAFCO Litigation Legal Services	1/1/2022	\$ 400,000.00	\$ 357,889.70	\$ 10,394.16	\$ 368,283.86	Current period billing for LAFCO Measure J litigation services	PO02843
35	Reiff Manufacturing	Quarantine tanks for the Sleepy Hollow steelhead facility	10/18/2022	\$ 48,000.00	\$ 40,350.00		\$ 40,350.00		PO02824
36	Tetra Tech, Inc.	Engineering services Sleepy Hollow Facility Upgrade	6/21/2021	\$ 67,500.00	\$ 46,108.64		\$ 46,108.64		PO02693
37	Monterey One Water	PWM Deep Injection Well #4 Design/Construction	9/21/2020	\$ 4,070,000.00	\$ 1,839,650.64		\$ 1,839,650.64		PO02604
38	Weston Solutions, Inc.	UXO Support Services	6/15/2020	\$ 26,378.70	\$ 6,521.66		\$ 6,521.66		PO02371
39	Pueblo Water Resources, Inc.	ASR SMWTF Engineering Services During Construction	10/21/2019	\$ 148,100.00	\$ 142,709.87		\$ 142,709.87		PO02163
40	U.S. Bank Equipment Finance	Copier machine leasing - 60 months	7/15/2019	\$ 52,300.00	\$ 43,708.13	\$ 1,743.62	\$ 45,451.75	Current period billing for photocopy machine lease	PO02108
41	DUDEK	Consulting Services for Prop 1 grant proposal	4/15/2019	\$ 95,600.00	\$ 94,315.05		\$ 94,315.05		PO01986
42	Tetra Tech, Inc.	Engineering services Sleepy Hollow Facility Upgrade	7/16/2018	\$ 30,000.00	\$ 26,878.87		\$ 26,878.87		PO01880
43	Pueblo Water Resources, Inc.	ASR Backflush Basin Expansion, CM services	7/16/2018	\$ 96,034.00	\$ 68,919.39		\$ 68,919.39		PO01778
44	Colantuono, Highsmith, & Whatley, PC	MPTA Legal Matter	7/1/2018	\$ 250,000.00	\$ 239,380.43		\$ 239,380.43		PO01707
45	Pueblo Water Resources, Inc.	Seaside Groundwater Basin Geochemical Study	1/24/2018	\$ 68,679.00	\$ 57,168.85		\$ 57,168.85		PO01628
46	Pueblo Water Resources, Inc.	SSAP Water Quality Study	8/21/2017	\$ 94,437.70	\$ 44,318.11		\$ 44,318.11		PO01510

ITEM: INFORMATIONAL ITEM/STAFF REPORT**15. STATUS REPORT ON MEASURE J/RULE 19.8 PHASE III/IV SPENDING****Meeting Date: January 22, 2024 Budgeted: N/A****From: David J. Stoldt, General Manager Program/ Line Item No.: N/A****Prepared By: Nishil Bali Cost Estimate: N/A****General Counsel Review: N/A****Committee Recommendation: The Finance and Administration Committee reviewed this item on January 16, 2024.****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

SUMMARY: Attached for review as **Exhibit 15-A** is a monthly status report on Measure J/Rule 19.8 spending for the period November 2023. This status report is provided for information only, no action is required.

EXHIBIT**15-A Status on Measure J/Rule 19.8 Phase III/IV Spending**

**Monterey Peninsula Water Management District
Status on Measure J/Rule 19.8 Spending Phase IV
Through November 2023**

Contract	Date Authorized	Authorized Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
Phase IV - Authorization (unallocated)	11/13/2023	\$ 600,000.00				\$ 600,000.00	
1 Eminent Domain Legal Counsel	12/16/2019	\$ -	\$ -	\$ -	\$ -	\$ -	PA00009-01
2 Appraisal Services	8/21/2023	\$ 20,000.00	\$ 2,970.00	\$ -	\$ 2,970.00	\$ 17,030.00	PA00009-03
3 District Legal Counsel		\$ -	\$ 36,394.50	\$ 5,586.00	\$ 41,980.50	\$ (41,980.50)	PA00009-05
Total		\$ 620,000.00	\$ 39,364.50	\$ 5,586.00	\$ 44,950.50	\$ 575,049.50	

**Monterey Peninsula Water Management District
Status on Measure J/Rule 19.8 Spending Phase III
Through October 10, 2023**

Contract	Date Authorized	Authorized Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1 Eminent Domain Legal Counsel	12/16/2019	\$ 200,000.00	\$ 98,283.28	\$ 39,424.94	\$ 137,708.22	\$ 62,291.78	PA00007-01
2 Appraisal Services	4/17/2023	\$ 220,000.00	\$ 220,000.75		\$ 220,000.75	\$ (0.75)	PA00007-03
3 District Legal Counsel	12/16/2019	\$ 100,000.00	\$ 46,361.50		\$ 46,361.50	\$ 53,638.50	PA00007-05
4 Real Estate Appraiser	8/15/2022	\$ 80,000.00	\$ 53,309.64		\$ 53,309.64	\$ 26,690.36	PA00007-06
5 Water Rights Appraisal	8/15/2022	\$ 75,000.00	\$ 45,490.46		\$ 45,490.46	\$ 29,509.54	PA00007-10
6 Contingency/Miscellaneous	12/16/2019	\$ -	\$ -		\$ -	\$ -	PA00007-20
Total		\$ 675,000.00	\$ 463,445.63	\$ 39,424.94	\$ 502,870.57	\$ 172,129.43	

1 Measure J CEQA Litigation Legal Services	12/23/2020	\$ 200,000.00	\$ 140,303.06		\$ 140,303.06	\$ 59,696.94	PA00005-15
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1 Measure J LAFCO Litigation Legal Services	1/1/2022	\$ 400,000.00	\$ 368,283.86		\$ 368,283.86	\$ 31,716.14	PA00005-16
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**Monterey Peninsula Water Management District
Status on Measure J/Rule 19.8 Spending Phase II
Through September 2022**

	Contract	Date Authorized	Authorized Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Eminent Domain Legal Counsel	9/20/2021	\$ 345,000.00	\$ 168,265.94		\$ 168,265.94	\$ 176,734.06	PA00005-01
2	CEQA Work	12/16/2019	\$ 134,928.00	\$ 134,779.54		\$ 134,779.54	\$ 148.46	PA00005-02
3	Appraisal Services	9/20/2021	\$ 430,000.00	\$ 188,683.75		\$ 188,683.75	\$ 241,316.25	PA00005-03
4	Operations Plan	12/16/2019	\$ 145,000.00	\$ 94,860.00		\$ 94,860.00	\$ 50,140.00	PA00005-04
5	District Legal Counsel	12/16/2019	\$ 40,000.00	\$ 151,860.00	\$ 10,394.16	\$ 162,254.16	\$ (122,254.16)	PA00005-05
6	MAI Appraiser	6/15/2020	\$ 170,000.00	\$ 76,032.00		\$ 76,032.00	\$ 93,968.00	PA00005-06
7	Jacobs Engineering	12/16/2019	\$ 87,000.00	\$ 86,977.36		\$ 86,977.36	\$ 22.64	PA00005-07
8	LAFCO Process	11/15/2021	\$ 240,000.00	\$ 217,784.62		\$ 217,784.62	\$ 22,215.38	PA00005-08
9	PSOMAS	9/20/2021	\$ 28,000.00	\$ 25,900.00		\$ 25,900.00	\$ 2,100.00	PA00005-09
10	Contingency/Miscellaneous/Uncommitted	12/16/2019	\$ 289,072.00	\$ 38,707.08		\$ 38,707.08	\$ 250,364.92	PA00005-20
	Total		\$ 1,909,000.00	\$ 1,183,850.29	\$ 10,394.16	\$ 1,194,244.45	\$ 714,755.55	

**Phase I Costs
Status on Measure J/Rule 19.8 Spending
Through November 2019**

	Contract	Date Authorized	Authorized Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
1	Eminent Domain Legal Counsel	12/17/2018	\$ 100,000.00	\$ 160,998.16		\$ 160,998.16	\$ (60,998.16)	PA00002-01
2	Investment Banking Services	2/21/2019	\$ 30,000.00	\$ 27,000.00		\$ 27,000.00	\$ 3,000.00	PA00002-02
3	Valuation & Cost of Service Study Consultant	2/21/2019	\$ 355,000.00	\$ 286,965.17		\$ 286,965.17	\$ 68,034.83	PA00002-03
4	Investor Owned Utility Consultant	2/21/2019	\$ 100,000.00	\$ 84,221.69		\$ 84,221.69	\$ 15,778.31	PA00002-04
5	District Legal Counsel		\$ 35,000.00	\$ 41,897.59		\$ 41,897.59	\$ (6,897.59)	PA00002-05

Contract	Date Authorized	Authorized Amount	Prior Period Spending	Current Period Spending	Total Expended To Date	Spending Remaining	Project No.
6 Contingency/Miscellaneous		\$ 30,000.00	\$ 45,495.95		\$ 45,495.95	\$ (15,495.95)	PA00002-10
Total		\$ 650,000.00	\$ 646,578.56	\$ -	\$ 646,578.56	\$ 3,421.44	

ITEM: INFORMATIONAL ITEM/STAFF REPORT**16. LETTERS RECEIVED****Meeting Date:** January 22, 2024 **Budgeted:** N/A**From:** David J. Stoldt,
General Manager **Program/** N/A
Line Item No.:**Prepared By:** Sara Reyes **Cost Estimate:** N/A**General Counsel Review:** N/A**Committee Recommendation:** N/A**CEQA Compliance:** This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

A list of letters sent by and/or received by the Board Chair and/or General Manager between December 1, 2023 and January 12, 2024 is shown below.

The purpose of including a list of these letters in the Board packet is to inform the Board and interested citizens. Copies of the letters are available for public review at the District office. If a member of the public would like to receive a copy of any letter listed, please contact the District office. Reproduction costs will be charged. The letters can also be downloaded from the District's website at www.mpwmd.net.

Author	Addressee	Date	Topic
Eric J. Benink	MPWMD Board and David Stoldt	12/1/2023	Class Claims for Refunds of Water Supply Charge (Ordinance No. 152) Against MPWMD
Margaret-Anne Coppernoll	MPWMD Board and David Stoldt	12/23/2023	Public Comment related to LAFCO Latent Powers Rehearing
David J. Stoldt	Brent Robinson	12/27/2023	RE: Notice Denying Claim (Gov. Code, § 913)
David J. Stoldt	Eric J. Benink, Esq.	12/27/2023	RE: Notice Denying Claim (Gov. Code, § 913)
David J. Stoldt	Naval Support Activity Monterey, US Army Garrison Presidio of Monterey, US Coast Guard Station Monterey, Marlana Brown, Stephen P. Bickel	12/29/2023	New Water Supply Allocation Process

David J. Stoldt	Michael La Pier	12/29/2023	New Water Supply Allocation
Margaret-Anne Coppernoll	MPWMD Board David Stoldt Ron Weitzman	1/8/2024	Another thought re LAFCO



EXHIBIT 17-A

**Final Minutes
Water Supply Planning Committee of the
Monterey Peninsula Water Management District
Tuesday, November 7, 2023**

Call to Order: Chair Edwards called the meeting to order at 3:00 p.m.

Committee Members Present: Alvin Edwards, Chair
Karen Paull
George T. Riley

Committee Members Absent: None

Staff Members Present: David J. Stoldt, General Manager
Maureen Hamilton, District Engineer

Staff Members Absent: Sara Reyes, Executive Assistant/Board Clerk

District Counsel Present: David Laredo with De Lay & Laredo
Fran Farina with DeLay & Laredo

Comments from the Public: Chair Edwards opened public comment; *the following comment was directed to the Committee.*

- (1) Susan Schiavone, asked if the District has received any information from the Monterey Peninsula Airport District (MPAD) about how the grant they received for the airport terminal expansion will impact water supply and planning.

Corrections / Additions to the Agenda None

Action Items

1. Consider Adoption of the September 5, 2023 Committee Meeting Minutes

David J. Stoldt, General Manager introduced Item No. 1.

Chair Edwards opened public comment; no comments were directed to the Committee.

A motion was offered by Director Paull with a second by Director Riley to approve the September 5, 2023 Committee Meeting minutes. The motion passed on a roll-call vote of 3-Ayes (Riley, Paull and Edwards), 0-Noes and 0-Abstain.

Discussion Items

2. CPUC A.21-11-024 Phase 2 (Supply and Demand) Status

David J. Stoldt, General Manager provided a brief overview of the item and asked Fran Farina to provide an update. Committee discussion followed.

Chair Edwards opened public comment; no comments were directed to the Committee.

3. Pure Water Monterey Expansion Update

General Manager David J. Stoldt briefly reported on this and stated Pure Water Monterey is the nearest path forward on lifting the moratorium. Committee discussion followed.

Chair Edwards opened public comment; no comments were directed to the Committee.

4. Water Year 2023 Supply Usage / Issues

Mr. Stoldt briefly shared information from the production of the last water year by source. He will be presenting this information to the full Board at their November 13, 2023 meeting. Committee discussion followed.

Chair Edwards opened public comment; *the following comment was directed to the Committee:*

- (1) Susan Schiavone affirmed the importance of not using water from the Carmel Valley river and instead using ASR. She commended the District for ensuring that this issue will be addressed.

Suggest Items to be Placed on Future Agendas

None.

Adjournment

There being no further business, Chair Edwards adjourned the meeting at 4:00 p.m.

/s/ Sara Reyes

Sara Reyes, Committee Clerk
to the Water Supply Planning Committee

Reviewed and Approved by the MPWMD Water Supply Planning Committee on January 8, 2024.
Received by the MPWMD Board of Directors on January 22, 2024.



EXHIBIT 17-B

**Final Minutes
Monterey Peninsula Water Management District
Finance and Administration Committee
December 4, 2023**

Meeting Location: District Office, Main Conference Room
5 Harris Court, Building G., Monterey, CA 93940
(Hybrid: Meeting Held In-Person and via Zoom – Teleconferencing means)

Call to Order

Chair Anderson called the meeting to order at 2:01 PM.

Committee members present: Amy Anderson, Chair
Alvin Edwards
Marc Eisenhart

District staff members present: David Stoldt, General Manager
Suresh Prasad, Administrative Services Manager/Chief Financial Officer
Nishil Bali, Administrative Services Manager/Chief Financial Officer
Jon Lear, Water Resources Manager
Maureen Hamilton, District Engineer
Simona Mossbacher, Human Resources Coordinator/Contract Specialist
Sara Reyes, Executive Assistant/Board Clerk

District staff members absent: None

District Counsel present: David Laredo, DeLay & Laredo

Additions / Corrections to Agenda:

None

Comments from the Public:

None

Action Items:

- 1. Consider Adoption of November 6, 2023 Committee Meeting Minutes**
On a motion by Edwards and second by Anderson, the minutes of the November 6, 2023 meeting were approved unanimously 2 – 0 and 1-Abstention (Eisenhart).
- 2. Consider Adoption of Resolution 2023-15 Authorizing an Exception to the CalPERS 180-Day Wait Period for Hiring a Retiree (Suresh Prasad)**

On a motion by Edwards and second by Eisenhart, the Finance and Administration Committee recommended that the Board adopt Resolution 2023-15, authorizing an exception to the CalPERS 180-day wait period to hire Suresh Prasad as a part-time, limited-term employee. The motion was approved unanimously on a 3 – 0 vote.

3. Consider Adoption of Resolution 2023-16 Authorizing an Exception to the CalPERS 180-Day Wait Period for Hiring a Retiree (Tom Lindberg)

On a motion by Edwards and second by Eisenhart, the Finance and Administration Committee recommended that the Board adopt Resolution 2023-15, authorizing an exception to the CalPERS 180-day wait period to hire Tom Lindberg as a part-time, limited-term employee. The motion was approved unanimously on a 3 – 0 vote.

4. Consider Adoption of Treasurer’s Report for October 2023

On a motion by Eisenhart and second by Edwards, the Finance and Administration Committee recommended that the Board adopt the October 2023 Treasurer’s Report and financial statements, and ratification of the disbursements made during the month. The motion was approved unanimously on a 3 – 0 vote.

5. Receive Pension Reporting Standards Government Accounting Standards Board (GASB) Statement No. 68 Accounting Valuation Report

On a motion by Eisenhart and second by Edwards, the Finance and Administration Committee recommended that the Board receive the GASB 68 Accounting Valuation Report prepared by CalPERS. The motion was approved unanimously on a 3 – 0 vote.

6. Receive Government Accounting Standards Board (GASB) Statement No. 75 Accounting and Financial Reporting for Post-Employment Benefits Other than Pensions

On a motion by Eisenhart and second by Edwards, the Finance and Administration Committee recommended that the Board receive the GASB 75 OPEB Valuation Report prepared by GovInvest. The motion was approved unanimously on a 3 – 0 vote.

Informational Items:

7. Report on Activity/Progress on Contracts Over \$25,000

This item was presented as information to the committee. No action was required or taken by the committee.

8. Status Report on Measure J/Rule 19.8 Phase II Spending

This item was presented as information to the committee. No action was required or taken by the committee.

Discussion Item:

9. Review Draft December 11, 2023 Special and Regular Board Meeting Agenda

General Manager Stoldt reviewed the draft agenda with the committee. No changes were made by the committee.

Adjournment

Chair Anderson adjourned the meeting at 3:02 PM.

/s/ Sara Reyes

Sara Reyes, Committee Clerk
to the Finance and Administration Committee

Reviewed and Approved by the MPWMD Finance and Administration Committee on January 16, 2024
Received by the MPWMD Board of Directors on January 22, 2024

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ITEM: INFORMATIONAL ITEM/STAFF REPORT**18. MONTHLY ALLOCATION REPORT**

Meeting Date:	January 22, 2024	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program:	N/A
		Line Item No.:	
Prepared By:	Gabriela Bravo	Cost Estimate:	N/A

General Counsel Review: N/A**Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.**

SUMMARY: As of December 31, 2023, a total of **26.575** acre-feet (**7.8%**) of the Paralta Well Allocation remained available for use by the Jurisdictions. Pre-Paralta water in the amount of **30.512** acre-feet is available to the Jurisdictions, and **28.123** acre-feet is available as public water credits.

Exhibit 18-A shows the amount of water allocated to each Jurisdiction from the Paralta Well Allocation, the quantities permitted in December 2023 (“changes”), and the quantities remaining. The Paralta Allocation had no debits in December 2023.

Exhibit 18-A also shows additional water available to each of the Jurisdictions. Additional water from expired or canceled permits that were issued before January 1991 are shown under “PRE-Paralta.” Water credits used from a Jurisdiction’s “public credit” account are also listed. Transfers of Non-Residential Water Use Credits into a Jurisdiction’s Allocation are included as “public credits.” **Exhibit 18-B** shows water available to Pebble Beach Company and Del Monte Forest Benefited Properties, including Macomber Estates, Griffin Trust. Another table in this exhibit shows the status of Sand City Water Entitlement and the Malpaso Water Entitlement.

BACKGROUND: The District’s Water Allocation Program, associated resource system supply limits, and Jurisdictional Allocations have been modified by a number of key ordinances. These key ordinances are listed in **Exhibit 18-C**.

EXHIBITS**18-A** Monthly Allocation Report**18-B** Monthly Entitlement Report**18-C** District’s Water Allocation Program Ordinances

EXHIBIT 18-A
MONTHLY ALLOCATION REPORT
Reported in Acre-Feet
For the month of December 2023

Jurisdiction	Paralta Allocation*	Changes	Remaining	PRE-Paralta Water	Changes	Remaining	Public Credits	Changes	Remaining	Total Available
Airport District	8.100	0.000	5.197	0.000	0.000	0.000	0.000	0.000	0.000	5.197
Carmel-by-the-Sea	19.410	0.000	1.398	1.081	0.000	1.081	0.910	0.000	0.182	2.661
Del Rey Oaks	8.100	0.000	0.000	0.440	0.000	0.000	0.000	0.000	0.000	0.000
Monterey	76.320	0.000	0.298	50.659	0.000	0.181	38.121	0.000	2.451	2.920
Monterey County	87.710	0.000	10.578	13.080	0.000	0.352	7.827	0.000	1.181	12.121
Pacific Grove	25.770	0.000	0.000	1.410	0.000	0.014	15.874	0.000	0.002	0.016
Sand City	51.860	0.000	0.000	0.838	0.000	0.000	24.717	0.000	23.163	23.163
Seaside	65.450	0.000	0.497	34.438	0.033	28.884	2.693	0.000	1.144	30.525
District Reserve	9.000	0.000	8.607	N/A			N/A			8.607
TOTALS	342.720	0.000	26.575	101.946	0.033	30.512	90.142	0.000	28.123	85.210

Allocation Holder	Water Available	Changes this Month	Total Demand from Water Permits Issued	Remaining Water Available
Quail Meadows	33.000	0.000	32.320	0.680
Water West	12.760	0.000	10.074	2.686

* Does not include 15.280 Acre-Feet from the District Reserve prior to adoption of Ordinance No. 73.

EXHIBIT 18-B
MONTHLY ALLOCATION REPORT
ENTITLEMENTS
Reported in Acre-Feet
For the month of December 2023

Recycled Water Project Entitlements

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
Pebble Beach Co.	195.060	0.670	32.282	162.778
Del Monte Forest Benefited Properties (Pursuant to Ord No. 109)	169.940	0.025	75.559	94.381
Macomber Estates	10.000	0.000	10.000	0.000
Griffin Trust	5.000	0.000	4.829	0.171
CAWD/PBCSD Project Totals	380.000	0.695	122.670	257.330

Entitlement Holder	Entitlement	Changes this Month	Total Demand from Water Permits Issued	Remaining Entitlement/and Water Use Permits Available
City of Sand City	206.000	0.000	8.114	197.886
Malpaso Water Company	80.000	0.154	22.479	57.521
D.B.O. Development No. 30	13.950	0.000	3.908	10.042
City of Pacific Grove	38.390	0.237	10.175	28.215
Cypress Pacific	3.170	0.000	3.170	0.000

* Increases in the Del Monte Forest Benefited Properties Entitlement will result in reductions in the Pebble Beach Co. Entitlement.

EXHIBIT 18-C

District's Water Allocation Program Ordinances

Ordinance No. 1 was adopted in September 1980 to establish interim municipal water allocations based on existing water use by the jurisdictions. Resolution 81-7 was adopted in April 1981 to modify the interim allocations and incorporate projected water demands through the year 2000. Under the 1981 allocation, Cal-Am's annual production limit was set at 20,000 acre-feet.

Ordinance No. 52 was adopted in December 1990 to implement the District's water allocation program, modify the resource system supply limit, and to temporarily limit new uses of water. As a result of Ordinance No. 52, a moratorium on the issuance of most water permits within the District was established. Adoption of Ordinance No. 52 reduced Cal-Am's annual production limit to 16,744 acre-feet.

Ordinance No. 70 was adopted in June 1993 to modify the resource system supply limit, establish a water allocation for each of the jurisdictions within the District, and end the moratorium on the issuance of water permits. Adoption of Ordinance No. 70 was based on development of the Paralta Well in the Seaside Groundwater Basin and increased Cal-Am's annual production limit to **17,619** acre-feet. More specifically, Ordinance No. 70 allocated 308 acre-feet of water to the jurisdictions and 50 acre-feet to a District Reserve for regional projects with public benefit.

In addition to releasing water from the development of the Paralta Well, Ordinance No. 70 established a "special reserve" of 12.76 acre-feet of water saved by system improvements to the former Water West System when it was purchased and integrated into Cal-Am. This reserve was made available to properties in the former Water West System on a first-come, first-served basis. The ordinance also increased Cal-Am's production limit for savings related to the annexation of the Quail Meadows subdivision.

Ordinance No. 73 was adopted in February 1995 to eliminate the District Reserve and allocate the remaining water equally among the eight jurisdictions. Of the original 50 acre-feet that was allocated to the District Reserve, 34.72 acre-feet remained and was distributed equally (4.34 acre-feet) among the jurisdictions.

Ordinance No. 74 was adopted in March 1995 to allow the reinvestment of toilet retrofit water savings on single-family residential properties. The reinvested retrofit credits must be repaid by the jurisdiction from the next available water allocation and are limited to a maximum of 10 acre-feet. This ordinance sunset in July 1998.

Ordinance No. 75 was adopted in March 1995 to allow the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities. Fifteen percent of the savings are set aside to meet the District's long-term water conservation goal and the remainder of the savings are credited to the jurisdictions allocation. This ordinance sunset in July 1998.

Ordinance No. 83 was adopted in April 1996 and set Cal-Am's annual production limit at **17,621** acre-feet and the non-Cal-Am annual production limit at **3,046** acre-feet. The modifications to the production limit were made based on the agreement by non-Cal-Am water users to permanently reduce annual water production from the Carmel Valley Alluvial Aquifer in exchange for water service from Cal-Am. As part of the agreement, fifteen percent of the historical non-Cal-Am production was set aside to meet the District's long-term water conservation goal.

Ordinance No. 87 was adopted in February 1997 as an urgency ordinance establishing a community benefit allocation for the planned expansion of the Community Hospital of the Monterey Peninsula (CHOMP). Specifically, a special reserve allocation of 19.60 acre-feet of production was created exclusively for the benefit of CHOMP. With this new allocation, Cal-Am's annual production limit was increased to **17,641** acre-feet and the non-Cal-Am annual production limit remained at **3,046** acre-feet.

Ordinance No. 90 was adopted in June 1998 to continue the program allowing the reinvestment of toilet retrofit water savings on single-family residential properties for 90-days following the expiration of Ordinance No. 74. This ordinance sunset in September 1998.

Ordinance No. 91 was adopted in June 1998 to continue the program allowing the reinvestment of water saved through toilet retrofits and other permanent water savings methods at publicly owned and operated facilities.

Ordinance No. 90 and No. 91 were challenged for compliance with CEQA and nullified by the Monterey Superior Court in December 1998.

Ordinance No. 109 was adopted on May 27, 2004, revised Rule 23.5 and adopted additional provisions to facilitate the financing and expansion of the CAWD/PBCSD Recycled Water Project.

Ordinance No. 132 was adopted on January 24, 2008, established a Water Entitlement for Sand City and amended the rules to reflect the process for issuing Water Use Permits.

Ordinance No. 165 was adopted on August 17, 2015, established a Water Entitlement for Malpas Water Company and amended the rules to reflect the process for issuing Water Use Permits.

Ordinance No. 166 was adopted on December 15, 2015, established a Water Entitlement for D.B.O. Development No. 30.

Ordinance No. 168 was adopted on January 27, 2016, established a Water Entitlement for the City of Pacific Grove.

ITEM: INFORMATIONAL ITEM/STAFF REPORT**19. WATER CONSERVATION PROGRAM REPORT**

Meeting Date:	January 22, 2024	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.	N/A
Prepared By:	Kyle Smith	Cost Estimate:	N/A

General Counsel Review: N/A**Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines section 15378.**

I. MANDATORY WATER CONSERVATION RETROFIT PROGRAM

District Regulation XIV requires the retrofit of water fixtures upon Change of Ownership or Use with High Efficiency Toilets (HET) (1.28 gallons-per-flush), 2.0 gallons-per-minute (gpm) Showerheads, 1.2 gpm Washbasin faucets, 1.8 gpm Kitchen, Utility, and Bar Sink faucets, and Rain Sensors on all automatic Irrigation Systems. Property owners must certify the Site meets the District's water efficiency standards by submitting a Water Conservation Certification Form (WCC), and a Site inspection is occasionally conducted to verify compliance. Properties that do not require an inspection are issued a Conservation Certification document.

A. Changes of Ownership

Information is obtained monthly from *Realquest.com* on properties transferring ownership within the District. The information is compared against the properties that have submitted WCCs. Details on **44** property transfers that occurred between December 1, 2023, and December 31, 2023, were added to the database.

B. Certification

The District received **40** WCCs between November 1, 2023, and November 30, 2023. Data on ownership, transfer date, and status of water efficiency standard compliance were entered into the database.

C. Verification

From December 1, 2023, and December 31, 2023, **29** properties were verified compliant with Rule 144 (Retrofit Upon Change of Ownership or Use). Of the **29** verifications, **11** properties verified compliance by submitting certification forms and/or receipts. District staff completed **28** Site inspections. Of the **28** properties verified, **17 (60%)** passed.

D. CII Compliance with Water Efficiency Standards

Effective January 1, 2014, all Non-Residential properties were required to meet Rule 143, Water Efficiency Standards for Existing Non-Residential Uses. To verify compliance with these requirements, property owners and businesses are sent notification of the requirements

and a date that inspectors will be on Site to check the property. In December, District inspectors performed **1** verification inspections.

MPWMD is forwarding its CII inspection findings to California American Water (Cal-Am) for their verification with the Rate Best Management Practices (Rate BMPs) that are used to determine the appropriate Non-Residential rate division. Compliance with MPWMD's Rule 143 achieves Rate BMPs for indoor water uses. Properties with landscaping must also comply with Cal-Am's outdoor Rate BMPs to avoid Division 4 (Non-Rate BMP Compliant) rates. In addition to sharing information about indoor Rate BMP compliance, MPWMD notifies Cal-Am of properties with landscaping. Cal-Am then conducts an outdoor audit to verify compliance with the Rate BMPs. During December 2023, MPWMD referred **no** properties to Cal-Am for verification of outdoor Rate BMPs.

E. Water Waste Enforcement

The District has a Water Waste Hotline 831-658-5653 or an online form to report Water Waste occurrences at www.mpwmd.net or www.montereywaterinfo.org. There was **one** Water Waste responses during the past month. There were **no** repeated incidents that resulted in a fine.

II. WATER DEMAND MANAGEMENT

A. Permit Processing

As of July 6, 2021, the District has been processing both electronic and in person applications for Water Permits. Information can be found at <https://www.mpwmd.net/regulations/water-permits>.

District Rule 23 requires a Water Permit application for all properties that propose to expand or modify water use on a Site, including New Construction and Remodels. District staff processed and issued **50** Water Permits from December 1, 2023, and December 31, 2023. **Seven** Water Permits were issued using Water Entitlements (Pebble Beach Company, Malpas Water, etc.). **No** Water Permits involved a debit to a Public Water Credit Account. In addition to those Water Permits issued in December, **five** Meter Permits and **ten** Hydrant Meter Permits were issued. All Water Permits have a disclaimer informing applicants of the Cease-and-Desist Order against California American Water and that MPWMD reports Water Permit details to California American Water.

District Rule 24-3-A allows the addition of a second Bathroom in an existing Dwelling Unit. Of the **50** Water Permits issued from November 1, 2023, and November 30, 2023, **three** were issued under this provision.

B. Permit Compliance

District staff completed **no** conditional Water Permit finals during November 2023. Staff completed **64** site inspections. **47** properties passed and **13** failed due to unpermitted fixtures.

C. Deed Restrictions

District staff prepares deed restrictions that are recorded on the property title to provide notice of District Rules and Regulations, enforce Water Permit conditions, and provide notice of public access to water records. In April 2001, the District Board of Directors adopted a

policy regarding the processing of deed restrictions. District staff provided Notary services for 62 Water Permits with deed restrictions.

D. Rebates

The full list of available rebates can be found in Rule 141:

<https://www.mpwmd.net/rules/Rule141-TableXIV-1.pdf>. Below is the rebate information for December 2023.

EXHIBIT

19-A Rebate information for December 2023

REBATE PROGRAM SUMMARY		December-2023			2023 YTD		1997 - Present		
I. Application Summary									
A.	Applications Received	58			947		31,006		
B.	Applications Approved	45			781		24,262		
C.	Single Family Applications	43			760		27,153		
D.	Multi-Family Applications	2			20		1,624		
E.	Non-Residential Applications	0			1		362		
		Number of Devices	Rebate Paid	Estimated AF	Gallons Saved	Year to Date Number	Year to Date Paid	Year to Date Estimated AF	
II. Type of Devices Rebated									
A.	High Efficiency Toilet (HET)	5	\$450.00	0.025000	8,146	107	\$8,250.00	0.53500	
B.	Ultra HET	1	\$125.00	0.010000	3,259	19	\$2,375.00	0.19000	
C.	Toilet Flapper			0.000000	0	0	\$0.00	0.00000	
D.	High Efficiency Dishwasher	10	\$1,250.00	0.030000	9,776	143	\$17,875.00	0.42900	
E.	High Efficiency Clothes Washer - Res	20	\$10,000.00	0.322000	104,924	411	\$205,322.97	6.61710	
F.	High Efficiency Clothes Washer - Com			0.000000	0	0	\$0.00	0.00000	
G.	Instant-Access Hot Water System	1	\$200.00	0.005000	1,629	19	\$3,799.98	0.09500	
H.	Zero Use Urinals			0.000000	0	0	\$0.00	0.00000	
I.	Pint Urinals			0.000000	0	0	\$0.00	0.00000	
J.	Cisterns	1	\$145.00	0.000000	0	12	\$3,193.75	0.00000	
K.	Smart Controllers			0.000000	0	22	\$3,247.11	0.00000	
L.	Rotating Sprinkler Nozzles			0.000000	0	0	\$0.00	0.00000	
M.	Moisture Sensors			0.000000	0	0	\$0.00	0.00000	
N.	Lawn Removal & Replacement			0.000000	0	0	\$0.00	0.00000	
O.	Graywater			0.000000	0	0	\$0.00	0.00000	
R.	Other - Smart Flowmeters	7	\$1,222.00	0.000000	0	80	\$16,498.00	0.00000	
III. TOTALS		45	\$13,392.00	0.392000	127,734	813	\$260,561.81	7.86610	

IV. TOTALS Since 1997

Paid Since 1997: \$ 6,630,897

600.1 Acre-Feet Saved Since 1997 (from quantifiable retrofits)

ITEM: INFORMATIONAL ITEM/STAFF REPORT**20. CARMEL RIVER FISHERY REPORT FOR DECEMBER 2023****Meeting Date: January 22, 2024 Budgeted: N/A****From: David J. Stoldt, General Manager Program/ Line Item No.: N/A****Prepared By: Beverly Chaney Cost Estimate: N/A****General Counsel Review: N/A****Committee Recommendation: N/A****CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.**

AQUATIC HABITAT AND FLOW CONDITIONS: After a series of moderate storms in mid-December, Los Padres Reservoir filled and spilled on December 22, 2023, with a peak flow of approximately 74 cubic-feet-per-second (cfs) on December 30th.

December's daily streamflow at the Sleepy Hollow Weir gaging station ranged from 12 to 92 cfs, while flows at the Highway 1 gage ranged from 11 to 85 cfs.

There were 3.29 inches of rainfall in December as recorded at the San Clemente gauge. The total rainfall for Water Year (WY) 2024 (which started October 1, 2023) is 5.49 inches, or 81% of the long-term year-to-date average of 6.79 inches.

CARMEL RIVER LAGOON: To prevent local flooding, Monterey County crews conducted sandbar management work on November 29th, cutting a pilot channel to the south, but high surf filled it in several days later. On December 12th the channel was recut to the south using an excavator and hand crews. The river front reached the ocean that afternoon, keeping the lagoon's WSE at approximately 10 feet (NGVD 1929) for a week (see graph below). The lagoon finally "popped" open on December 19, draining three feet of head before starting to refill from both the river flow and high waves. Extremely high surf the final days of the month (>30' waves) brought the lagoon WSE up to 12' causing local flooding to the parking lot and surrounding area (see photos below). Late on December 28th, the lagoon mouth opened again.

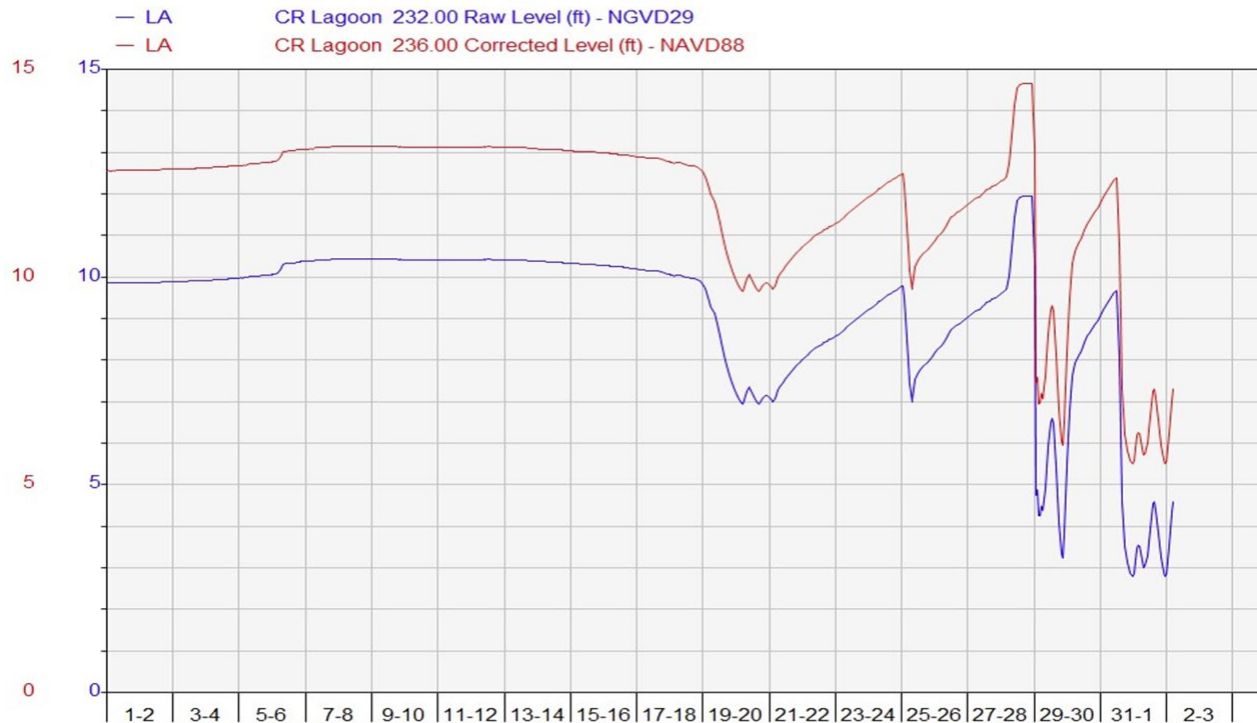
Water quality depth-profiles were conducted at five sites on December 15, 2023, while the lagoon mouth was slightly open to the south, water surface elevation was 10.3 feet, and river inflow was 12.5 cfs. Steelhead rearing conditions were fair. Salinity levels were low down to 3.5m depth (<10 ppt), water temperature ranged from 49-59 degrees Fahrenheit, and dissolved oxygen (DO) levels were variable, ranging from 0 (below 2m depth) to 8 mg/l.

Monterey Peninsula Water Management District

HYPLOT V134 Output 01/02/2024

Period 35 Day 12/01/2023 to 01/05/2024

2023-24



Carmel River Lagoon during high surf event, December 28, 2023. BC photos.





ITEM: INFORMATIONAL ITEM/STAFF REPORT**21. MONTHLY WATER SUPPLY AND CALIFORNIA AMERICAN WATER PRODUCTION REPORT**

Meeting Date:	January 22, 2024	Budgeted:	N/A
From:	David J. Stoldt, General Manager	Program/ Line Item No.:	N/A
Prepared By:	Jonathan Lear	Cost Estimate:	N/A

General Counsel Review: N/A**Committee Recommendation: N/A**

CEQA Compliance: Exempt from environmental review per SWRCB Order Nos. 95-10 and 2016-0016, and the Seaside Basin Groundwater Basin adjudication decision, as amended and Section 15268 of the California Environmental Quality Act (CEQA) Guidelines, as a ministerial project; Exempt from Section 15307, Actions by Regulatory Agencies for Protection of Natural Resources.

Exhibit 21-A shows the water supply status for the Monterey Peninsula Water Resources System (MPWRS) as of **January 1, 2024**. This system includes the surface water resources in the Carmel River Basin, the groundwater resources in the Carmel Valley Alluvial Aquifer and the Seaside Groundwater Basin. **Exhibit 21-A** is for Water Year (WY) 2024 and focuses on three factors: rainfall, runoff, and storage. The rainfall and Streamflow values are based on measurements in the upper Carmel River Basin at Sleepy Hollow Weir.

Water Supply Status: Rainfall through **December** 2023 totaled **3.29 inches** and brings the cumulative rainfall total for WY 2024 to **5.01 inches**, which is **74%** of the long-term average through **December**. Estimated unimpaired runoff through **December** totaled **576 acre-feet (AF)** and brings the cumulative runoff total for WY 2024 to **1,555 AF**, which is **23%** of the long-term average through **December**. Usable storage for the MRWPRS was **29,970 acre-feet**, which is **104%** of average through **December**, and equates to **90%** percent of system capacity.

Production Compliance: Under State Water Resources Control Board (SWRCB) Cease and Desist Order No. 2016-0016 (CDO), California American Water (Cal-Am) is allowed to produce no more than 3,376 AF of water from the Carmel River in WY 2024. Through **December**, using the CDO accounting method, Cal-Am has produced **636 AF** from the Carmel River (excluding **0 AF** of Table 13 and **18 AF** of Mal Paso.) In addition, under the Seaside Basin Decision, Cal-Am is allowed to produce 1,474 AF of water from the Coastal Subareas and 0 AF from the Laguna Seca Subarea of the Seaside Basin in WY 2024. Through **December**, Cal-Am has produced **556 AF** from the Seaside Groundwater Basin. Through **December**, **0 AF** of Carmel River Basin groundwater have been diverted for Seaside Basin injection; **0 AF** have been recovered for customer use, **0 AF** have been diverted under Table 13 water rights, and **952 AF** of Pure Water Monterey recovered. Cal-Am has produced **2,199 AF** for customer use from all sources through **December**. **Exhibit 21-B** shows production by source. Some of the values in this report may be revised in the future as Cal-Am finalizes their production values and monitoring data.

EXHIBITS**21-A** Water Supply Status: **January 1, 2024****21-B** Monthly Cal-Am production by source: WY 2024

EXHIBIT 21-A

**Monterey Peninsula Water Management District
Water Supply Status
January 1, 2024**

Factor	Oct – Dec 2023	Average To Date	Percent of Average	Oct – Dec 2022
Rainfall (Inches)	5.01	6.78	74%	11.10
Runoff (Acre-Feet)	1,555	6,886	23%	6,692
Storage⁵ (Acre-Feet)	29,970	28,900	104%	28,130

Notes:

1. Rainfall and runoff estimates are based on measurements at San Clemente Dam. Annual rainfall and runoff at Sleepy Hollow Weir average 21.22 inches and 67,246 acre-feet, respectively. Annual values are based on the water year that runs from October 1 to September 30 of the following calendar year. The rainfall and runoff averages at the Sleepy Hollow Weir site are based on records for the 1922-2022 and 1902-2022 periods respectively.
2. The rainfall and runoff totals are based on measurements through the dates referenced in the table.
3. Storage estimates refer to usable storage in the Monterey Peninsula Water Resources System (MPWRS) that includes surface water in Los Padres and San Clemente Reservoirs and ground water in the Carmel Valley Alluvial Aquifer and in the Coastal Subareas of the Seaside Groundwater Basin. The storage averages are end-of-month values and are based on records for the 1989-2022 period. The storage estimates are end-of-month values for the dates referenced in the table.
4. The maximum storage capacity for the MPWRS is currently 33,130 acre-feet.

Production vs. CDO and Adjudication to Date: WY 2024

(All values in Acre-Feet)

Year-to-Date Values	MPWRS					Water Projects and Rights				Water Projects and Rights Total
	Carmel River Basin ^{2, 6}	Seaside Groundwater Basin		MPWRS Total	ASR Recovery	PWM Recovery	Table 13 ⁷	Sand City ³		
		Coastal	Laguna Seca						Ajudication Compliance	
Target	710	445	0	445	1,155	0	980	0	75	1,055
Actual ⁴	636	522	34	556	1,192	0	952	0	36	988
Difference	74	-77	-34	-111	-37	0	28	0	39	67
WY 2023 Actual	680	199	31	230	910	0	1,098	20	56	1,174

1. This table is current through the date of this report.
2. For CDO compliance, ASR, Mal Paso, and Table 13 diversions are included in River production per State Board.
3. Sand City Desal, Table 13, and ASR recovery are also tracked as water resources projects.
4. To date, 0 AF and 0 AF have been produced from the River for ASR and Table 13 respectively.
5. All values are rounded to the nearest Acre-Foot.
6. For CDO Tracking Purposes, ASR production for injection is capped at 600 AFY.
7. Table 13 diversions are reported under water rights but counted as production from the River for CDO tracking.

Monthly Production from all Sources for Customer Service: WY 2024

(All values in Acre-Feet)

	Carmel River Basin	Table 13	Mal Paso	Seaside Basin	ASR Recovery	PWM Recovery	Sand City	Total
Oct-23	220	0	7	347	0	254	0	828
Nov-23	224	0	6	169	0	305	19	724
Dec-23	192	0	5	40	0	393	17	647
Jan-24								
Feb-24								
Mar-24								
Apr-24								
May-24								
Jun-24								
Jul-24								
Aug-24								
Sep-24								
Total	636	0	18	556	0	952	36	2,199
WY 2023	680	20	23	230	0	1,098	56	2,107

1. This table is produced as a proxy for customer demand.
2. Numbers are provisional and are subject to correction.

ITEM: INFORMATIONAL ITEM/STAFF REPORT**22. QUARTERLY CARMEL RIVER RIPARIAN CORRIDOR MANAGEMENT PROGRAM REPORT**

Meeting Date: January 22, 2024 **Budgeted:** N/A

From: Dave Stoldt,
General Manager **Program/
Line Item No.:** N/A

Prepared By: Thomas Christensen **Cost Estimate:** N/A

General Counsel Review: N/A

Committee Recommendation: N/A

CEQA Compliance: This action does not constitute a project as defined by the California Environmental Quality Act Guidelines Section 15378.

IRRIGATION OF RIPARIAN VEGETATION: The supplemental watering of riparian restoration plantings was carried out for the summer and fall season at six Monterey Peninsula Water Management District (District) riparian habitat restoration sites. The following irrigation systems were in use April through October: Sleepy Hollow, deDampierre, Trail and Saddle Club, Begonia, Schulte, and San Carlos.

Water Use in Acre-Feet 2023 (AF)
(preliminary values subject to revision)

January - March	0.00 AF
April - June	0.04
July – September	0.83
October – December	<u>0.14</u> AF
Year-to-date	1.01 AF

MONITORING OF RIPARIAN VEGETATION: Starting in July 2023, staff recorded bimonthly observations of canopy vigor on target willow and cottonwood trees to provide an indication of plant water stress and corresponding soil moisture levels. Four locations (Rancho Cañada, San Carlos, Valley Hills, and Schulte) are monitored for canopy ratings based on a scale from one to ten. This scale evaluates characteristics such as yellowing leaves and percentages of defoliation (see scale on **Exhibit 22-A**). A total of 12 willows and 12 cottonwoods at these locations provide a data set of established and planted sample trees that are representative of trees in the Carmel River riparian corridor. Combined with monthly readings from the District’s array of monitoring wells and pumping records for large-capacity Carmel Valley wells in the California American Water service area, the District’s monitoring provides insight into the status of soil moisture through the riparian corridor.

Monitoring results for the 2023 season show that riparian vegetation experienced little to no moisture stress associated with groundwater extraction because of the wet winter (2022-2023). It

is important to note that irrigation around municipal wells is carried out to help alleviate impacts from water extraction. The graph in **Exhibit 22-A** shows average canopy ratings for willows and cottonwoods in selected restoration sites in lower Carmel Valley. The graph in **Exhibit 22-B** shows impacts to water table elevations. The types of monitoring measurements made during July through September are as follows:

Monitoring Measurement

Canopy ratings	(See Exhibit 22-A for trends.)
Groundwater levels (monitoring wells)	(See Exhibit 22-B for trends.)
Groundwater pumping (production wells)	

OTHER TASKS PERFORMED SINCE THE OCTOBER 2023 QUARTERLY REPORT:

1. District staff carried out steelhead population studies at various sites along the Carmel River as well as removed all portions of the damaged resistance board weir (steelhead counting station).

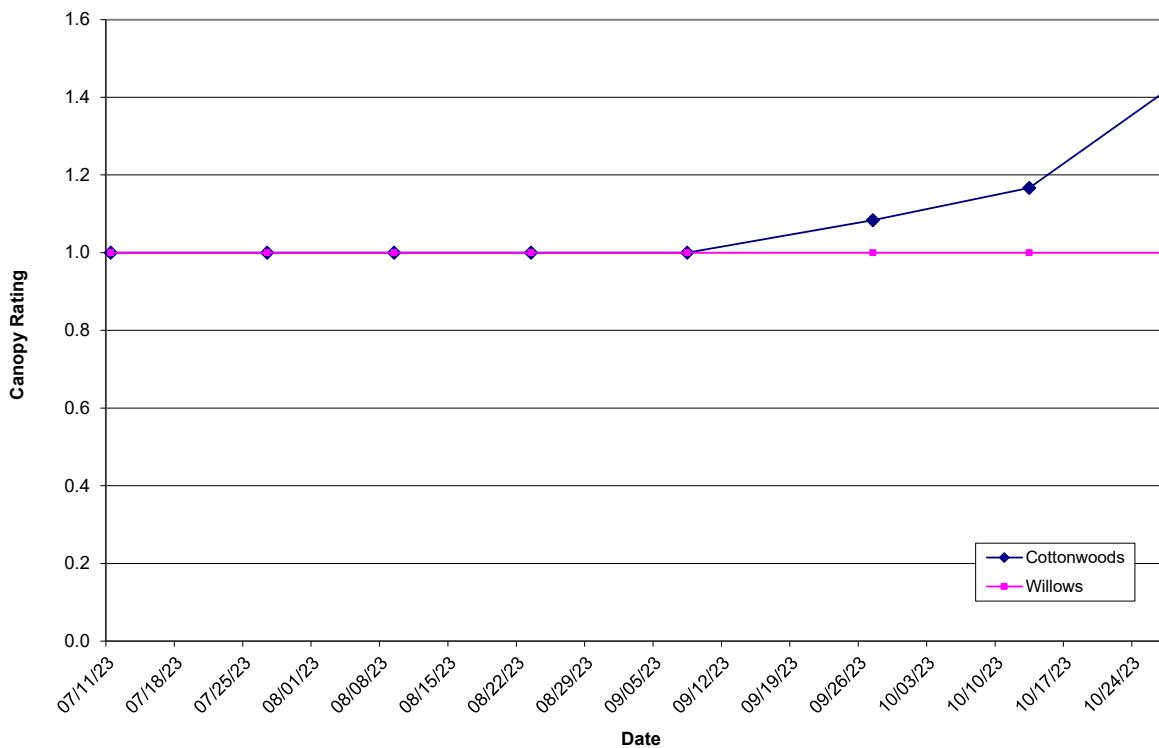
EXHIBITS

22-A Average Willow and Cottonwood Canopy Rating

22-B Depth to Groundwater

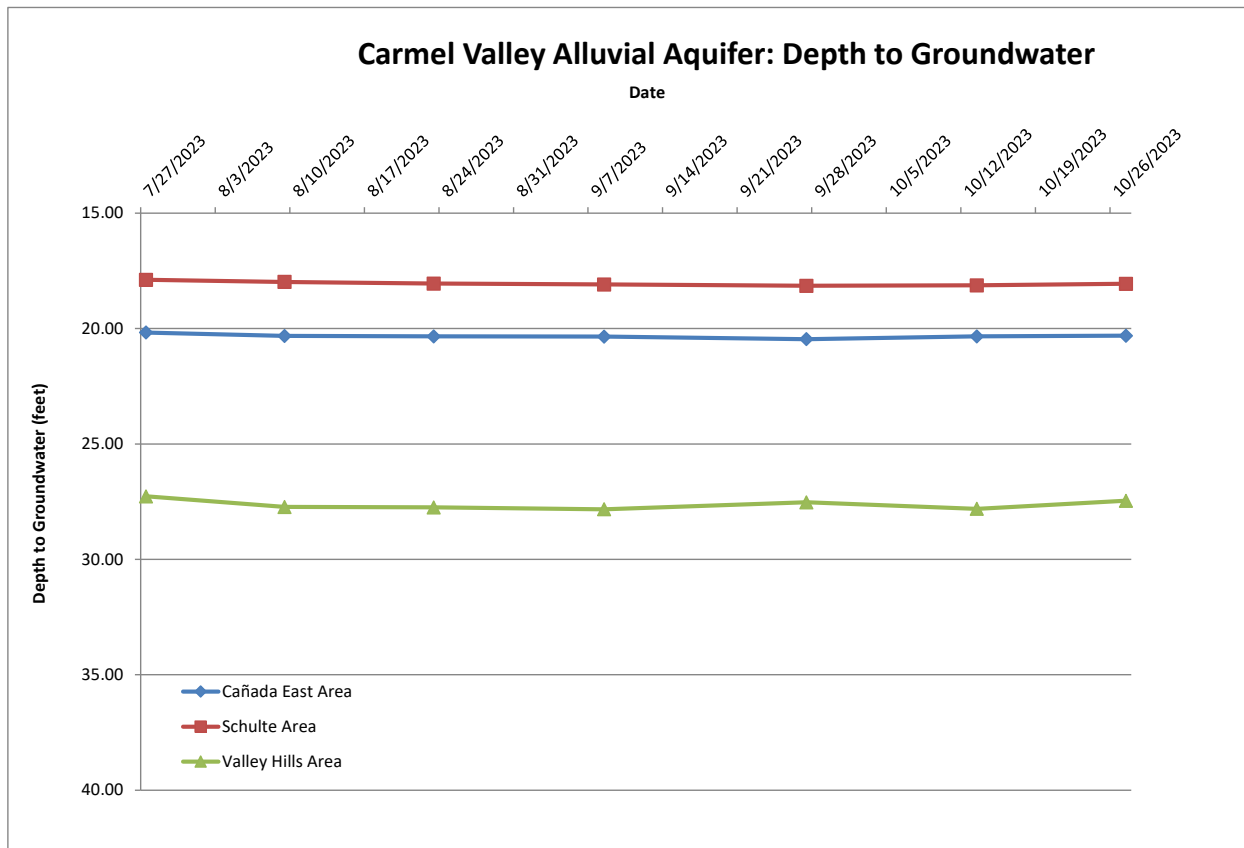
EXHIBIT 22-A

**Carmel River Riparian Vegetation:
Average Canopy Rating for Cottonwoods and Willows**



Canopy Rating Scale		Stress Level
1=	Green, obviously vigorous	none, no irrigation required
2=	Some visible yellowing	low, occasional irrigation required
3=	Leaves mostly yellowing	moderate, regular irrigation required
4=	< 10% Defoliated	moderate, regular irrigation required
5=	Defoliated 10% to 30%	moderate, regular irrigation required
6=	Defoliated 30% to 50%	moderate to high, additional measures required
7=	Defoliated 50% to 70%	high stress, risk of mortality or canopy dieback
8=	Defoliated 70% to 90%	high stress, risk of mortality or canopy dieback
9=	> 90% Defoliated	high stress, risk of mortality or canopy dieback
10=	Dead	consider replanting

EXHIBIT 22-B





Supplement to January 22, 2024 MPWMD Board Packet

Attached are copies of letters sent and/or received between **December 1, 2023** and **January 12, 2024**. These letters are listed in the Monday, January 22, 2024 Board Packet under Letters Received.

Author	Addressee	Date	Topic
Eric J. Benink	MPWMD Board and David Stoldt	12/1/2023	Class Claims for Refunds of Water Supply Charge (Ordinance No. 152) Against MPWMD
Margaret-Anne Coppernoll	MPWMD Board and David Stoldt	12/23/2023	Public Comment related to LAFCO Latent Powers Rehearing
David J. Stoldt	Brent Robinson	12/27/2023	RE: Notice Denying Claim (Gov. Code, § 913)
David J. Stoldt	Eric J. Benink, Esq.	12/27/2023	RE: Notice Denying Claim (Gov. Code, § 913)
David J. Stoldt	Naval Support Activity Monterey, US Army Garrison Presidio of Monterey, US Coast Guard Station Monterey, Marlana Brown, Stephen P. Bickel	12/29/2023	New Water Supply Allocation Process
David J. Stoldt	Michael La Pier	12/29/2023	New Water Supply Allocation
Margaret-Anne Coppernoll	MPWMD Board David Stoldt Ron Weitzman	1/8/2024	Another thought re LAFCO



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Eric J. Benink, Esq.
eric@beninkslavens.com
 Vincent D. Slavens, Esq.
vince@beninkslavens.com

December 1, 2023

Via USPS Express mail

Board of Directors
 Monterey Peninsula Water Management District
 P.O. Box 85
 Monterey, CA 93942-0085

David J. Stoldt, General Manager
 Monterey Peninsula Water Management District
 P.O. Box 85
 Monterey, CA 93942-0085

RE: Class Claims for Refunds of Water Supply Charge (Ordinance No. 152)
 Against Monterey Peninsula Water Management District

Dear Members of the Board of Directors and Mr. Stoldt:

Please be advised that this firm represents Richards J. Heuer III, a resident of the City of Monterey, CA. Mr. Heuer hereby submits a claim for refund of Water Supply Charges imposed by the Monterey Peninsula Water Management District (District) pursuant to Ordinance No. 152 on behalf of himself and property owners in the County of Monterey who paid such charges. The period of time for which refunds are sought is one year prior to the date of this claim and continuing until the District ceases the imposition of the Water Supply Charge.

The legal basis for the claim is set forth in the attached Order Granting Petition for Writ of Mandate and Request for Declaratory Relief ("Order") issued by the Hon. Carrie M. Panetta of the Superior Court of California, for the County of Monterey on March 3, 2023. In sum, the District failed to sunset the Water Supply Charge when it reinstated its User Fee on Cal-Am customers; the Water Supply Charge is illegal.

Mr. Heuer's address is:

Richards J. Heuer III
 47 Alta Mesa Circle
 Monterey, CA 93940

RECEIVED

DEC 04 2023

MPWMD

David J. Stoldt, General Manager
Members of the Board of Directors
December 1, 2023
Page 2

Mr. Heuer requests that notices be sent to:

Eric J. Benink, Esq.
Benink & Slavens, LLP.
8885 Rio San Diego Dr., Suite 207
San Diego, CA 92108
(619) 369-5252
eric@beninkslavens.com

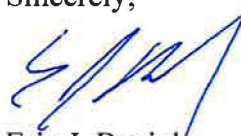
The date, place, and circumstances giving rise to the claim are set forth in the Order. The indebtedness, obligation, injury, damage, or loss incurred is the amount of the Water Supply Charge imposed by the District on property owners. In 2022-2023, that amount was approximately \$3.4 million. Accordingly, the claim exceeds \$10,000 and the claim would not be a limited civil case.

The names of the public employees or employees causing these injuries are David J. Stoldt, and the members of the Board of Directors who were in a position to sunset the Water Supply Charge after the User Fee was reinstated, but failed to do so.

We were unable to locate a claim form on the District's website. If the District offers such a form and requests that it be utilized, please forward it to my attention immediately.

If you believe this claim is deficient in any respect, please advise. Thank you.

Sincerely,



Eric J. Benink

cc: Michael Colantuono, Esq. (via email)
Matthew Slentz, Esq. (via email)

Attachment: March 3, 2023 Order Granting Petition for Writ of Mandate and Request for Declaratory Relief

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF MONTEREY**

ELECTRONICALLY FILED BY
Superior Court of California,
County of Monterey
On 03/03/2023
By Deputy: Olalia, Sonia

<p>MONTEREY PENINSULA TAXPAYERS' ASSOCIATION, INC., a California nonprofit corporation; and RICHARDS J. HEUER III, an individual,</p> <p style="text-align: center;">Petitioners,</p> <p style="text-align: center;">vs.</p> <p>THE MONTEREY PENINSULA WATER MANAGEMENT DISTRICT, a California public agency; and DOES 1 through 10,</p> <p style="text-align: center;">Respondents.</p>	<p>21CV003066</p> <p>ORDER GRANTING PETITION FOR WRIT OF MANDATE AND REQUEST FOR DECLARATORY RELIEF</p>
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On December 20, 2022, in Department 14 of the above-referenced court, the Honorable Carrie M. Panetta heard Petitioner Monterey Peninsula Taxpayers' Association, Inc. and Richards J. Heuer III's ("Petitioners") Petition for Writ of Mandate. Eric Benink and Prescott Littlefield appeared for Petitioners and Matthew Slenz appeared for Respondent the Monterey Peninsula Water Management District ("Respondent" or "the District").

The court read and considered the papers filed in support and in opposition of the Petition for Writ of Mandate and oral argument presented at the hearing, and good cause appearing therefrom, the Court hereby GRANTS the Petition for Writ of Mandate.

The court makes the following findings.

I. Factual and Procedural Background.¹

As alleged in the Petition, water service on the Monterey Peninsula is principally supplied by California-American Water Company ("Cal-Am"), an investor-owned water supplier. Cal-Am owns a water supply, storage and distribution system on the Monterey Peninsula that provides

¹ The facts outlined below are taken from the administrative record.

service to 100,000 residents. However, because Cal-Am is not a government agency, in 1977 the California Legislature established the District “to carry out such functions which only can be effectively performed by government, including, but not limited to, management and regulation of the use, reuse, reclamation, conservation of water and bond financing of public works projects.” (Wat. Code App. § 118-2.) The Legislature conferred upon the District broad powers to manage and regulate water use and distribution in the Monterey Peninsula area. (*Id.* at §§ 301-494.)

Beginning in 1983, the District imposed a User Fee on Cal-Am customers. The User Fee was set at 8.325% of Cal-Am’s charges for water, and was collected by Cal-Am, which remitted it to the District. In 2009, the California Public Utilities Commission (“CPUC”) ruled that Cal-Am could no longer collect the User Fee. At that time, the annual amount collected through the User Fee was approximately \$3.7 million and constituted nearly half of the District’s budgeted revenues.

Faced with this loss, which resulted in insufficient funding for the District’s operating and capital expenses and new water supply activities, the District began to explore ways to “restore the collection of the user fee or otherwise collect a similar amount through a surcharge.” (October 11, 2011 Water Supply Planning Committee Report; see also January 23, 2012 Board Report referencing Committee’s recommendation to examine alternative approaches.) The need for an alternative fee was particularly acute given the fact that the District was facing an urgent need to supplement its water supplies. This was due to, among other things, a July 6, 1995 State Water Resources Control Board’s order that Cal-Am reduce its diversions from the Carmel River system and limitations that had been placed on Cal-Am’s ability to produce water from the Seaside Groundwater Basin pursuant to the judgment in *California American Water Company v. City of Seaside* (No. M66343).

The District’s Board of Directors (the “Board”) retained a consultant to prepare a rate study for a Proposition 218 hearing process. On March 28, 2012, the District’s rate consultant presented the Board with a “User Fee Alternatives Study.” The presentation stated that the “[f]ee must recover \$3.7 million per year from about 43,500 connections” and one of the goals of the study was to “replace [the] existing user fee.”

Following these presentations, the Board conducted a public hearing on April 16, 2012, to discuss its proposal to “establish an alternative user fee collection mechanism.” The District’s rate

consultant presented a “User Fee Study” which stated that the goal was to “replace [the] existing user fee.” At the end of the April 16, 2012 meeting, the Board adopted the rate study and implemented a Proposition 218 hearing process. It also approved the first reading of Ordinance No. 152, entitled “An Ordinance of The Board of Directors of the Monterey Peninsula Water Management District Authorizing an Annual Water Use Fee to Fund Water Supply Services, Facilities and Activities Needed to Ensure Sufficient Water is Available for Present Beneficial Water Use in the Main California American Water Distribution System” (the “Ordinance”). The original version of the Ordinance did not have a sunset date. Instead, it provided that “[t]he District shall require the annual water use fee to sunset in full or in part unless the Board determines that the purpose of the fee is still required, and the amount of the fee is still appropriate.”

On June 12, 2012, as part of the Proposition 218 hearing process, the District conducted a public hearing to consider the proposed Water Use Fee. At this hearing, there was significant public opposition to the proposed fee from individuals and groups, including Petitioners. The District did not take action on the Ordinance at that time but instead continued the matter to June 19, 2012.

At the June 19, 2012 meeting, the District’s General Manager David Stoldt indicated that 15,709 protest letters had been received, but only 10,343 were valid. Board member Robert Brower advised that there had been a Water Supply Committee meeting earlier in the day with members of the public who had expressed concerns about the fee, and the dialogue was scheduled to continue. Brower further recommended deferring any action on the adoption of the Ordinance until after the meeting with community members, stating the District was trying its best to earn public support for the proposed fee. The Board agreed to continue consideration of the Ordinance to June 27, 2012.

On June 25, 2012, the Water Supply Committee met and discussed various areas of compromise. It also developed five conditions that would be presented to the Board at the June 27, 2012 meeting, including the condition that there be a date certain for sunsetting the proposed fee. At the June 27, 2012 Board meeting, General Manager Stoldt presented a PowerPoint stating that the District had met with community representatives and had, among other things, reached a “compromise and agreement” in the form of “stronger ‘sunset’ provisions.” The Board then

approved (4-1) an amended ordinance which authorized and established the Water Supply Charge² effective July 1, 2012. The “Findings” portion of the Ordinance indicated that the purpose of the Water Supply Charge was to “replace and augment the former charge collected by CAW³ on its bills to water customers” while the section titled “Section Three: Purposes” stated the purpose of the Ordinance was to “fund District water supply activities” and “ensure sufficient water is available for present beneficial use or uses[.]”

The Ordinance, as adopted, also included a new sunset provision:

Notwithstanding any other provision of this Ordinance, the District shall not collect a water supply charge pursuant to this Ordinance: (a) in Fiscal Year 2018-2019 (or any subsequent fiscal year) if no District project is identified by the Board of Directors to have been underway as of December 31, 2017, (b) to the extent alternative funds are available via a charge collected on the California American Water Company bill, or (c) to the extent the Board of Directors determines that the charge (or portion thereof) is no longer required because bonds financing a specific project having [sic] been repaid.

(Ordinance No. 152, § 10C.)

In 2016, after an ongoing challenge by the District to the CPUC’s decision to prohibit Cal-Am’s collection of the User Fee, the California Supreme Court set aside the CPUC’s decision in *Monterey Peninsula Water Management District v. Public Utilities Commission* (2016) 62 Cal.4th 693. On October 17, 2016, the District adopted Resolution 2016-18 which ordered Cal-Am to “continue to set and remit the User Fee at 8.325% of each [Cal-Am] water bill[.]” Since that time, the District has collected both the Water Supply Charge and the User Fee.

On September 28, 2021, Petitioners filed a petition for writ of mandate seeking that the District be enjoined from any further collection of the Water Supply Charge. The petition includes two causes of action. The first cause of action for writ of mandate alleges the District had a clear, present and ministerial duty to comply with both the Ordinance (§ 10) and Proposition 218 (Cal. Const., article XIII D, § 6, subd. (b)(2)). Petitioners plead that the District was required to cease the collection of the Water Supply Charge to the extent alternative funds were being collected via the User Fee on the Cal-Am water bill pursuant to the Ordinance. Additionally, Petitioners contend the District was required to reduce the Water Supply Charge by the amount of the User Fee and its

² Earlier versions of the ordinance and various Board documents referred to this charge as a “water use fee.”

³ The Ordinance refers to Cal-Am as “CAW.”

failure to do so has resulted in revenue from the Water Supply Charge being utilized for purposes other than that for which the fee or charge was imposed in violation of Proposition 218. The second cause of action seeks declaratory relief.

II. Request for Judicial Notice.

The court finds, and the Petitioners agree, that the documents requested to be judicially-noticed are not necessary to resolving the issues raised in the Petition.

III. The Continued Imposition of the Water Supply Charge Violates the Ordinance's Sunset Provision.

Petitioners contend that the District was required to stop collection of the Water Supply Charge to the extent alternative funds were being collected via the User Fee based on the Ordinance's sunset provisions. Section 10 of the Ordinance, titled "Effective Date; Review Requirements; Sunset," includes three relevant subdivisions:

Subdivision A governs the effective date of the Ordinance and states that the Ordinance "shall not have a sunset date, provided however, that charges set by this Ordinance shall not be collected to the extent proceeds exceed funds required to achieve the Purposes of this Ordinance[.]" (Ordinance, § 10, subd. (A).)

Subdivision B ("Section 10B") discusses the annual review requirement whereby the District Board "shall review amounts collected and expended in relation to the purposes for which the Water Supply Charge is imposed." (Ordinance, § 10, subd. (B).) This provision states the District "shall require the annual water supply charge to sunset in full or in part unless the Board determines that the purpose of the charge is still required, and the amount of the charge is still appropriate and less than the proportionate cost of the service attributable to each parcel on which the charge is imposed." (*Ibid.*) "If the purpose is fully accomplished, the charge shall be required to sunset. If the purpose for the charge is determined to continue, but amounts needed to fund that purpose are decreased, the charge shall be reduced to that lesser amount." (*Ibid.*) This subdivision also states that in the event the aggregate annual charge collections are insufficient to fund all appropriate purposes to which the charge may be expended, the Board has the discretion to determine which purposes will be funded so long as the charge does not exceed the proportionate cost of service. (*Ibid.*)

Subdivision C (“Section 10C” or the “Sunset Provision”) is the primary subject of the parties’ dispute, and enumerates three circumstances under which the Water Supply Charge shall not be collected under the Ordinance. This subdivision states: “*Notwithstanding any other provision of this Ordinance*, the District shall not collect a water supply charge pursuant to this Ordinance: (a) in Fiscal Year 2018-19 (or any subsequent fiscal year) if no District project is identified and determined by the Board of Directors to have been underway as of December 31, 2017, (b) ***to the extent alternative funds are available via a charge collected on the California American Water Company bill***, or (c) to the extent the Board of Directors determines that the charge (or portion thereof) is no longer required because bonds financing a specific project having [sic] been repaid.” (Ordinance, § 10, subd. (C), emphasis added.)

Petitioners and the District disagree about the meaning of the phrase “to the extent alternative funds are available via a charge collected on the [Cal-Am] bill.” While Petitioners assert that alternative funds are “available” and trigger the sunset provision of the Ordinance once the User Fee is reinstated in any measure, the District contends that funds from the User Fee are “available” only if they are not committed to other District obligations, such as conservation, mitigation and general overhead. The District argues the Board has determined that alternative funds from the User Fee are not available because revenues from the User Fee have been required to fund other costs, including those related to mitigation and conservation surcharges the District retired, and those required to pay off loans the District took out for its water supply projects.

The issue presented concerns the proper interpretation of the Sunset Provision. As such, the court will apply the rules of statutory construction, which also apply to the interpretation of ordinances. (*Chaffee v. San Francisco Pub. Libr. Com.* (2005) 134 Cal.App.4th 109, 114.) Specifically, the Court will “turn first, to the words of the statute, giving them their usual and ordinary meaning.” (*Id.* at 114.) “When the language of a statute is clear, [courts] need go no further. However, when the language is susceptible of more than one reasonable interpretation, [courts] look to a variety of extrinsic aids, including the ostensible objects to be achieved, the evils to be remedied, the legislative history, public policy, contemporaneous administrative construction, and the statutory scheme of which the statute is a part.” (*Ibid.*)

“[S]tatutory ambiguities often may be resolved by examining the context in which the language appears and adopting the construction which best serves to harmonize the statute

internally and with related statutes. Moreover, statutes must be construed so as to give a reasonable and common-sense construction consistent with the apparent purpose and intention of the lawmakers – a construction that is practical rather than technical, and will lead to wise policy rather than mischief or absurdity. [Citation.] In approaching this task, the courts may consider the consequences which might flow from a particular interpretation and must construe the statute with a view to promoting rather than defeating its general purpose and the policy behind it. [Citation.]...Ultimately, [i]f a statute is amenable to two alternative interpretations, the one that leads to the more reasonable result will be followed.” (*Pac. Merch. Shipping Ass’n v. Newsom* (2021) 67 Cal.App.5th 711, 725-26, internal citations and quotation marks omitted.)

A. Plain Language of the Sunset Provision.

In reviewing the plain language of Section 10C, the Court finds that the word “available” is clear. The ordinary meaning of the word “available” is “able to be bought or used.” (Cambridge Dictionary Online (2023) <https://dictionary.cambridge.org/us/dictionary/english/available> [as of January 27, 2023]; see also Merriam-Webster Dict. Online (2023) <https://www.merriam-webster.com/dictionary/available> [as of January 27, 2023] [“present or ready for immediate use”]; see also *Ross v. Blake* (2016) 578 U.S. 632, 642 [“[T]he ordinary meaning of the word ‘available’ is ‘capable of use for the accomplishment of a purpose,’ and that which ‘is accessible or may be obtained.’” [*Booth v. Churner*] 532 U.S., at 737–738 (quoting Webster's Third New International Dictionary 150 (1993)); see also Random House Dictionary of the English Language 142 (2d ed. 1987) (“suitable or ready for use”); Black's Law Dictionary 135 (6th ed. 1990) (“useable”; “present or ready for immediate use”).”].)

The court finds that once Cal-Am began collecting the User Fee again, the District was able to use the funds from that fee because those funds were both present and accessible. As such, funds from a charge collected on the Cal-Am water bill are “available” and Section 10C requires the Water Supply Charge to sunset.

The District asserts the User Fee funds are only “available” if the District has not already committed such funds to other uses. For example, the District points out that since the enactment of the Water Supply Charge, it has embarked on various capital projects (such as the Aquifer Storage and Recovery Project and Pure Water Monterey Groundwater Replenishment Project)

which require funding from the Water Supply Charge revenues. It also asserts that it has used and committed funds from the Water Supply Charge to fund a \$4 million Rabobank loan. Further, the District states that after the User Fee was reestablished on the Cal-Am water bill, the District discontinued about \$3 million in surcharges it had been collecting on customers' bills for conservation and mitigation; thus, the mitigation and conservation programs require nearly all the User Fee proceeds, leaving little for the water supply program. As such, the District concludes that funds from the User Fee are not "available" and the Sunset Provision has not been triggered.

The Court is not persuaded. Although it may be that the District has chosen in its discretion to retire certain surcharges and use the proceeds from the reinstated User Fee for other purposes, this does not render those funds *unable* to be used. To the contrary, those funds are still very much present, accessible and useable, even if the District has, for the time being, chosen to commit those funds elsewhere. The Court also notes that if the word "available" was interpreted in the manner argued by the District, it could be that funds from the User Fee will *never* become available as there are any number of projects the District may choose to embark on in its efforts to address the Monterey Peninsula water supply issues.

Furthermore, if the word "available" was susceptible to the District's interpretation, this would render the plain language of the Sunset Provision ambiguous as it would be susceptible to either party's interpretation. The Court would then be required to resort to other extrinsic aids, such as "the ostensible objects to be achieved, the evils to be remedied, the legislative history, public policy, contemporaneous administrative construction, and the statutory scheme of which the statute is a part." (See *Chaffee v. San Francisco Pub. Libr. Com.* (2005) 134 Cal.App.4th 109, 114.) Even under this analysis, the Court finds that Petitioners' interpretation of the Sunset Provision is more tenable and consistent with the legislative history and the language of the Ordinance as a whole.

B. Legislative History Behind Establishment of the Sunset Provision.

In looking at the history behind the enactment of the Ordinance, it is undisputed there was significant public opposition to the Water Supply Charge when it was first presented to the public. The June 12, 2012 District Board meeting minutes indicate that 11,783 protests were submitted to the Board and 34 individuals publicly commented about the Ordinance at the meeting, largely to

express opposition to the charge. This level of opposition is significant as 15,255 valid protests were required for there to have been a majority protest against the imposition of the charge and 15,709 raw protests were ultimately received, though only 10,343 of those were deemed valid. (Ordinance, Finding No. 14.)

In the face of significant opposition to the proposed charge, the record indicates the District met with community representatives regarding the proposed Ordinance on June 19 and June 25, 2012, to try and address the concerns they had related to the Water Supply Charge. (See, e.g., 6/25/12 Water Supply Planning Committee discussion item indicating that the committee “invited round table discussion from community representatives” at its 6/19/12 meeting regarding “[a]reas of potential compromise on the proposed annual water supply charge” including “a) Limiting expenditures to ‘water projects’ only, b) Establishing a sunset date, c) Creation of an oversight committee”; Final Minutes from 6/25/12 Water Supply Planning Committee meeting where the committee developed five conditions that would be presented to the District Board at the 6/27/12 meeting, including various suggestions for sunsetting the provision; Slides from the 6/27/12 District Board meeting indicating that meetings were held with community representatives to discuss “Topics of Compromise & Agreement” including “Stronger ‘Sunset’ Provisions”.) One of the District Board Directors, Robert Brower, mentioned at the June 19, 2012 Board meeting that the Water Supply Committee had met with community members who expressed concerns regarding the Ordinance and was “trying [its] best to earn the public support and public opinion support[.]”

As a result of those meetings, it appears that the District made some fairly significant changes to the Ordinance. This is evident from a comparison of versions of the Ordinance that preceded the community meetings with the version that was ultimately enacted. For example, while the “Findings” section in prior versions of the Ordinance focused on the District’s general need to fund various water supply projects to ensure sufficient water would be present for beneficial use due to constraints that had been placed upon Cal-Am’s ability to deliver water, the version of the Ordinance that was ultimately adopted still acknowledged the District’s need to supplement its water supplies due to the Carmel River ruling, but also brought to the forefront the issue that the District “no longer had access to CAW bills.” Similarly, while the “Purposes” section of the Ordinance indicated that proceeds from the Water Supply Charge could only be used

to fund water supply activities, the “Findings” in the Ordinance stated that the purpose of the charge was to replace and augment the charge previously collected by the User Fee. (Compare April 16, 2012 and June 12, 2012 versions of Ordinance with June 27, 2012 and enacted versions of Ordinance.) As such, there was a shift from the Ordinance expressing a general need for funds for District water supply activities to emphasizing that the User Fee needed to be replaced.

Even more significantly, the final version of the Ordinance included a revised sunset provision that explicitly tied the collection of the Water Supply Charge to funds that could be collected through the User Fee. Whereas prior versions of the Ordinance merely provided that the District Board would determine annually if the charge was still required and sunset the charge if not, the version of the Ordinance that was actually enacted specified the previously-quoted three conditions under which the Water Supply Charge would have to sunset. The District itself indicated at its June 27, 2012 Board meeting that this was a “stronger ‘sunset’ provision”, presumably because the District had replaced a sunset provision based largely on Board discretion with a provision that established three automatic triggers for sunsetting the Water Supply Charge. The strength of this provision seems further confirmed by the fact Section 10C indicated that it would be effective “[n]otwithstanding any other provision of th[e] Ordinance,” signaling the intent that this provision would trump other provisions of the Ordinance. (See *Tan v. Superior Ct. of San Mateo Cnty.* (2022) 76 Cal.App.5th 130, 138 [“When the Legislature intends for a statute to prevail over all contrary law, it typically signals this intent by using phrases like ‘notwithstanding any other law’ or ‘notwithstanding other provisions of law.’”].)

Based on the foregoing, it seems apparent that after the District’s meetings with community members, there was a shift that occurred in the language of the Ordinance which placed much more emphasis on the Water Supply Charge serving as a replacement for the prior User Fee, and not merely a means to generally raise revenue to fund water supply projects. There also was a revision to the Ordinance that tied the longevity of the charge to the availability of funds from the User Fee whereas, previously, the Ordinance provided the charge would sunset at the discretion of the District Board. Both modifications suggest that, as a concession and compromise in response to strong opposition to the Water Supply Charge, the legislative intent was to automatically sunset the Water Supply Charge once alternative funds from the User Fee could be accessed and used.

C. Construction of Section 10C in Context of Ordinance as a Whole.

The Court observes that interpreting the Sunset Provision as being automatically triggered once the User Fee is reinstated is a more reasonable construction when the Sunset Provision is read in the context of the Ordinance as a whole. The District would have the Court construe “available” to mean that funds from the User Fee are available only insofar as the District has not otherwise decided to allocate the User Fee funds for other purposes. This reading would confer broad discretion to the District in determining when the User Fee funds are actually available, as illustrated by the actions the District has taken since the User Fee was reinstated.

For example, at a District Board meeting that took place on October 19, 2020, a few years after the User Fee had been reinstated, several District Directors indicated a desire to phase out the Water Supply Charge sooner, believing this is what was promised to the taxpayers. In response, General Manager Stoldt responded: “I think we all had dreams of getting the user fee back on and all the water supply projects would be over *so we didn’t need the water supply charge.*” (*Ibid.*, emphasis added.) But, he went on to assert that even if the District did not have any water supply projects and had a big surplus in the User Fee, the District “would have to look at the user fee, also, for... personnel and services that are related to the water-supply projects.” He further indicated that though the District “can’t just bank money for the sake of banking money... there are sensible levels of reserves” and “[t]here are things that [the Board] ha[s] identified, setting a little something away for OPEB and pension-fund liabilities, and so forth.” Later in the meeting, Stoldt stated the following:

We’ve funded the water supply projects to date at a deficit to the water-supply charge. And so, to the extent the Board wishes to reimburse the other funds which have been used to do inter-fund borrowing for water-supply projects, that’s a continuing obligation. All of these that I’m speaking of can go away. Unrelated to water-supply projects, **if the Board says, in our general duties, we want to fund more of the pension liability, or, we want to fund more of the OPEB on an annual basis, then that just simply means you don’t have an extent alternative funds are available yet. I can move all the money from the left-hand pocket to my right-hand pocket, but it doesn’t mean that I’ve now covered everything that I want to do.**

(Emphasis added.) Stoldt added: “So, I’m grateful that the user fee’s coming in over expectations, *but I’ve already identified some other use for that. That kind of discussion is really a Board-policy discussion.* It needs to had [sic] before you just lockstep decide to take, hey, we collected

more than we said we would. Let's use it all on reducing the water-supply charge or things that are circuted [sic] the water-supply charge."

In short, the record makes clear that the District views the issue of whether User Fee funds are "available" as a Board decision based on whether the charge is still "need[ed]," and to the extent the District identifies other uses for the User Fee or has other things it "want[s] to do" with that money (including funding more of the District's pension liability), the Water Supply Charge cannot sunset. In other words, the District reads the Sunset Provision as sanctioning the continuation of the Water Supply Charge so long as the District determines the charge is still needed.

But, the Court observes, this interpretation of Section 10C would render it virtually indistinguishable from another provision in the Ordinance. Specifically, the Court notes that Section 10B of the Ordinance, which existed *before* the District met with community members, states that the District shall annually review the amounts collected through the Water Supply Charge and "require [it] to sunset in full or in part *unless the Board determines that the purpose of the charge is still required[.]*" "If the purpose is fully accomplished, the charge shall be required to sunset. If the purpose for the charge is determined to continue, but amounts needed to fund the purpose are decreased, the charge shall be reduced to that lesser amount." If the court construes "available" as meaning the Board can continue to deem funds unavailable as long as they believe the Water Supply Charge is still required, this would render Section 10B superfluous. Such a result is to be avoided. (See *Branciforte Heights, LLC v. City of Santa Cruz* (2006) 138 Cal.App.4th 914, 937 ["[A]n interpretation that renders statutory language a nullity is obviously to be avoided."].)

Further, if Section 10C were read as conferring upon the District the same amount of discretion as that conferred upon it through the sunset provision in Section 10B, it is patently unclear how Section 10C could have been framed by the District Board as a "stronger" sunset provision that operates "[n]otwithstanding" any other provision in the Ordinance. Instead, the sunset provisions in Section 10B and 10C can only be read harmoniously if Section 10B is construed as generally conferring upon the District the broad discretion to sunset the Water Supply Charge whenever it determines the charge is no longer required, while Section 10C is understood as enumerating three circumstances in which the District's broad discretion to sunset the charge is trumped and the Water Supply Charge is automatically required to sunset in some fashion. These

circumstances include the situation where alternative funds become available through a User Fee collected on the Cal-Am bill

D. Conclusion.

For all of the above reasons, the Court agrees with Petitioners that funds from a charge collected on the Cal-Am water bill were “available” once the District resumed collecting the User Fee. At that point, some sunseting of the Water Supply Charge was automatically required. In this regard, the Court notes that the Sunset Provision required the District to sunset the Water Supply Charge “to the extent” alternative funds were being collected through the Cal-Am User Fee. Courts have construed the phrase “to the extent” as a term of limitation and qualification. (See, e.g., *Aozora Bank, Ltd. v. 1333 N. California Boulevard* (2004) 119 Cal.App.4th 1291, 1296 [construing “to the extent” as a qualifier that limited a carve-out provision to the extent of the waste itself]; *Oltmans Constr. Co. v. Bayside Interiors, Inc.* (2017) 10 Cal.App.5th 355, 366 [observing that the phrase “to the extent” is a qualification and citing numerous cases where courts have construed such language as limiting an indemnitor’s liability].) In the context of the Sunset Provision, the reasonable construction of “to the extent” is that there will be a pro rata reduction of the Water Supply Charge for every dollar that is collected through the User Fee. When the User Fee proceeds meet or exceed the Water Supply Charge revenue, the Water Supply Charge must sunset in full.

IV. The Continued Imposition of the Water Supply Charge Did Not Violate Proposition 218.

Proposition 218 added Articles XIII C and XIII D to the California Constitution. These articles provide for voter approval for local government general taxes and special taxes, and set forth procedures, requirements and voter approval mechanisms for local government assessments, fees and charges. (*Howard Jarvis Taxpayers Ass’n v. City of Roseville* (2002) 97 Cal.App.4th 637, 640.) Article XIII D, section 6, subdivision (b) establishes “Requirements for Existing, New or Increased Fees and Charges” and states in relevant part that “[a] fee or charge shall not be *extended, imposed, or increased* by any agency unless it meets all of the following requirements,” including the requirement that “[r]evenues derived from the fee or charge shall not be used for any purpose other than that for which the fee or charge was imposed.” (Cal. Const., art. XIII D, § 6,

subd. (b)(2), emphasis added.) Article XIII D, section 6, subdivision (d) provides that “[b]eginning July 1, 1997, all fees or charges shall comply with this section.”

The District contends that maintaining the Water Supply Charge at existing rates does not amount to an extension of a fee or charge because the Ordinance does not have a *fixed* sunset date. Petitioners argue that the District extended the Water Supply Charge when it renewed the charge at each annual Board meeting. Government Code section 53750, enacted as part of the Proposition 218 Omnibus Implementation Act, states that when applied to an existing tax or fee or charge, “extended” means “a decision by an agency to extend the stated effective period for the tax or fee or charge, including, but not limited to, amendment or removal of a sunset provision or expiration date.” (Gov. Code, § 53750, subd. (e).) Although the Ordinance states it “shall not have a sunset date, the use of the phrase “including, but not limited to” is generally a term of enlargement. (*Rea v. Blue Shield of California* (2014) 226 Cal.App.4th 1209, 1228.) Therefore, although the Ordinance does not have a specific sunset date that can be amended or removed, that is not dispositive. Here, where the Ordinance at issue specifically provides for an annual review of a charge to determine if it is still needed and the amount is still appropriate, the annual decision to continue imposing the Water Supply Charge constitutes an extension of the charge.

The court is not persuaded by Respondent’s argument that there would be a perpetual election season if Proposition 218’s notice, hearing, protest and election requirements were applied to the mere continued existence of a fee. By its clear terms, Article XIII D, section 6, subdivision (a)’s notice and hearing requirements only apply to “New or Increased Fees and Charges,” and not to fees and charges that merely continue to exist. Nor is there any merit to the District’s assertion that the language in subdivision (d) merely directs “agencies [to] conform existing fees to the requirements of subdivision (b)(1) through (b)(5) by the stated date of July 1, 1997” citing *Howard Jarvis Taxpayers Assn. v. City of Fresno* (2005) 127 Cal.App.4th 914, 924.

The *Howard Jarvis* court did not hold that Article XIII D, section 6, subdivision (d) only requires agencies to conform fees that existed at the time of Proposition 218’s enactment of the requirements for fees and charges under subdivision (b). Rather, in the face of the City of Fresno’s contention its in lieu fee was not a “fee” because it had not been formally extended, the court held that “Section 6, subdivision (b) requires that a city or agency that acts to extend, impose, or increase a fee after the effective date of Proposition 218 must comply with the requirements of

subdivision (b)(1) through (5)” and that “section 6, subdivision (d) clearly requires, *in addition*, that cities and other agencies conform existing fees to the requirements of subdivision (b)(1) through (b)(5) by the stated date of July 1, 1997.” (127 Cal.App.4th at 924, emphasis added.) As such, the *Howard Jarvis* court did not state that subdivision (d) *only* applies to charges already in existence when Proposition 218 was enacted. Nor would such an interpretation make sense because the plain language of that provision states without limitation that “[b]eginning July 1, 1997, *all* fees or charges shall comply with this section.” (Cal. Const., art. XIII D, § 6, subd. (d), emphasis added.)

Additionally, the District suggests that because the Sixth District Court of Appeal found that the Water Supply Charge complied with Proposition 218 when it was first enacted, that charge is forever immunized from further challenge. Once again, the language of Article XIII D, section 6, subdivision (b) indicates that the requirements are ongoing. Therefore, the Court does not interpret Article XIII D’s provisions as suggesting a charge can somehow be insulated from further review simply because it was deemed to be in compliance with Proposition 218 at one point in time.

Notwithstanding the above, the court agrees with the District that its ongoing imposition of the Water Supply Charge does not violate Proposition 218. It does not appear to the court that the Water Supply Charge has been utilized for a “purpose other than that for which the fee or charge was imposed” under Article XIII D, section 6, subdivision (b)(2). The findings in the Ordinance state the “purpose [of the ordinance]...is to replace and augment the former charge collected by CAW on its bills to water customers with a supply charge collected from owners of parcels that receive from the District through CAW’s distribution system.” (Ordinance, Findings, ¶ 10.) The findings also state the “Supply Charge proceeds will be expended only to fund water supply services and for no other purpose.” (*Id.* at ¶ 18.) As for the substantive portion of the Ordinance, Section Three lists the “Purposes” as follows:

Proceeds of the charge imposed by this Ordinance may only be used to fund District water supply activities, including capital acquisition and operational costs for Aquifer Storage and Recovery (ASR) and Groundwater Replenishment (GWR) purposes, as well as studies related to project(s) necessary to ensure sufficient water is available for present beneficial water use in the main CAW system. In addition to direct costs of the projects, proceeds of this annual water supply charge may also be expended to ensure sufficient water is available for present beneficial use or uses,

including water supply management, water demand management, water augmentation program expenses such as planning for, acquiring and/or reserving augmented water supply capacity, including engineering, hydrologic, legal, geologic, financial, and property acquisition, and for reserves to meet the cash-flow needs of the District and to otherwise provide for the cost to provide services for which the charge is imposed.

There is no indication the Water Supply Charge has not been used for the purpose of replacing the User Fee and funding the District's water supply activities. In fact, the record indicates the Water Supply Charge has likely *not* been used for any purposes other than to fund water supply activities because the revenues from the charge have not even been sufficient to cover water supply costs. (See, e.g., 10/19/20 District Board Meeting Transcript [indicating there are loans the District took out to fund aquifer storage and recovery along with "inter-fund borrowing for water supply projects," and further stating the District has "funded the water supply projects to date at a deficit to the water-supply charge"]; 2013-2020 Water Supply Charge Revenue & Expenditures [indicating the District's expenditures for water supply costs have always exceeded the proceeds of the Water Supply Charge].)

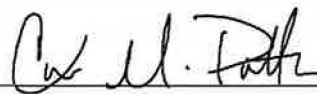
As such, the Court finds that no violation of Proposition 218 occurred.

V. Disposition

Accordingly, the Petition for Writ of Mandate is granted solely on the basis that the continued collection of the Water Supply Charge, after the User Fee was reinstated and collected on the Cal-Am bill, violated the Ordinance's Sunset Provision. The District is ordered to cease the imposition and collection of the Water Supply Charge by the amount of the User Fee.

IT IS SO ORDERED.

Date: 3/3/2023



The Honorable Carrie M. Panetta
Judge of the Superior Court

1 Re: Class Claims for Refund of Water Supply Charge (Ordinance No. 152) Against
2 Monterey Peninsula Water Management District

3
4 I, Robin Griffin, declare that I am employed with the Law Office of Benink & Slavens, LLP,
5 whose address is 8885 Rio San Diego Drive, Suite 207, San Diego, California, 92108. My
6 electronic service address is robin@beninkslavens.com; I am not a party to this cause. I am over the
7 age of eighteen years.

8 I further declare that on **December 1, 2023**, I served a copy of the following documents:

- 9 **1. LETTER TO BOARD OF DIRECTORS MONTEREY PENINSULA WATER**
10 **MANAGEMENT DISTRICT DATED DECEMBER 1, 2023**
11 **2. ORDER GRANTING PETITION FOR WRIT OF MANDATE AND REQUEST**
12 **FOR DECLARATORY RELIEF**
13 **3. PROOF OF SERVICE**

14 on the interested parties listed below:

15 Board of Directors
16 Monterey Peninsula Water Management District
17 P. O. Box 85
18 Monterey, CA 93942-0085

19 David J. Stoldt, General Manager
20 Monterey Peninsula Water Management District
21 P. O. Box 85
22 Monterey, CA 93942-0085

23 **BY USPS OVERNIGHT MAIL.** I enclosed the documents in an overnight express mail
24 envelope or package provided by the United States Postal Service addressed to the persons at the
25 addresses listed above. I placed the envelope or package for overnight express mail delivery with the
26 United States Postal Service at San Diego, CA.

27 I declare under penalty of perjury under the laws of the State of California that the foregoing
28 is true and correct.

Executed on **December 1, 2023**.

Robin Griffin

MPWMD: Margaret-Anne Coppernoll Public Comment re
LAFCO, December 23, 2023:

From my viewpoint, MPWMD does not need to revisit the latent powers activation application with LAFCO or seek court endorsement. Why? Here are my reasons:

1. The District already activated its 1978 authorized latent powers with its retail water distributions currently operational, thereby setting a precedent. Shouldn't the MPWMD Founding Charter document suffice as irrefutable, definitive evidence that MPWMD does in fact have the legal authority to activate its legally granted "latent powers," which MPWMD consummated a long time ago, allowing it to distribute retail water to its existing customers? If any ambiguity had existed, wouldn't authorities have already questioned MPWMD's actions? Since there has been no legal objection there should be no need to seek court approval, just as there is no reason for a LAFCO re-hearing, particularly since there is obvious commissioner bias that has no ostensible remediation. A court judge would have to uphold the legal stipulations laid out in the original 1978 MPWMD Founding Charter, per my understanding.
2. The Court Decision and order to LAFCO to set aside its denial decision should be sufficient going forward, with the

added bonus of the Court ordering LAFCO to pay MPWMD's attorney fees.

3. LAFCO staff recommended approval based on the governing Cortese-Knox-Hertzberg Act law as well as expert professional analyses that demonstrated MPWMD's buyout of CalAm is operationally and financially feasible, a proviso of Measure J.
4. LAFCO reversed its own staff's approval recommendation in contravention of the CKH Act provision that commissioners must vote in the public interest as a whole and not for personal or special interests or the interests of appointing organizations. Offending commissioners refused upon request to recuse themselves, thus sustaining disapproval. They will more than likely do so again despite the Court Decision ordering LAFCO to set aside its previous denial decision.
5. Heavy CalAm lobbying and litigation costs are passed onto its ratepayers. CalAm's influence was evident in its intervening in the court hearing on this issue of denial. Based on past behavior, CalAm will probably devise a way to adversely impact any future LAFCO revisit action, as part of its strategy to impose the unwanted, unnecessary MPWSP, block PWM Expansion's successful implementation, and derail pending eminent domain buyout court proceedings.
6. A revisit to LAFCO may well encounter the same unfair obstacles, plus add additional expense to the effort.

7. Since latent powers are already active, the District, per my understanding, is only seeking to **expand the scope** of these latent powers via the Resolution of Necessity/Eminent Domain buyout action, and the expansion of its jurisdictional boundaries as approved by LAFCO. Since these latent powers are not in reality latent, since they are currently, as in the past, actively operational, no requirement exists to obtain approval from LAFCO. Did LAFCO have to approve the current use of these powers? Did LAFCO's disapproval cause MPWMD to stop all current retail water distribution obligations? It is my understanding that latent powers were authorized as part of the 1978 original District Charter without LAFCO involvement. In fact, approval was implied, I think, when LAFCO granted approval for MPWMD to expand its boundary jurisdiction to include 58 additional parcels. To then afterwards deny MPWMD's latent powers seems arbitrary and capricious, particularly since those latent powers have already been active for an extensive decades-long period. Was LAFCO ignorant of this fact? It seems that this obstruction of justice and CKH Act violation was unduly biased and intended to deny citizens their constitutional rights under Measure J and the public interest as a whole in favor of personal interests. It is abhorrent, in my opinion, that LAFCO failed to honor or respect the professional courtesy exhibited in MPWMD's filing for confirmation even when latent powers did not

require LAFCO's agreement or approbation, since, as stated, MPWMD's latent powers had long ago been legitimately fully activated and operational. It was an in-tandem adjunct to the boundary jurisdiction expansion application to provide clarity.

8. Given all the above reasons, I urge you to consider NOT revisiting LAFCO with another application for latent powers approval because such approval is not required and would be superfluous, from my perspective. The media stated MPWMD must decide on two options: LAFCO rehearing or court filing. A third possible choice: proceed full-speed ahead with eminent domain using the MPWMD Founding Charter document as infallible proof of lawful latent powers activation authority, along with successful track record on-going operational and financial documentation. The Measure J voters and all our affected communities deserve no less as they have patiently struggled and suffered to achieve freedom from soulless corporate water tyranny and environmental injustice for decades.
9. The Resolution of Necessity contains the crucial comprehensive compilation of Findings with Evidence necessary to obtain serious court consideration for the eminent domain filing and to inspire court approval. In and of itself the filing is without question a superbly presented stand-alone, meticulously vetted, and analyzed landmark document.

Please allow me to express profound gratitude for this monumental, ground-breaking effort in support of Measure J, the voters' constitutional right to water freedom and affordability. Measure J is indisputably in the public interest and has escalated to the level of an existential public necessity. MPWMD's Filing for an eminent domain court hearing was a most propitious and urgently needed action.

We wish you the very best success in all your endeavors, along with God's Blessing.

Margaret-Anne Coppernoll, Ph.D.

/s/ Margaret-Anne Coppernoll

Email: mcopperma@aol.com



December 27, 2023

To: Brent Robinson
Aiman-Smith & Marcy
7677 Oakport Street
Suite 1150
Oakland, California 94621

Re: Notice Denying Claim (Gov. Code, § 913)

Mr. Robinson,

Notice is hereby given that the claim that you presented on behalf of Ms. Cari McCormick to the Monterey Peninsula Water Management District dated June 28, 2023, but received on August 10, 2023, was rejected on December 27, 2023.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6. This time limitation applies only to causes of action for which Government Code sections 900–915.4 requires you to present a claim. Other causes of action, including those arising under federal law, may have different time limitations.

Ms. McCormick may seek the advice of an attorney of her choice in connection with this matter. If she desires to consult an attorney, she should do so immediately.

Sincerely,

A handwritten signature in blue ink that reads "David J. Stoldt".

David J. Stoldt
General Manager
Monterey Peninsula Water Management District

cc: David Laredo, MPWMD General Counsel



December 27, 2023

Eric J. Benink, Esq.
Benink & Slavins, LLP
8885 Rio San Diego Dr., Suite 207
San Diego, CA 92108

Re: Notice Denying Claim (Gov. Code, § 913)

Mr. Benink,

Notice is hereby given that the claim that you presented on behalf of Mr. Richards J. Heuer III to the Monterey Peninsula Water Management District dated December 1, 2023 was rejected on December 27, 2023.

WARNING

Subject to certain exceptions, you have only six (6) months from the date this notice was personally delivered or deposited in the mail to file a court action on this claim. See Government Code Section 945.6. This time limitation applies only to causes of action for which Government Code sections 900–915.4 requires you to present a claim. Other causes of action, including those arising under federal law, may have different time limitations.

Mr. Heuer may seek the advice of an attorney of his choice in connection with this matter. If he desires to consult an attorney, he should do so immediately.

Sincerely,

A handwritten signature in blue ink that reads "David J. Stoldt". The signature is written in a cursive style.

David J. Stoldt
General Manager
Monterey Peninsula Water Management District

cc: David Laredo, MPWMD General Counsel
Michael Colantuono
Matthew Slentz



VIA EMAIL & US MAIL

December 29, 2023

CAPT Paul Dale, Commanding Officer
Naval Support Activity Monterey
271 Stone Road.
Monterey, CA 93943

COL Samuel Kline, Garrison Commander
Office of the Garrison Commander
US Army Garrison Presidio of Monterey
1759 Lewis Rd. #210
Monterey, CA 93944

LT Matthew Peryea
US Coast Guard Station Monterey
100 Lighthouse Ave.
Monterey, CA, 93940

RE: New Water Supply Allocation Process

Gentlemen:

The Monterey Peninsula Water Management District (District or MPWMD) will be conducting a process whereby new water supply from the Pure Water Monterey (PWM) Expansion project will be allocated to jurisdictions on the Monterey Peninsula for use in the future development of non-residential and residential projects. Your organizations are invited to participate and assist the District in ensuring that an appropriate amount of water is designated for your use sufficient to meet your project needs in the future.

Jurisdictional Allocations

District Rule 30 states "From any new supply of water, the District shall establish a specific Allocation for each Jurisdiction, and may also establish a District Reserve Allocation. Each permit issued by the District that results in an increased capacity for water use shall cause an equivalent quantity of water to be debited from the appropriate Allocation account when there is no alternative water entitlement or credit available to the property. The District may establish distinct Allocations or water entitlements as necessary to manage water supplies throughout the District."¹

¹ Rule added by Ordinance No. 1 (2/11/80); amended by Ordinance No. 6 (5/11/81); Ordinance No. 39 (2/13/89); Ordinance No. 60 (6/15/92); Ordinance No. 125 (9/18/2006)

CAPT Paul Dale, COL Samuel Kline, & LT Matthew Peryea

Page 2

December 29, 2023

District Rule 33.A directs the District to issue permits to authorize new or intensified water use supplied from the California-American Water Company for use in any jurisdiction pursuant to the application and approval process set forth in District Rule 23. The total quantity of new or intensified water use in each respective jurisdiction, or “Jurisdictional Allocation”, has been periodically established by the District through ordinances.² District Rule 33.D set forth that there will be no further allocation of water until an adequate water supply is established.³

Pure Water Monterey Expansion

The Pure Water Monterey project currently provides the service area 3,500 acre-feet of water per year (AFY), approximately 38% of the region’s supply. The proposed PWM Expansion will provide an additional 2,250 AFY. PWM Expansion is under construction: The Advanced Water Purification Facility Expansion contractor (Overaa & Co.) was given Notice to Proceed (NTP) August 14, 2023 and is proceeding with all long-lead time equipment procurement and construction activities. Injection Wells Phase 4, the other PWM Expansion construction project, is also under construction. Specialty Construction Inc. (SCI) had their NTP issued on October 5th.

The new PWM Expansion facilities are expected to be operational by the end of 2025. Hence, it is appropriate at this time to begin the process of establishing new Jurisdictional Allocations with an intent to have the first phase of allocations in place by September 2024.

Department of Defense Jurisdiction

Under District law, “Jurisdiction” shall mean one of the following: (1) Carmel-by-the-Sea, (2) Del Rey Oaks, (3) Monterey City, (4) Monterey County, (5) Monterey Peninsula Airport District, (6) Pacific Grove, (7) Sand City, (8) Seaside, and (9) Department of Defense. The first 8 Jurisdictions were established in 1992, but the Department of Defense was added in 2021.⁴

Further, the 2021 ordinance defined “Department of Defense Site” as all facilities and properties owned by one or more branches of the United States Department of Defense that are located within the MPWMD and that are supplied water by California-American Water. Department of Defense Sites include Army, Navy, and Coast Guard.⁵

The District believes the applicable Army properties include the Presidio of Monterey and the Defense Language Institute, but exclude Army (Presidio) properties on the old Fort Ord which are served by Marina Coast Water District, not California-American Water. In effect, we are concerned with properties south of Military Avenue in Seaside. Thus, we would be considering Navy properties at Naval Postgraduate School, Fleet Numerical Meteorology and Oceanography Center, Naval Research Lab, La Mesa Village, facilities under NAVFAC Southwest, the Monterey Pines golf course, or any other Navy facilities in the District and served by California-

² Rule added by Ordinance No. 70 (6/21/93); amended by Ordinance No. 73 (2/23/95); Ordinance No. 84 (8/16/96); Ordinance No. 86 (12/12/96)

³ Added by Ordinance No. 84 (8/16/96)

⁴ Added by Ordinance No. 60 (6/15/92); amended by Ordinance No. 187 (6/21/2021)

⁵ The District recognizes that the U.S. Coast Guard is part of the Department of Homeland Security, not the Department of Defense. It was included as a convenience for District Rules and Regulations

CAPT Paul Dale, COL Samuel Kline, & LT Matthew Peryea
Page 3
December 29, 2023

American Water. We understand the Coast Guard facilities to be limited to USCG Station Monterey.

The Water Allocation Process

The District will be conducting meetings with the nine affected jurisdictions (see above) through its Technical Advisory Committee (TAC). The goal is to allocate a portion of the new supply provided by PWM Expansion such that each jurisdiction has an exclusive right to a known quantity of water to meet its development and permitting needs for a ten- to fifteen-year period. Subsequent allocations will be made as needed based on where growth is occurring.

The first step for Department of Defense properties is for each member (military branch) to attempt to define its future needs utilizing the attached response forms. The District will attempt to assign required water capacities based on the type of needs described in your responses. ***We request that you submit your response forms by Friday March 1, 2024.***

The District will convene its TAC in early March. During the TAC meeting process, participants will discuss future water needs (demand) for both non-residential and residential uses. Also, to be addressed will be already existing Jurisdictional Allocations, water entitlements available to certain jurisdictions, differences between Regional Housing Needs Allocation (RHNA) and population forecasts, and the impact of water losses. As a newly created "Jurisdiction" some of these additional issues will not apply to the Department of Defense.

Please include Stephanie Locke, locke@mpwmd.net, on your responses.

Sincerely,



David J. Stoldt
General Manager
Monterey Peninsula Water Management District

cc: Marlana L. Brown, Naval Support Activity Monterey
Stephen P. Bickel, US Army Garrison Presidio of Monterey
Stephanie Locke, MPWMD



New Water Supply Allocation Process Response Form

Submittal

Please complete and submit by March 1, 2024

Send to Stephanie Locke at locke@mpwmd.net

Responder

Name of Entity: _____

Contact Name: _____

Contact Address: _____

Contact Email: _____

Contact Phone: _____

Does Responder wish to appoint a contact for District Technical Advisory Committee meeting attendance? If yes, name of contact _____ email _____

Does Responder have a current or recent Facilities Master Plan for properties under Responder's purview? If so, attach or provide link: _____

Project Details

Below we ask for your planned/proposed projects reasonably expected to occur in two future periods: (i) within the next 15 years, and (ii) 16-30 years. In the table please be attentive to these types of use and the form of "units" for each type of use.

Type of Use	Units
Classroom, Lecture Hall, Office, Clinic, Warehouse, Retail (PX), Gym, Church, or Assembly Spaces. Laboratories/Research see Special Circumstances note.	Square Feet
Dormitories	# of Beds
Multi-Unit Housing (non-dormitory)	# of Units
Single-Family Housing	# of Units
Day Care	# of Children
Barber Shop or Salon	# of Stations

CAPT Paul Dale, COL Samuel Kline, & LT Matthew Peryea

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Laundromat (Stand-Alone)	# of Machines
Short-Term Visitor Accommodations (e.g. hotel style)	# of Bedrooms
Food Service – Disposable Tableware or Take-Out	Square Feet
Food Service – Full Service or Cafeteria-style with Washable Tableware	# of Seats
Bar – Minimal Food Service	Square Feet
Swimming Pool	Square Feet

Below, please identify projects, uses, and units. For renovations to existing facilities, include “Existing Units Removed” to derive “Net New Units.” For raw land new projects enter “0” for “Existing Units Removed”. For multi-use projects, break into component elements. Do not include projects to be served by on-site well water.

Proposed/Planned Projects 1-15 Years

Project #	Project Name	Type of Use	New Units Added	Existing Units Removed	Net New Units
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

(Duplicate page if more lines are necessary)

Proposed/Planned Projects 16-30 Years

Project #	Project Name	Type of Use	New Units Added	Existing Units Removed	Net New Units
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

(Duplicate page if more lines are necessary)

CAPT Paul Dale, COL Samuel Kline, & LT Matthew Peryea
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December 29, 2023

Special Circumstances

For any of the projects identified above, please identify any of them that may involve special circumstances for water usage. Consider the following questions below:

- For any of the projects identified above are there unique or special uses of water? For example, laboratories for hydrosystems, non-closed loop heat exchangers, evaporative cooling systems, sterilization, medical or surgical procedures, car washes, etc?
- Is there a plan to replace existing flush toilets or irrigation with recycled or “greywater”?
- Are there current building renovation plans that do not change square footage, but substitute higher efficiency heating or cooling than existing potable water central steam or cooling?
- Has your service branch completed an Installation Energy and Water Plan (IEWP) pursuant to the Federal plan titled “Improving Water Security and Efficiency on Installations”, a report to Congress under the Secretary of Defense for Acquisition and Sustainment in April 2019? Has there been an update?
- Are there any other water efficiency retrofits or water savings plans you would like to describe?



VIA EMAIL & US MAIL

December 29, 2023

Michael La Pier
Executive Director
Monterey Peninsula Airport District
200 Fred Kane Drive, Suite 200
Monterey, CA 93940

RE: New Water Supply Allocation Process

Dear Mike:

The Monterey Peninsula Water Management District (District or MPWMD) will be conducting a process whereby new water supply from the Pure Water Monterey (PWM) Expansion project will be allocated to jurisdictions on the Monterey Peninsula for use in the future development of non-residential and residential projects. The Monterey Peninsula Airport District (MPAD) is invited to participate and assist the District in ensuring that an appropriate amount of water is designated for your use sufficient to meet your project needs in the future.

Jurisdictional Allocations

District Rule 30 states "From any new supply of water, the District shall establish a specific Allocation for each Jurisdiction, and may also establish a District Reserve Allocation. Each permit issued by the District that results in an increased capacity for water use shall cause an equivalent quantity of water to be debited from the appropriate Allocation account when there is no alternative water entitlement or credit available to the property. The District may establish distinct Allocations or water entitlements as necessary to manage water supplies throughout the District."¹

District Rule 33.A directs the District to issue permits to authorize new or intensified water use supplied from the California-American Water Company for use in any jurisdiction pursuant to the application and approval process set forth in District Rule 23. The total quantity of new or intensified water use in each respective jurisdiction, or "Jurisdictional Allocation", has been periodically established by the District through ordinances.² District Rule 33.D set forth that there will be no further allocation of water until an adequate water supply is established.³

¹ Rule added by Ordinance No. 1 (2/11/80); amended by Ordinance No. 6 (5/11/81); Ordinance No. 39 (2/13/89); Ordinance No. 60 (6/15/92); Ordinance No. 125 (9/18/2006)

² Rule added by Ordinance No. 70 (6/21/93); amended by Ordinance No. 73 (2/23/95); Ordinance No. 84 (8/16/96); Ordinance No. 86 (12/12/96)

³ Added by Ordinance No. 84 (8/16/96)

Michael La Pier
 Page 2
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Pure Water Monterey Expansion

The Pure Water Monterey project currently provides the service area 3,500 acre-feet of water per year (AFY), approximately 38% of the region's supply. The proposed PWM Expansion will provide an additional 2,250 AFY. PWM Expansion is under construction: The Advanced Water Purification Facility Expansion contractor (Overaa & Co.) was given Notice to Proceed (NTP) August 14, 2023 and is proceeding with all long-lead time equipment procurement and construction activities. Injection Wells Phase 4, the other PWM Expansion construction project, is also under construction. Specialty Construction Inc. (SCI) had their NTP issued on October 5th.

The new PWM Expansion facilities are expected to be operational by the end of 2025. Hence, it is appropriate at this time to begin the process of establishing new Jurisdictional Allocations with an intent to have the first phase of allocations in place by September 2024.

Monterey Peninsula Airport District

Under District law, "Jurisdiction" shall mean one of the following: (1) Carmel-by-the-Sea, (2) Del Rey Oaks, (3) Monterey City, (4) Monterey County, (5) Monterey Peninsula Airport District, (6) Pacific Grove, (7) Sand City, (8) Seaside, and (9) Department of Defense. The first 8 Jurisdictions were established in 1992, and the Department of Defense was added in 2021.⁴

The Water Allocation Process

The District will be conducting meetings with the nine affected jurisdictions through its Technical Advisory Committee (TAC). The goal is to allocate a portion of the new supply provided by PWM Expansion such that each jurisdiction has an exclusive right to a known quantity of water to meet its development and permitting needs for a ten- to fifteen-year period. Subsequent allocations will be made as needed based on where growth is occurring.

The first step for is for MPAD to attempt to define its future needs utilizing the attached response forms. The District will attempt to assign required water capacities based on the type of needs described in your responses. ***We request that you submit your response forms by Friday March 1, 2024.***

The District will convene its TAC in early March. During the TAC meeting process, participants will discuss future water needs (demand) for both non-residential and residential uses. Also, to be addressed will be already existing Jurisdictional Allocations, water entitlements available to certain jurisdictions, differences between Regional Housing Needs Allocation (RHNA) and population forecasts, and the impact of water losses. As a newly created "Jurisdiction" some of these additional issues will not apply to the Department of Defense.

Please include Stephanie Locke, locke@mpwmd.net, on your responses.

⁴ Added by Ordinance No. 60 (6/15/92); amended by Ordinance No. 187 (6/21/2021)

Michael La Pier
Page 3
December 29, 2023

Sincerely,

A handwritten signature in blue ink that reads "David J. Stoldt". The signature is written in a cursive style with a large, stylized "D" and "S".

David J. Stoldt
General Manager
Monterey Peninsula Water Management District

cc: Stephanie Locke, MPWMD



New Water Supply Allocation Process Response Form

Submittal

Please complete and submit by March 1, 2024

Send to Stephanie Locke at locke@mpwmd.net

Responder

Name of Entity: _____

Contact Name: _____

Contact Address: _____

Contact Email: _____

Contact Phone: _____

Does Responder wish to appoint a contact for District Technical Advisory Committee meeting attendance? If yes, name of contact _____ email _____

Does Responder have a current or recent Facilities Master Plan for properties under Responder's purview? If so, attach or provide link: _____

Project Details

Below we ask for your planned/proposed projects reasonably expected to occur in two future periods: (i) within the next 15 years, and (ii) 16-30 years. In the table please be attentive to these types of use and the form of "units" for each type of use.

Type of Use	Units
Terminal, Office, Retail, Warehouse, Storage, Public Safety, Mechanical/Repair	Square Feet
Food Service – Disposable Tableware or Take-Out	Square Feet
Food Service – Full Service or Cafeteria-style with Washable Tableware	# of Seats
Bar – Minimal Food Service	Square Feet
Public Toilet	# of Toilets
Public Urinal	# of Urinals
Public Safety – Dormitory	# of Beds

Michael La Pier
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Below, please identify projects, uses, and units. For renovations to existing facilities, include "Existing Units Removed" to derive "Net New Units." For raw land new projects enter "0" for "Existing Units Removed". For multi-use projects, break into component elements. Do not include projects to be served by on-site well water.

Proposed/Planned Projects 1-15 Years

Project #	Project Name	Type of Use	New Units Added	Existing Units Removed	Net New Units
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

(Duplicate page if more lines are necessary)

Proposed/Planned Projects 16-30 Years

Project #	Project Name	Type of Use	New Units Added	Existing Units Removed	Net New Units
11					
12					
13					
14					
15					
16					
17					
18					
19					
20					

(Duplicate page if more lines are necessary)

Special Circumstances

For any of the projects identified above, please identify any of them that may involve special circumstances for water usage. Consider the following questions below:

- For any of the projects identified above are there unique or special uses of water? For

Michael La Pier
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example, non-closed loop heat exchangers, evaporative cooling systems, sterilization, showers/changing rooms, car washes, etc?

- Are there any hangers, storage, or warehouse space that are unconditioned and have no water connection (e.g. bathrooms, utility sinks, hose bibs)?

- Is there a plan to replace existing flush toilets or irrigation with recycled or “greywater”?

- Are there current building renovation plans that do not change square footage, but substitute higher efficiency heating or cooling than existing potable water central steam or cooling?

- Are there any other water efficiency retrofits or water savings plans you would like to describe?

From: [Dave Stoldt](#)
To: [Mary L. Adams](#); [Alvin Edwards](#); [Amy Anderson](#); [George Riley](#); [Ian Oglesby](#); [Karen Paull](#); [Marc Eisenhart](#); [District 5](#)
Cc: [Sara Reyes](#)
Subject: FW: Another thought re LAFCO
Date: Tuesday, January 9, 2024 5:51:54 PM

Please see attached correspondence, below.

From: mcopperma@aol.com <mcopperma@aol.com>
Sent: Monday, January 8, 2024 5:09 PM
To: Alvin Edwards <alvinedwards420@gmail.com>
Cc: Dave Stoldt <dstoldt@mpwmd.net>; Ron Weitzman <ronweitzman@redshift.com>
Subject: Another thought re LAFCO

Hello Alvin,

After the WRAMP meeting this morning another concern popped up in my mind. I hope it is okay to email message you about the seemingly endless CalAm threats and the most recent one. I copy General Manager, Dave Stoldt, so he is in the loop, hoping this message does not violate any board communication protocols. I apologize in advance for any goofs on my part. I also copy WRAMP President, Dr. Ron Weitzman, since this was a topic on the agenda we discussed this morning. All of us are rooting for MPWMD's successes as well as having profound gratitude to you and the MPWMD board and staff for your heroic courage and dedication to righteousness in upholding the public good.

Based on CalAm's past behavior, it seems that CalAm's strategy is to instill fear into MPWMD board members re LAFCO by threatening another lawsuit over latent powers. This is another tactic to attempt to derail eminent domain. The threat is, I think, meant to scare the board into revisiting LAFCO so CalAm can work its corrupt influence again - so LAFCO staff could be compelled again to deny, which would be unfortunate for the eminent domain court proceeding. Their brazen attitude and disregard for their own governing law proves that another outcome could very well again be negative. No need to muddy the waters, at which CalAm is an expert. Returning to LAFCO now would amount to grovelling for an approval that the MPWMD already possesses from a higher authority, the state legislature in 1978. The latent powers were already enacted (was it around 1996 that MPWMD activated its latent power? - not sure of the date). A show of reticence or a lack of resolve could inspire a less than desired result and be taken as weakness. Bullies only understand strength and resistance.

A return to LAFCO would be an acknowledgement, in my opinion, that LAFCO has leverage over MPWMD. That is not true, I believe. MPWMD has the higher authorities in its favor: its foundational charter, its latent powers activation, the court denial decision, and the initial LAFCO staff approval that was based on all the professional expert feasibility and financial analyses favoring MPWMD. Seems like

LAFCO is the entity that is off-course and does not merit a return visit that would only embolden it in its overweening false pride attitudes and actions.

Show confidence in this legal foundational charter, the recent Wills court decision, and the expert analyses supporting the buyout's financial and operational feasibility. They constitute the bedrock for moving forward. CalAm is flailing against windmills, like Don Quixote, inflating more charges for ratepayers.

Alvin, I base this rationale solely on my perspective of this new CalAm threat wrinkle, repeating some of what I previously submitted to the board with added context. LAFCO staff recommended approval, then disapproval due to undue CalAm influence, probably \$ or other form of leverage, such as its threats in sent-out flyers that CalAm rates will increase for remaining customers if the buyout is successful, causing those customers to complain to Lopez. Lopez used that possibility as an excuse to deny even though there is legal documentation establishing that his community has 'disadvantaged community' lower water rates guaranteed. The state legislature that accorded the latent powers within the authorizing document that established MPWMD is a higher authority than LAFCO. A superior court judge, also a higher authority than LAFCO, has ruled against the second LAFCO hearing decision, requiring a set aside plus an order for LAFCO to pay MPWMD's attorney fees. CalAm intervened and interfered in that court case showing its corrupt bias plus it disobeyed the judge's instructions not to attempt to expand the scope of the hearing. The judge publicly admonished CalAm for this brazen disregard for his explicit instructions. LAFCO also revealed bias, I think, by supporting CalAm's intervenor request. That makes three LAFCO moments in the limelight. **NO MORE CHANCES FOR LAFCO AND CALAM TO MAKE ANOTHER ATTEMPT TO BLOCK THE EMINENT DOMAIN BUYOUT.**

It is obvious to me that CalAm is up to no-good again. When it does not get its unfair, corrupt desires met, it files another lawsuit. Why? Because all the costs add to their ability to apply to the CPUC for more rate increases, crying operational costs, etc. Yes, lawsuit costs are included in their calculations. Same for capital infrastructure, advertising, charitable sponsorships, acquisition costs, etc. This is all about their 'god' called money. For CalAm our public water is free, as the inherent commodity of its corporate enterprise belongs to the public domain, and in the case of CalAm's over-pumping its water rights, water theft has been taking place for decades, not only in the Monterey Peninsula but also in Marina where CalAm has no water rights to critically over-drafted aquifers.

I hope the board does not fall for this CalAm intimidation strategy. Fear has been one of their successful tools for decades. Remember the threats to implement water rationing? Please do not fall for it. As mentioned above, LAFCO got an order to set aside its denial plus attorney fees expenses. That court decision is also above LAFCO, as demonstrated by its court decision - LAFCO must obey that legal outcome, which nullifies LAFCO's denial. Nevertheless, LAFCO is, by its actions, "above the law", even thumbing its nose at the law. Therefore, it more than likely would disregard the court's rulings just as it has ignored the state legislature's granting latent powers to MPWMD. Ignorance or feigned ignorance does not

exonerate disregarding the law.

The court left the decision to revisit the latent powers issue up to the MPWMD board, thereby giving MPWMD the final decision authority. MPWMD has the ACE and winning hand, so, no more trips to LAFCO, please. Not worth the cost or the risk of more costs and wrinkles to deal with, or encouraging LAFCO, and CalAm, to think they have the upper hand. They do not deserve the respect of another visit. The court did not require another LAFCO application, so that in and of itself is significant.

Yes, that court case was not about the existence of latent powers, but the court decision implies positive acknowledgement, allowing the MPWMD board to decide - not LAFCO! Let the sleeping dog lie for that dog is ferocious when caught in a corner and will do all in its power to strike back. No telling what other tricks up-its-sleeve it may have as subterfuge.

If CalAm files another lawsuit re latent powers, rest assured, CalAm cannot win, just as it did not win in the Judge Wills court decision. MPWMD has all the proof and legal legs to stand on. Have confidence because CalAm, if it files, will again have the proverbial egg on its face, another court admonishment for bringing a frivolous lawsuit. MPWMD could easily file for a dismissal given the legal evidence and legislative proof it has a charter provision to activate latent powers, which are already activated. Has the state legislature objected? Why get permission when permission was granted decades ago? Is there not hypocrisy in LAFCO's granting jurisdictional boundaries expansion only to deny power to service those parcels? Unless it thought it was doing CalAm a favor. Isn't the CalAm trail of endless lawsuits indicative of unsuccessful projects on CalAm's part? Forked-tongue syndrome? Fortunately for ratepayers, Judge Wills required LAFCO to reimburse MPWMD's attorney fees.

MPWMD attorneys can scrutinize the MPWMD foundational charter for the correct section(s) that contains the latent powers authority. I do not have a copy so I am basing my inputs on knowledge and experience thus far acquired.

Since it was the state legislature that granted the foundational charter that included latent powers activation, that fact alone, again from my understanding, puts MPWMD in the driver's seat, not LAFCO. Because those latent powers existed and activated long before the MPWMD application to LAFCO, LAFCO does not even have the power to grant latent powers authority in this case. Why not? Because what has already been approved cannot be undone except by the same granting or higher authority. The state legislature has that authority, not LAFCO. It seems that LAFCO should have made that connection and concur with the state legislature and MPWMD's enactment of that authority legally given. LAFCO claims to be a "quasi-legislative" body. Notwithstanding, Monterey County Superior Court is a fully bona-fide legislative body, thus superior in authority to LAFCO, per my understanding. Unfortunately, LAFCO staff or attorneys had not, I presume, been aware of that foundational charter's provisions to activate latent powers. Not an excuse for a lack of due diligence or failure to consider all the evidence, which constitutes a dereliction of duty.

In sum, if CalAm files a lawsuit against MPWMD on latent powers activation objections, MPWMD stands on 'terra firma' and can point to LAFCO's lack of jurisdiction over a state issued foundational charter and its provisions to activate latent powers to distribute/service retail water within its jurisdictional boundaries. The same logic applies to a revisit of the issue at LAFCO, especially in light of the LAFCO approval of MPWMD's expanded boundaries jurisdiction.

Alvin, I apologize for being so blunt, long-winded and repeating myself, but having another eye on the ball out here in public land may help provide a different perspective on the dilemma for discussion purposes. I had to put my inputs into context to clarify my reasoning, thus some repeats. For me, it is a no-brainer - as the referee in baseball must call, three strikes you are out, LAFCO/CalAm should not get another chance to step up-to-bat on the water baseball plate. The fact that CalAm is threatening another lawsuit is just the same old fear tactic meant to throw a monkey wrench into the works.

To be clear, this is input based on my observations. The board has all the in-depth information to make its decision and talented attorneys for thorough analyses. Sometimes we have to also listen to our "gut" or our intuition. That is up to each board member. It is not my place or my intention to tell the board members what they should do or think. I am just a humble member of the public fighting to support MPWMD and our communities in the struggle against malignant forces. Entrenched evil is not so easy to dislodge. Persistence and patience are virtues helpful to sustaining momentum and endurance to make it to the finish line.

God bless you and all the board members in all your endeavors. Most importantly, I am praying for you all that you come to the right decision. I recommend prayer because God does answer our sincere prayers, so they do have power. In fact, that is the most powerful weapon we have in our arsenal to fight against evil in our midst. So far, our prayers are being answered despite the enemy's fierce force against us. Victory is just around the bend :) Why am I so confident in this outcome? Because the MPWMD team is doing an exceptionally outstanding job! Bravissimo!

Very respectfully,
margaret-anne coppernoll