

SOLANO COUNTY WATER AGENCY



BOARD OF DIRECTORS MEETING

BOARD OF DIRECTORS:

Chair:

Mayor Ronald Kott
City of Rio Vista

Vice Chair:

Director Ryan Mahoney
Maine Prairie Water District

Mayor Steve Young
City of Benicia

Mayor Steve Bird
City of Dixon

Mayor Catherine Moy
City of Fairfield

Director Dale Crossley
Reclamation District No. 2068

Supervisor Erin Hannigan
Solano County District 1

Supervisor Monica Brown
Solano County District 2

Supervisor Wanda Williams
Solano County District 3

Supervisor John Vasquez
Solano County District 4

Supervisor Mitch Mashburn
Solano County District 5

Director J.D. Kluge
Solano Irrigation District

Mayor Alma Hernandez
City of Suisun City

Mayor John Carli
City of Vacaville

Mayor Robert McConnell
City of Vallejo

GENERAL MANAGER:

Chris Lee
Solano County Water Agency

DATE: Thursday, November 9, 2023

TIME: 6:30 P.M.

PLACE: Berryessa Room
Solano County Water Agency Office
810 Vaca Valley Parkway, Suite 203
Vacaville, CA 95688

Remote participation available under AB 2449:

Please review insert after agenda regarding AB 2449.

Zoom Information:

<https://us02web.zoom.us/j/83363088045?pwd=akxrSVU0OG1HaUh0NEVRNTFoMVNqUT09>

Meeting ID: 833 6308 8045 | Passcode: 810810

One tap mobile: +16699006833,,83363088045#,,, *810810#

Phone Number: +1 669 900 6833

1. **CALL TO ORDER**
2. **AB 2449 STATEMENT**
3. **PLEDGE OF ALLEGIANCE**
4. **APPROVAL OF AGENDA**
5. **PUBLIC COMMENT**

If you wish to make a Public Comment, please contact the Secretary at:

cle@scwa2.com to expedite the process, thank you. Public Comments may still be made during the meeting without prior notice.

6. **CONSENT ITEMS** (estimated time: 5 minutes)

(A) **Minutes:** Approval of the Minutes of the Board of Directors meeting of October 12, 2023.

(B) **Expenditure Approvals:** Approval of the October 2023 checking account register.

810 Vaca Valley Parkway, Suite 203
Vacaville, California 95688
Phone (707) 451-6090 • FAX (707) 451-6099
www.scwa2.com



7. **BOARD MEMBER REPORTS** *(estimated time: 5 minutes)*

RECOMMENDATION: For information only.

8. **GENERAL MANAGER'S REPORT** *(estimated time: 5 minutes)*

RECOMMENDATION: For information only.

9. **SOLANO WATER ADVISORY COMMISSION REPORT** *(estimated time: 5 minutes)*

RECOMMENDATION: For information only.

10. **WATER AGENCY STAFFING-RETIRED ANNUITANT PART TIME TEMPORARY HELP** *(estimated time: 5 minutes)*

RECOMMENDATION: Authorize General Manager to renew retired annuitant position for former Streamkeeper to continue with assistance with project development, grant writing, and other duties as assigned for an additional year-total hours not to exceed 940 over a fiscal year.

11. **MANAGEMENT OF THE NATIVE PLANT NURSERY AT SACKETT RANCH** *(estimated time: 10 minutes)*

RECOMMENDATION: Authorize General Manager to sign Agreement with Putah Creek Council for Management of the Native Plant Nursery at Sackett Ranch.

12. **WATER SUPPLY PORTFOLIO AND DISCUSSIONS WITH CALIFORNIA FOREVER** *(estimated time: 15 minutes)*

RECOMMENDATIONS:

1. Receive overview of Water Supply Portfolio.
2. Receive update on North Bay Aqueduct discussions and provide direction regarding the same.

13. **LEGISLATIVE UPDATES** *(estimated time: 10 minutes)*

RECOMMENDATIONS:

1. Hear report from Committee Chair on activities of the SCWA Legislative Committee.
2. Hear report from Bob Reeb of Reeb Government Relations, LLC.

14. WATER POLICY UPDATES *(estimated time: 10 minutes)*

RECOMMENDATIONS:

1. Hear report from staff on current and emerging Delta and Water Policy issues and provide direction.
2. Hear status report from Committee Chair on activities of the SCWA Water Policy Committee.
3. Hear report from Supervisors Vasquez and Mashburn on activities of the Delta Counties Coalition, Delta Protection Commission, and Delta Conservancy.
4. Receive written report from Elizabeth Patterson on activities of the North Bay Watershed Association.

15. CLOSED SESSION *(estimated time: 20 minutes)*

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Gov. Code §54957)

16. TIME AND PLACE OF NEXT MEETING

Thursday, December 14, 2023, at 6:30 p.m. at the SCWA offices.

The Full Board of Directors packet with background materials for each agenda item can be viewed on the Agency's website at <https://www.scwa2.com/governance/board-meetings-agendas-minutes/>

Any materials related to items on this agenda distributed to the Board of Directors of Solano County Water Agency less than 72 hours before the public meeting are available for public inspection at the Agency's offices located at the following address: 810 Vaca Valley Parkway, Suite 203, Vacaville, CA 95688. Upon request, these materials may be made available in an alternative format to persons with disabilities.

November.2023.BOD.Agenda

AB 2449 Provides Remote Options for Public Agencies

Despite the end of the COVID-19 pandemic, public agencies still have options available to them if they need to exercise remote participation for members of their legislative bodies. AB 2449 provides that if a quorum of the legislative body participates in person, a member of a legislative body may participate remotely so long as the member provides prompt notice and the need for remote participation falls under one of the statutorily defined exceptions. The member does not need to identify their location nor ensure it is accessible to the public.

Members of legislative bodies can use AB 2449 to participate remotely if there is “just cause” or if “emergency circumstances” exist. “Just cause” is defined as any of the following:

- Providing childcare or caregiving of a parent, grandparent, grandchild, sibling, spouse, or domestic partner that requires the member to participate remotely.
- A contagious illness that prevents attendance in person.
- Tending to a need related to a physical or mental disability.
- Travelling for business of the legislative body or another state or local agency.

“Emergency circumstances” are defined as follows:

- A physical or family medical emergency that prevents a member of a legislative body from attending in person.

Notice Must be Provided to Utilize AB 2449’s Provisions

In order to utilize the provisions of AB 2449, members of a legislative body must inform their public agency at the earliest possible opportunity of their need to participate remotely, which can include before the start of the meeting. The member must also provide a general description of the circumstances that require remote participation. In the case of emergency circumstances, the member must actually request that the legislative body allow them to participate remotely and the legislative body has to take action on this request.

Any member participating remotely because of just cause or emergency circumstances must publicly disclose at the meeting before any action is taken, whether any other individuals 18 years of age or older are present in the room at the remote location with the member, and the general nature of the member’s relationship with any such individuals.

Members and Public Must have Option to Participate in Meetings both Audibly and Visually

When a member participates remotely, he/she must utilize both audio and visual capabilities to effectuate compliance with the statute. Therefore, members of public agencies cannot use a call in only option to attend meetings, they must be on camera. Additionally, the legislative body is responsible for ensuring that the public can also participate in meetings remotely. This includes providing a way for the public to remotely hear, visually observe, and remotely address the legislative body. Furthermore, members of the public can no longer be required to submit their comments prior to the meeting but instead must be allowed to give comments in real time.

CONSENT ITEMS

**SOLANO COUNTY WATER AGENCY
BOARD OF DIRECTORS MEETING MINUTES
MEETING DATE: October 12, 2023**

The Solano County Water Agency Board of Directors met this evening in the Board Room located at the Water Agency office in Vacaville. Attending were:

Councilmember Tom Campbell, City of Benicia
Mayor Steve Bird, City of Dixon
Mayor Catherine Moy, City of Fairfield
Mayor Ronald Kott, City of Rio Vista
Mayor Alma Hernandez, City of Suisun City
Councilmember Jeanette Wiley, City of Vacaville
Councilmember Mina Loera-Diaz, City of Vallejo
Supervisor Erin Hannigan, Solano County District 1
Supervisor Monica Brown, Solano County District 2
Supervisor John Vasquez, Solano County District 4
Supervisor Mitch Mashburn, Solano County District 5
Director Sean Favero, Maine Prairie Water District
Director Dale Crossley, Reclamation District 2068

CALL TO ORDER

The meeting was called to order by Chair Kott at 6:30-pm.

APPROVAL OF AGENDA

General Manager Chris Lee informed the Board that he would like to remove Agenda Item 12, Management of the Native Plant Nursery at Sackett Ranch, as the agreement is not yet ready. Mr. Lee also clarified with the Board that Agenda Item 10 is informational only, no action is required of the Board. On a motion by Supervisor Hannigan and a second by Supervisor Vasquez the Board unanimously approved by roll call vote the agenda.

PUBLIC COMMENT

Ms. Sherry Hughes had public comment regarding Putah Creek. Ms. Hughes informed the Board that hot air balloon companies from Napa County have been coming into Solano County and will dip their baskets into Putah Creek. Ms. Hughes is concerned about the water quality and wildlife impacts to Putah Creek. There were no additional public comments.

CONSENT ITEMS

On a motion by Supervisor Mashburn and a second by Supervisor Hannigan the Board unanimously approved by roll call vote the following consent items:

- (A) Minutes
- (B) Expenditure Approvals
- (C) Quarterly Financial Reports
- (D) Appropriations Limit for Fiscal Year 2023-2024
- (E) Lake Berryessa Mussel Prevention Program Grant Application
- (F) Solano Project Contract Renewal
- (G) Contract Amendment with Ovivo USA for Maintenance Support of the PSC Screen Cleaner
- (H) Contract Amendment with CBEC for PSC Hydraulic Model Development
- (I) Contract Amendment with TERRA Realty Advisors for Realty Services
- (J) Contract Amendment with LSA Associates for Environmental Permitting Assistance
- (K) Agreement with Lincoln Concepts for Federal Government Relations

BOARD MEMBER REPORTS

Supervisor Brown shared with the Board that both she and Mayor Moy had a great tour out at Sackett Ranch. Mayor Hernandez shared with the Board that there was a great article on the Solano RCD education program in the Suisun Marsh, of which the Water Agency helps fund.

GENERAL MANAGERS REPORT

General Manager Chris Lee introduced the Water Agency’s potential new legal counsel Rebecca Smith with Downey Brand. Mr. Lee also introduced Alex Rabidoux as the new Assistant General Manager. Mr. Lee shared with the Board that he met with Jan Sramek, the CEO of Flannery Associates. Mr. Lee informed the Board that about half of the Flannery parcels are within the Solano Subbasin, but many of the parcels are in areas of limited groundwater. Flannery Associates did express interest in the NBA Water Plus project. Councilmember Campbell discussed that for Benicia, the city is always challenged by water, and is often struggling to find or buy additional water. Mr. Lee recommended that this should be a future agenda item. The Board was in agreement that this should be brought back as a future agenda item to provide direction to staff. Mr. Lee shared with the Board that adult salmon will soon be entering Putah Creek, as the fall attraction pulse flow is scheduled for next week. The annual Salmon Festival for Putah Creek will be November 4th in Winters.

SOLANO WATER ADVISORY COMMISSION REPORT

There were no updates from the Solano Water Advisory Commission.

BOARD OF DIRECTORS TO ELECT VICE-CHAIR OF BOARD TO REPLACE OUTGOING VICE-CHAIR

General Manager Chris Lee explained to the Board that this is an informational item, and that Maine Prairie Water District’s Director Sean Favero will be stepping down, and their alternate, Director Ryan Mahoney will be taking his place.

GENERAL COUNSEL LEGAL SERVICES

General Manager Chris Lee shared with the Board that a subcommittee comprised of Mayor Moy, Director Kluge, and the General Manager reviewed six applications and unanimously selected Downey Brand. Downey Brand also represents the Maine Prairie Water District and Reclamation District 2068. Mr. Lee informed the Board that while he doesn’t see any conflicts, Downey Brand has a large number of attorneys, should a conflict arise. On a motion by Supervisor Vasquez and a second by Director Crossley the Board unanimously approved by roll call vote the following items:

1. Authorize the General Manager to sign Retention Agreement with Downey Brand for General Counsel Legal Services.
2. Authorize General Manager to sign the Conflict Waiver with Downey Brand for General Counsel Legal Services.

PURCHASE/BUYOUT OF FLOODED EXCAVATOR

Assistant General Manager Alex Rabidoux explained to the Board that our insurance carrier, ACWA JPIA, is recommending approval of the Buyout Agreement. ACWA JPIA had an appraiser review the buyout limits as well as the flooded excavator, and they believe the limits are reasonable. The Water Agency is also required to continue renting the excavator at almost \$7,000 per month until the buyout agreement is executed. Once the agreement is executed and payments made, the Water Agency can begin working with ACWA JPIA on the reimbursement process.

On a motion by Supervisor Mashburn and a second by Mayor Hernandez the Board unanimously approved by roll call vote to authorize the General Manager to purchase the flooded CAT 315 excavator from Holt for \$175,000 as recommended by ACWA JPIA.

LEGISLATIVE UPDATES

There were no updates from staff. Mr. Bob Reeb, the Water Agency’s state legislative advocate, was not in attendance.

WATER POLICY UPDATES

There were no updates from staff. Supervisor Mashburn shared with the Board that the Delta Counties Coalition is continuing to meet with water agencies in Southern California to try and work together and think of alternatives to the Tunnel Project. The group will also be going to Washington DC to express their continued concern with the Tunnel Project.

TIME AND PLACE OF NEXT MEETING

Thursday, November 9, 2023, at 6:30 pm at the SCWA offices.

ADJOURNMENT

The meeting of the Solano County Water Agency Board of Directors was adjourned at 6:53 pm.

Chris Lee
General Manager & Secretary to the
Solano County Water Agency

ACTION OF
SOLANO COUNTY WATER AGENCY

DATE: November 9, 2023

SUBJECT: Expenditures Approval

RECOMMENDATIONS:

Approve expenditures from the Water Agency checking accounts for October 2023.

FINANCIAL IMPACT:

All expenditures are within previously approved budget amounts.

BACKGROUND:

The Water Agency auditor has recommended that the Board of Directors approve all expenditures (in arrears). Attached is a summary of expenditures from the Water Agency's checking accounts for October 2023. Additional backup information is available upon request.

Recommended:  _____
Chris Lee, General Manager

<input type="checkbox"/>	Approved as Recommended	<input type="checkbox"/>	Other (see below)	<input type="checkbox"/>	Continued on next page
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Modification to Recommendation and/or other actions:

I, Chris Lee, General Manager and Secretary to the Solano County Water Agency, do hereby certify that the foregoing action was regularly introduced, passed, and adopted by said Board of Directors at a regular meeting thereof held on November 9, 2023, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Chris Lee
General Manager &
Secretary to the Solano County Water Agency

SOLANO COUNTY WATER AGENCY
Cash Disbursements Journal
 For the Period From Oct 1, 2023 to Oct 31, 2023

Filter Criteria includes: Report order is by Check Number. Report is printed in Detail Format.

Date	Check #	Account ID	Line Description	Debit Amount	Credit Amount
10/24/23	10221	2020WC 2020WC 1020SC	Invoice: 11876 Invoice: 12136 MBK ENGINEERS	1,081.25 234.00	1,315.25
10/3/23	40134V	2020SC 1020SC	Invoice: 11034 LAURA BERGGREN	988.91	988.91
10/3/23	40219	6300AC 1020SC	CAR MAINTENANCE 1ST CHOICE AUTOGLASS	1.00	1.00
10/3/23	40219V	6300AC 1020SC	CAR MAINTENANCE 1ST CHOICE AUTOGLASS	1.00	1.00
10/3/23	40220	2020SC 1020SC	Invoice: 638977-12 ALPHA MEDIA LLC	7,200.00	7,200.00
10/3/23	40221	2020SC 1020SC	Invoice: 6676 APPROTEK INTERNATIONAL	2,313.41	2,313.41
10/3/23	40222	2020SC 2020SC 1020SC	Invoice: 21713 Invoice: 21714 BCN TRUCK & AUTO	3,248.51 342.00	3,590.51
10/3/23	40223	2020SC 1020SC	Invoice: OCT 2023 BUZZ OATES MANAGEMENT SERVICES	4,096.00	4,096.00
10/3/23	40224	2020SC 2020SC 2020SC 1020SC	Invoice: 000020531413 Invoice: 000020532905 Invoice: 000020531458 CALNET3	317.80 838.74 154.88	1,311.42
10/3/23	40225	2020SC 2020N 2020SC 1020SC	Invoice: 23-026-T OCT 2023 Invoice: 23-362-V AUG 2023 Invoice: 23-024-O OCT 2023 DEPARTMENT OF WATER RESOURCES	648,493.00 115,425.00 456.00	764,374.00
10/3/23	40226	2020SC 2020SC 2020SC 2020SC 1020SC	Invoice: 108003339176 Invoice: 108003379764 Invoice: 108003378601 Invoice: 108003339335 EAN SERVICES, LLC	772.04 606.08 461.56 727.13	2,566.81
10/3/23	40227	2020SC 2020SC 1020SC	Invoice: EXP REIM SEPT 2023 Invoice: EXP REIM SEPT.2 '23 FREEDOM EVANS	396.93 395.62	792.55
10/3/23	40228	2020SC 1020SC	Invoice: TRAVEL REIMB AUG 202 GAVIN POORE	2,715.54	2,715.54
10/3/23	40229	2020SC 2020SC 2020SC 2020SC 1020SC	Invoice: 8114/1 Invoice: 8723/1 Invoice: 8738/1 Invoice: 9016/1 Invoice: 192853/1 HIGBY'S COUNTRY FEED INC	130.00 217.39 155.99 659.18	1,025.31 137.25
10/3/23	40230	2020SC 1020SC	Invoice: CL67390 INTERSTATE OIL COMPANY	1,728.01	1,728.01

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Date	Check #	Account ID	Line Description	Debit Amount	Credit Amount
10/3/23	40231	2020SC 1020SC	Invoice: 7414 J.T. MARTIN	1,560.00	1,560.00
10/3/23	40232	2020SC 1020SC	Invoice: BD0087355 AHEAD, INC.	1,192.41	1,192.41
10/3/23	40233	2020SC 1020SC	Invoice: 92023 LINCOLN CONCEPTS	3,500.00	3,500.00
10/3/23	40234	2020SC 1020SC	Invoice: EXP REIM SEPT 2023 MATHEW MEDEIROS	51.09	51.09
10/3/23	40235	2020SC 1020SC	Invoice: 10/5/23-10/4/24 M-FILES INC	13,003.70	13,003.70
10/3/23	40236	2020SC 1020SC	Invoice: 310037 MILLENNIUM TERMITE & PEST	84.00	84.00
10/3/23	40237	2020SC 1020SC	Invoice: 986894 Invoice: 987167 Invoice: 987198 Invoice: 987980 Invoice: 988062 Invoice: 988095 Invoice: 988284 Invoice: 988318 Invoice: 988959 Invoice: 988912 Invoice: 988913 Invoice: 989467 Invoice: 989491 Invoice: 989696 Invoice: 990352 Invoice: 990346 Invoice: 990347 BOB PISANI & SON	100.58 75.02 56.17 101.30 4.60 10.17 42.12 32.15 112.56 125.58 64.22 75.06 288.49 4.06 52.32 55.76 55.76	1,255.92
10/3/23	40238	2020SC 1020SC	Invoice: 3106301863 PITNEY BOWES	558.72	558.72
10/3/23	40239	2020SC 1020SC	Invoice: 51547149 RECOLOGY VACAVILLE SOLANO	113.09	113.09
10/3/23	40240	2020SC 1020SC	Invoice: EXP REIM AUGUST 2023 EASTON RIVERA	589.50	589.50
10/3/23	40241	2020SC 1020SC	Invoice: 2174 WAYNE HUTCHINSON	944.79	944.79
10/3/23	40242	2020N 2020N 2020N 1020SC	Invoice: 3018524 Invoice: 3018693 Invoice: 3018692 SOMACH, SIMMONS & DUNN	6,215.60 11,799.12 4,856.54	22,871.26
10/3/23	40243	2020SC 1020SC	Invoice: 006492990046OCT 2023 STANDARD INSURANCE COMPANY	2,438.02	2,438.02
10/3/23	40244	2020SC 1020SC	Invoice: 63391 STUEWE & SONS, INC.	994.84	994.84
10/17/23	40245	2020SC 1020SC	Invoice: 15482 ZACHARIAH WILKERSON	14,084.32	14,084.32

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10/17/23	40246	2020SC 1020SC	Invoice: 0700917 ACWA JOINT POWERS INSURANCE AUTHORITY	2,434.01	2,434.01
10/17/23	40247	2020SC 1020SC	Invoice: WC 7/1/23-9/30/23 ACWA JOINT POWERS INSURANCE AUTHORIT	6,736.29	6,736.29
10/17/23	40248	2020SC 1020SC	Invoice: 2024 ANNUAL AGENCY ACWA	25,720.00	25,720.00
10/17/23	40249	2020SC 1020SC	Invoice: 3437 AG INNOVATIONS	10,315.96	10,315.96
10/17/23	40250	2020SC 1020SC	Invoice: 11071 LAURA BERGGREN	179.49	179.49
10/17/23	40251	2020SC 1020SC	Invoice: 4368999 AMERICAN TOWER CORPORATION	771.58	771.58
10/17/23	40252	2020SC 1020SC	Invoice: EXP REIM OCT 2023 GAVIN ANDERSON	880.32	880.32
10/17/23	40253	2020SC 1020SC	Invoice: 21700 BCN TRUCK & AUTO	1,201.00	1,201.00
10/17/23	40254	2020SC 1020SC	Invoice: BA9055 BLANKINSHIP & ASSOCIATES, INC.	3,494.50	3,494.50
10/17/23	40255	2020SC 1020SC	Invoice: SG05310 BSK ASSOCIATES	965.00	965.00
10/17/23	40256	2020SC 1020SC	Invoice: 15087487 WILLINGMYRE CALPERS LONG-TERM CARE PROGRAM	738.60	738.60
10/17/23	40257	2020SC 1020SC	Invoice: 14107 DIXON/SOLANO RCD WATER QUALITY COALITIO	1,326.20	1,326.20
10/17/23	40258	2020SC 1020SC	Invoice: 108003339213 EAN SERVICES, LLC	725.75	725.75
10/17/23	40259	2020N 1020SC	Invoice: US01U001354482 ERNST & YOUNG U.S. LLP	3,413.00	3,413.00
10/17/23	40260	2020SC 1020SC	Invoice: 5532 EYASCO, INC.	39,868.75	39,868.75
10/17/23	40261	2020SC 1020SC	Invoice: 1892 FLUME INC	2,486.88	2,486.88
10/17/23	40262	2020SC 1020SC	Invoice: ER7774070020 HOLT OF CALIFORNIA	7,377.85	7,377.85
10/17/23	40263	2020SC 2020SC 2020SC 2020SC 2020SC	Invoice: 0523085 Invoice: 8012464 Invoice: 4020623 Invoice: 3512109 Invoice: 1013391	129.69 448.64 76.12 371.95 13.81	

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Date	Check #	Account ID	Line Description	Debit Amount	Credit Amount
		2020SC	Invoice: 4014302	217.14	
		2020SC	Invoice: 1520050	45.35	
		2020SC	Invoice: 0624792	264.37	
		2020SC	Invoice: 8520365	47.52	
		2020SC	Invoice: 6625088	640.83	
		2020SC	Invoice: 3022996	27.57	
		2020SC	Invoice: 2521065	21.58	
		1020SC	HOME DEPOT CREDIT SERVICE		2,304.57
10/17/23	40263V	2020SC	Invoice: 0523085		129.69
		2020SC	Invoice: 8012464		448.64
		2020SC	Invoice: 4020623		76.12
		2020SC	Invoice: 3512109		371.95
		2020SC	Invoice: 1013391		13.81
		2020SC	Invoice: 4014302		217.14
		2020SC	Invoice: 1520050		45.35
		2020SC	Invoice: 0624792		264.37
		2020SC	Invoice: 8520365		47.52
		2020SC	Invoice: 6625088		640.83
		2020SC	Invoice: 3022996		27.57
		2020SC	Invoice: 2521065		21.58
		1020SC	HOME DEPOT CREDIT SERVICE	2,304.57	
10/17/23	40264	2020SC	Invoice: CL68709	1,976.93	
		1020SC	INTERSTATE OIL COMPANY		1,976.93
10/17/23	40265	2020SC	Invoice: SEPT-OCT 2023	1,079.44	
		1020SC	STEPHEN KARR		1,079.44
10/17/23	40266	2020SC	Invoice: 001448119	4,248.61	
		1020SC	KLEINFELDER		4,248.61
10/17/23	40267	2020SC	Invoice: 24239	2,963.75	
		1020SC	LAUGENOUR AND MEIKLE		2,963.75
10/17/23	40268	2020SC	Invoice: 190213	45,127.25	
		1020SC	LSA ASSOCIATES, INC.		45,127.25
10/17/23	40269	2020SC	Invoice: QUAGGA AUG 2023	1,480.00	
		1020SC	MARKLEY COVE RESORT		1,480.00
10/17/23	40270	2020SC	Invoice: EXP REIM OCT 2023	1,265.46	
		1020SC	STEPHANIE MEYER		1,265.46
10/17/23	40271	2020SC	Invoice: 414412	28.08	
		2020SC	Invoice: 195583	117.83	
		2020SC	Invoice: 361169	37.51	
		2020SC	Invoice: 361261	38.59	
		2020SC	Invoice: 361594	27.87	
		2020SC	Invoice: 361392	195.13	
		2020SC	Invoice: 361475	54.20	
		2020SC	Invoice: 361521	27.87	
		2020SC	Invoice: 361747	93.28	
		2020SC	Invoice: 361770	57.88	
		2020SC	Invoice: 361871	51.45	
		2020SC	Invoice: 361971	77.19	
		1020SC	PACIFIC ACE HARDWARE		806.88
10/17/23	40271V	2020SC	Invoice: 414412		28.08
		2020SC	Invoice: 195583		117.83
		2020SC	Invoice: 361169		37.51
		2020SC	Invoice: 361261		38.59
		2020SC	Invoice: 361594		27.87
		2020SC	Invoice: 361392		195.13

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		2020SC	Invoice: 361475		54.20
		2020SC	Invoice: 361521		27.87
		2020SC	Invoice: 361747		93.28
		2020SC	Invoice: 361770		57.88
		2020SC	Invoice: 361871		51.45
		2020SC	Invoice: 361971		77.19
		1020SC	PACIFIC ACE HARDWARE	806.88	
10/17/23	40272	2020SC	Invoice: 8/10/23-9/10/23	5,493.40	
		2020SC	Invoice: 8/21/23-9/19/23	115.76	
		1020SC	PACIFIC GAS & ELECTRIC CO,		5,609.16
10/17/23	40273	2020SC	Invoice: 990693	91.02	
		2020SC	Invoice: 990690	20.88	
		2020SC	Invoice: 990767	276.18	
		2020SC	Invoice: 991366	29.15	
		2020SC	Invoice: 991391	7.19	
		2020SC	Invoice: 991662	30.01	
		2020SC	Invoice: 991893	156.08	
		2020SC	Invoice: 991896	75.06	
		2020SC	Invoice: 991961	50.03	
		2020SC	Invoice: 992271	138.09	
		2020SC	Invoice: 993005	30.65	
		2020SC	Invoice: 993003	120.03	
		2020SC	Invoice: 993007	2.10	
		1020SC	BOB PISANI & SON		1,026.47
10/17/23	40274	2020SC	Invoice: 51570331	95.94	
		1020SC	RECOLOGY VACAVILLE SOLANO		95.94
10/17/23	40275	2020SC	Invoice: 1623	1,250.00	
		1020SC	DOUG NOLAN		1,250.00
10/17/23	40276	2020SC	Invoice: ROR24-10	1,500.00	
		1020SC	SANTA ANA WATERSHED PROJECT AUTHORITY		1,500.00
10/17/23	40277	2020SC	Invoice: 093023AGS8	19,327.50	
		1020SC	SHANDAM INC.		19,327.50
10/17/23	40277V	2020SC	Invoice: 093023AGS8		19,327.50
		1020SC	SHANDAM INC.	19,327.50	
10/17/23	40278	2020SC	Invoice: EXP REIM SEPT 2023	453.26	
		1020SC	HAROLD SNYDER III		453.26
10/17/23	40279	2020SC	Invoice: FIN CHARGES 10/2	5.26	
		1020SC	STAPLES		5.26
10/17/23	40280	2020SC	Invoice: 2023-10-SCWA	13,234.00	
		1020SC	SUSTAINABLE SOLANO INC.		13,234.00
10/17/23	40281	2020SC	Invoice: 200659695	58.49	
		1020SC	TRACTOR SUPPLY CREDIT PLAN		58.49
10/17/23	40282	2020SC	Invoice: 9945419830	2,180.46	
		1020SC	VERIZON WIRELESS		2,180.46
10/17/23	40283	2020SC	Invoice: 2055089	24,690.75	
		1020SC	WEST YOST & ASSOCIATES, INC.		24,690.75
10/17/23	40284	2020SC	Invoice: DAVIS_FY2023-24_1	3,231.20	

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		1020SC	KEN W. DAVIS		3,231.20
10/17/23	40285	2020SC	Invoice: 414412	28.08	
		2020SC	Invoice: 195583	117.83	
		2020SC	Invoice: 361169	37.51	
		2020SC	Invoice: 361261	38.59	
		2020SC	Invoice: 361594	27.87	
		2020SC	Invoice: 361392	195.13	
		2020SC	Invoice: 361475	54.20	
		2020SC	Invoice: 361521	27.87	
		2020SC	Invoice: 361747	93.28	
		2020SC	Invoice: 361770	57.88	
		2020SC	Invoice: 361871	51.45	
		2020SC	Invoice: 361971	77.19	
		2020SC	Invoice: 890762	0.50	
		1020SC	PACIFIC ACE HARDWARE		807.38
10/17/23	40286	2020SC	Invoice: 093023AGS8	19,327.50	
		2020SC	Invoice: 093023AGS18	23,925.00	
		1020SC	SHANDAM INC.		43,252.50
10/17/23	40287	2020SC	Invoice: 0523085	129.69	
		2020SC	Invoice: 8012464	448.64	
		2020SC	Invoice: 4020623	76.12	
		2020SC	Invoice: 3512109	371.95	
		2020SC	Invoice: 1013391	13.81	
		2020SC	Invoice: 4014302	217.14	
		2020SC	Invoice: 1520050	45.35	
		2020SC	Invoice: 0624792	264.37	
		2020SC	Invoice: 8520365	47.52	
		2020SC	Invoice: 6625088	640.83	
		2020SC	Invoice: 8015020	347.84	
		2020SC	Invoice: 3022996	27.57	
		2020SC	Invoice: 2521065	21.58	
		1020SC	HOME DEPOT CREDIT SERVICE		2,652.41
10/17/23	40288	2020SC	Invoice: FENCE&GEN PERMIT	4,633.00	
		1020SC	CITY OF VACAVILLE		4,633.00
10/24/23	40289	2020SC	Invoice: 704343-6	176.30	
		1020SC	AACTION RENTS LP		176.30
10/24/23	40290	2020SC	Invoice: 202310	740.00	
		1020SC	BELIA MARTINEZ		740.00
10/24/23	40291	2020SC	Invoice: 515847	930.71	
		1020SC	ACT ENVIRO/ADVANCED CHEMICAL TRANSPORT		930.71
10/24/23	40292	2020SC	Invoice: 275	127,442.00	
		1020SC	ACWA JOINT POWERS INSURANCE AUTHORIT		127,442.00
10/24/23	40293	2020SC	Invoice: LBO INCEN SEP 2023	25.00	
		1020SC	ANGELINA ESPINOZA		25.00
10/24/23	40294	2020SC	Invoice: 3445	15,015.33	
		1020SC	AG INNOVATIONS		15,015.33
10/24/23	40295	2020SC	Invoice: 700066-2	3,000.00	
		2020SC	Invoice: 700070-3	8,700.00	
		2020SC	Invoice: 699971-3	3,000.00	
		2020SC	Invoice: 700016-3	3,000.00	
		1020SC	ALPHA MEDIA LLC		17,700.00

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10/24/23	40296	2020SC	Invoice: LBO INCEN SEP 2023	140.00	
		1020SC	ALLISON SEED		140.00
10/24/23	40297	2020SC	Invoice: 1490	10,719.00	
		1020SC	BADAWI & ASSOCIATES		10,719.00
10/24/23	40298	2020SC	Invoice: LBO INCEN SEP 2023	145.00	
		1020SC	BRANDI BUCHANAN		145.00
10/24/23	40299	2020SC	Invoice: BA9051	5,716.40	
		1020SC	BLANKINSHIP & ASSOCIATES, INC.		5,716.40
10/24/23	40300	2020SC	Invoice: 000020678240	154.88	
		2020SC	Invoice: 000020678195	317.80	
		2020SC	Invoice: 000020679687	838.74	
		1020SC	CALNET3		1,311.42
10/24/23	40301	2020SC	Invoice: 15085754 LEE	1,655.00	
		1020SC	CALPERS LONG-TERM CARE PROGRAM		1,655.00
10/24/23	40302	2020SC	Invoice: 31401370	949.88	
		1020SC	CANON FINANCIAL SERVICES, INC.		949.88
10/24/23	40303	2020SC	Invoice: 9241736396	150.33	
		1020SC	CINTAS CORPORATION		150.33
10/24/23	40304	2020SC	Invoice: 2038243	30.00	
		1020SC	COUNTY OF YOLO		30.00
10/24/23	40305	2020SC	Invoice: 2024	9,275.00	
		1020SC	MEMBERSHIP CSDA MEMBER SERVICES		9,275.00
10/24/23	40306	2020SC	Invoice: EXP REIM OCT 2023	227.94	
		1020SC	FREEDOM EVANS		227.94
10/24/23	40307	2020SC	Invoice: OCT 2023	2,500.00	
		1020SC	MARK E. GRISMER PHD PE		2,500.00
10/24/23	40308	2020SC	Invoice: 15134	2,329.00	
		1020SC	HERRERA TRUCKING CO., INC.		2,329.00
10/24/23	40309	2020SC	Invoice: LBO INCEN SEP 2023	245.00	
		1020SC	HOLLIS ELIZABETH GUTIERREZ		245.00
10/24/23	40310	2020SC	Invoice: 9072/1	850.39	
		2020SC	Invoice: 9100/1	103.97	
		1020SC	HIGBY'S COUNTRY FEED INC		954.36
10/24/23	40311	2020SC	Invoice: CL70471	3,053.44	
		1020SC	INTERSTATE OIL COMPANY		3,053.44
10/24/23	40312	2020SC	Invoice: 0121627	189.00	
		2020SC	Invoice: 0122038	96.00	
		1020SC	DARYL SISCO		285.00
10/24/23	40313	2020SC	Invoice: 190051	6,770.00	

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		1020SC	LSA ASSOCIATES, INC.		6,770.00
10/24/23	40314	2020SC 1020SC	Invoice: 608739 M&M SANITARY LLC	202.50	202.50
10/24/23	40315	2020SC 1020SC	Invoice: LBO STAFF SEP 2023 MARKLEY COVE RESORT	1,095.00	1,095.00
10/24/23	40316	2020SC 1020SC	Invoice: 214692 MARTIN'S METAL FABRICATION &	4,487.19	4,487.19
10/24/23	40317	2020SC 1020SC	Invoice: CS1031160 MCWANE PLANT & INDUSTRIAL	7,143.66	7,143.66
10/24/23	40318	2020SC 1020SC	Invoice: SEP 2023 MILLENNIUM TERMITE & PEST	51.00	51.00
10/24/23	40319	2020SC 1020SC	Invoice: 52756079 NUTRIEN AG SOLUTIONS	5,798.25	5,798.25
10/24/23	40320	2020SC 1020SC	Invoice: 9/11/23-10/10/23 PACIFIC GAS & ELECTRIC CO,	3,808.35	3,808.35
10/24/23	40321	2020SC 2020SC 1020SC	Invoice: 23-44 Invoice: JUL - SEP 2023 PUTAH CREEK COUNCIL	1,073.75 78,917.39	79,991.14
10/24/23	40322	2020SC 2020SC 1020SC	Invoice: 51915841 Invoice: 51916922 RECOLOGY VACAVILLE SOLANO	289.88 109.84	399.72
10/24/23	40323	2020SC 1020SC	Invoice: 01244094 RECOLOGY HAY ROAD	192.36	192.36
10/24/23	40324	2020SC 1020SC	Invoice: 034-NOV-2023 REEB GOVERNMENT RELATIONS, LLC	10,000.00	10,000.00
10/24/23	40325	2020SC 1020SC	Invoice: WCP-310 RICHARD HEATH & ASSOCIATES, INC.	8,889.33	8,889.33
10/24/23	40326	2020SC 1020SC	Invoice: LBO INCEN SEP 2023 REILLY HOLMES	40.00	40.00
10/24/23	40327	2020SC 1020SC	Invoice: 15531030 SHELDON	17.18	17.18
10/24/23	40328	2020N 2020N 2020N 1020SC	Invoice: 3018990 Invoice: 3018989 Invoice: 3018988 SOMACH, SIMMONS & DUNN	8,330.00 4,175.76 7,805.80	20,311.56
10/24/23	40329	2020SC 2020SC 2020SC 2020SC 2020SC 1020SC	Invoice: 3550365194 Invoice: 3549688425 Invoice: 3550240129 Invoice: 3550365192 Invoice: 3550365193 STAPLES	57.35 256.56 122.25 165.31 164.35	765.82

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10/24/23	40330	2020SC	Invoice: 81048	289.51	
		2020SC	Invoice: 81065	22.82	
		2020SC	Invoice: 81078	202.67	
		1020SC	SUISUN VALLEY FRUIT GROWERS AS		515.00
10/24/23	40331	2020SC	Invoice: KAREN AVERY	1,968.80	
		2020SC	Invoice: KAREN AVERY1	96.64	
		1020SC	KAREN AVERY		2,065.44
10/24/23	40332	2020SC	Invoice: MAUREEN BAILEY	100.00	
		1020SC	MAUREEN BAILEY		100.00
10/24/23	40333	2020SC	Invoice: ADRIAN BAILEY	100.00	
		1020SC	ADRIAN BAILEY		100.00
10/24/23	40334	2020SC	Invoice: HAGEN BRESEE	27.78	
		1020SC	HAGEN BRESEE		27.78
10/24/23	40335	2020SC	Invoice: GLORIA BROWN	1,080.00	
		1020SC	GLORIA BROWN		1,080.00
10/24/23	40336	2020SC	Invoice: MAUREEN CLARK	100.00	
		1020SC	MAUREEN CLARK		100.00
10/24/23	40337	2020SC	Invoice: MARIELENA COOK	100.00	
		1020SC	MARIELENA COOK		100.00
10/24/23	40338	2020SC	Invoice: DIYAN DRINGENBERG	100.00	
		1020SC	DIYAN DRINGENBERG		100.00
10/24/23	40339	2020SC	Invoice: KURT ERICKSON	1,500.00	
		1020SC	KURT ERICKSON		1,500.00
10/24/23	40340	2020SC	Invoice: GLENN FERGUSON	85.32	
		1020SC	GLENN FERGUSON		85.32
10/24/23	40341	2020SC	Invoice: TIMOTHY FISH	842.36	
		1020SC	TIMOTHY FISH		842.36
10/24/23	40342	2020SC	Invoice: JERRY GANTAN	1,446.00	
		1020SC	JERRY GANTAN		1,446.00
10/24/23	40343	2020SC	Invoice: PATSY GOLDEN	100.00	
		1020SC	PATSY GOLDEN		100.00
10/24/23	40344	2020SC	Invoice: RAJ GOYAL	1,576.00	
		1020SC	RAJ GOYAL		1,576.00
10/24/23	40345	2020SC	Invoice: GRACE GUTIERREZ	49.00	
		1020SC	GRACE GUTIERREZ		49.00
10/24/23	40346	2020SC	Invoice: TAMARA HEATH	1,748.00	
		1020SC	TAMERA HEATH		1,748.00
10/24/23	40347	2020SC	Invoice: MATT HENDERICKSEN	1,500.00	
		1020SC	MATTHEW		1,500.00

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			HENDRICKSEN		
10/24/23	40348	2020SC 1020SC	Invoice: ROD HERMAN ROD HERMAN	1,500.00	1,500.00
10/24/23	40349	2020SC 1020SC	Invoice: JAMES ISACSON JAMES ISAACSON	543.00	543.00
10/24/23	40350	2020SC 1020SC	Invoice: BELINDA JURI BELINDA JURI	1,500.00	1,500.00
10/24/23	40351	2020SC 1020SC	Invoice: DEVIN KATAYAMA DEVIN KATAYAMA	939.00	939.00
10/24/23	40352	2020SC 1020SC	Invoice: JOSEPH LUCE JOSEPH LUCE	1,538.40	1,538.40
10/24/23	40353	2020SC 1020SC	Invoice: OSCAR LUMANLAN OSCAR LUMANLAN	1,463.50	1,463.50
10/24/23	40354	2020SC 2020SC 1020SC	Invoice: DAVID NOLAN 1 Invoice: DAVID NOLAN DAVID NOLAN	1,496.00 100.00	1,596.00
10/24/23	40355	2020SC 1020SC	Invoice: PADILLA GROUP INC PADILLA GROUP INC.	300.00	300.00
10/24/23	40356	2020SC 1020SC	Invoice: SETURAM PANDURANGI SETURAM PANDURANGI	57.50	57.50
10/24/23	40357	2020SC 1020SC	Invoice: YING PO CHEN YING PO CHEN	49.00	49.00
10/24/23	40358	2020SC 1020SC	Invoice: LESLIE SCHEPPELMANN LESLIE SCHEPPELMANN	100.00	100.00
10/24/23	40359	2020SC 1020SC	Invoice: JAMES SEMIEN JAMES SEMIEN	100.00	100.00
10/24/23	40360	2020SC 1020SC	Invoice: KENNY VO KENNY VO	1,500.00	1,500.00
10/24/23	40361	2020SC 1020SC	Invoice: BEVERLY VOORSTAD BEVERLY VOORSTAD	1,176.52	1,176.52
10/24/23	40362	2020SC 1020SC	Invoice: CHELSEE WRIGHT CHELSEE WRIGHT	1,500.00	1,500.00
10/24/23	40363	2020SC 1020SC	Invoice: VANESSA ZUCKER 1 VANESSA ZUCKER	588.00	588.00
10/24/23	40364	2020SC 1020SC	Invoice: 9946116569 VERIZON WIRELESS	1,371.32	1,371.32
10/24/23	40365	2020SC 1020SC	Invoice: 497 JOHN B WHITCOMB	5,737.50	5,737.50
10/24/23	40366	2020SC 1020SC	Invoice: 174400 WOOD RODGERS, INC.	1,820.00	1,820.00

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10/24/23	40367	2020SC 1020SC	Invoice: DS10-03 YOLO COUNTY RCD	4,432.50	4,432.50
10/31/23	40368	2020SC 1020SC	Invoice: 2307012 AD SPECIAL T'S	84.32	84.32
10/31/23	40369	2020WC 1020SC	Invoice: 1224 BRETT ATKINSON	1,450.00	1,450.00
10/31/23	40370	2020SC 1020SC	Invoice: OCT 2023 BOD MTG STEVEN BIRD	165.06	165.06
10/31/23	40371	2020SC 2020SC 1020SC	Invoice: 42490 Invoice: 42534 BRERETON ARCHITECTS	3,143.45 3,000.00	6,143.45
10/31/23	40372	2020N 1020SC	Invoice: 22-1007-17 CBEC, INC.	7,157.75	7,157.75
10/31/23	40373	2020SC 2020SC 1020SC	Invoice: 5179311334 Invoice: 5179311389 CINTAS CORPORATION	419.69 101.71	521.40
10/31/23	40374	2020SC 2020SC 1020SC	Invoice: 2043966 Invoice: 2044547 COUNTY OF YOLO	155.20 45.60	200.80
10/31/23	40375	2020SC 2020SC 1020SC	Invoice: OCT 2023 BOD MTG Invoice: OCT 2023 LEG MTG DALE CROSSLEY	176.20 150.00	326.20
10/31/23	40376	2020SC 1020SC	Invoice: 91369645 CSDS SACRAMENTO	60.00	60.00
10/31/23	40377	2020N 2020SC 2020SC 1020SC	Invoice: 23-388-V SEP 2023 Invoice: 23-026-T NOV 2023 Invoice: 23-024-O NOV 2023 DEPARTMENT OF WATER RESOURCES	111,639.00 648,493.00 456.00	760,588.00
10/31/23	40378	2020SC 2020SC 2020SC 2020SC 1020SC	Invoice: 8-255-75350 Invoice: 8-263-66904 Invoice: 8-270-19362 Invoice: 8-277-79542 FEDEX EXPRESS	105.29 81.53 582.53 228.57	997.92
10/31/23	40379	2020SC 2020SC 2020SC 1020SC	Invoice: 15137 Invoice: 15142 Invoice: 15143 HERRERA TRUCKING CO., INC.	1,724.50 2,329.00 2,025.00	6,078.50
10/31/23	40380	2020SC 1020SC	Invoice: CL72074 INTERSTATE OIL COMPANY	1,397.76	1,397.76
10/31/23	40381	2020SC 1020SC	Invoice: OCT 2023 LEG MTG JOHN D. KLUGE	150.00	150.00
10/31/23	40382	2020SC 1020SC	Invoice: 9 LANDMARK CONSTRUCTION	171,573.56	171,573.56

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10/31/23	40383	2020SC 1020SC	Invoice: 102023 LINCOLN CONCEPTS	3,500.00	3,500.00
10/31/23	40384	2020SC 2020SC 1020SC	Invoice: 190536 Invoice: 190594 LSA ASSOCIATES, INC.	25,392.09 43,632.50	69,024.59
10/31/23	40385	2020SC 1020SC	Invoice: QUAGGA SEP 2023 MARKLEY COVE RESORT	1,095.00	1,095.00
10/31/23	40386	2020SC 1020SC	Invoice: 214854 MARTIN'S METAL FABRICATION &	129.75	129.75
10/31/23	40387	2020SC 1020SC	Invoice: OCT 2023 BOD MTG MITCH MASHBURN	150.00	150.00
10/31/23	40388	2020SC 1020SC	Invoice: NBWA 2023/24 NORTH BAY WATERSHED ASSOCIATION	15,000.00	15,000.00
10/31/23	40389	2020SC 1020SC	Invoice: 14840562 PAPE MACHINERY	15.14	15.14
10/31/23	40390	2020SC 1020SC	Invoice: EXP REIM AUG-OCT '23 JOYCE PEREZ	1,328.34	1,328.34
10/31/23	40391	2020SC 1020SC	Invoice: POSTAGE 10/31/23 PITNEY BOWES BANK, INC. RESERVE ACCOUNT	900.00	900.00
10/31/23	40392	2020SC 2020SC 1020SC	Invoice: INV-04422 Invoice: INV-04460 RALPH ANDERSEN & ASSOCIATES	12,500.00 6,000.00	18,500.00
10/31/23	40393	2020SC 1020SC	Invoice: 15773 REGIONAL GOVERNMENT SERVICES AUTHORITY	313.12	313.12
10/31/23	40394	2020SC 2020SC 1020SC	Invoice: 0040862 Invoice: 0040937 SOLANO IRRIGATION DISTRICT	3,208.75 159.27	3,368.02
10/31/23	40395	2020SC 2020SC 2020SC 2020SC 2020SC 2020SC 1020SC	Invoice: SEC546155 Invoice: SEC546152 Invoice: SEC546157 Invoice: SEC546160 Invoice: SEC546057 Invoice: SEC546162 CHARLES LOMELI, TAX COLLECTOR	1,771.16 3,370.00 2,385.74 4,523.84 694.66 1,777.48	14,522.88
10/31/23	40396	2020SC 1020SC	Invoice: 00642990046 NOV2023 STANDARD INSURANCE COMPANY	2,468.29	2,468.29
10/31/23	40397	2020SC 2020SC 2020SC	Invoice: 3549956982 Invoice: 3550958424 Invoice: 3551289243	116.96 75.87 29.28	

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		1020SC	STAPLES		222.11
10/31/23	40398	2020SC 1020SC	Invoice: 2023-04 MICHAEL A. MELANSON	10,295.00	10,295.00
10/31/23	40399	2020SC 1020SC	Invoice: 2023-01610 TERRA REALTY ADVISORS, INC.	2,697.67	2,697.67
10/31/23	40400	2020SC 2020SC 2020SC 2020SC 2020SC 1020SC	Invoice: 400 Invoice: 401 Invoice: 402 Invoice: 403 Invoice: 404 KATHLEEN A SALMUNOVICH	325.00 75.00 75.00 150.00 1,250.00	1,875.00
10/31/23	40401	2020SC 1020SC	Invoice: JESSE ARIAS JESSE ARIAS	90.70	90.70
10/31/23	40402	2020SC 2020SC 1020SC	Invoice: OCT 2023 BOD MTG Invoice: OCT 2023 LEG MTG JOHN VASQUEZ	150.00 150.00	300.00
10/31/23	40403	2020SC 2020SC 1020SC	Invoice: 1-PSC/U Invoice: 3 PSC/U VICTOR PAUL CLAASSEN	8,918.75 5,627.50	14,546.25
10/31/23	40404	2020SC 1020SC	Invoice: DAVIS_FY2023-24_2 KEN W. DAVIS	8,363.10	8,363.10
10/31/23	40405	2020SC 1020SC	Invoice: 3232698 CAL.NET INC. - WINTERS	595.00	595.00
10/31/23	40406	2020SC 1020SC	Invoice: WSIRWM GRANT 2023 YOLO COUNTY FLOOD CONTROL & WATER CONSE	14,063.00	14,063.00
10/31/23	40406V	2020SC 1020SC	Invoice: WSIRWM GRANT 2023 YOLO COUNTY FLOOD CONTROL & WATER CONSE	14,063.00	14,063.00
10/31/23	40407	2020SC 1020SC	Invoice: 2023.0912 YOLO COUNTY FC&WCD	19,190.65	19,190.65
10/31/23	ACH 10.31.2023	2020SC 1020SC	Invoice: SEP 2023 JAMES B. DEROSE	7,993.48	7,993.48
10/25/23	ASHLEY SEP 20	2020SC 1020SC	Invoice: ASHLEY SEP 2023 UMPQUA BANK	733.42	733.42
10/25/23	CRUZ SEP 2023	2020SC 1020SC	Invoice: CRUZ SEP 2023 UMPQUA BANK	71.72	71.72
10/25/23	CUETARA SEP 2	2020SC 1020SC	Invoice: CUETARA SEP 2023 UMPQUA BANK	1,368.68	1,368.68
10/19/23	EFT	2020SC 1020SC	Invoice: 92374465 WEX BANK	3,429.06	3,429.06

SOLANO COUNTY WATER AGENCY
Cash Disbursements Journal
 For the Period From Oct 1, 2023 to Oct 31, 2023

Filter Criteria includes: Report order is by Check Number. Report is printed in Detail Format.

Date	Check #	Account ID	Line Description	Debit Amount	Credit Amount
10/13/23	EFT	2020SC 1020SC	Invoice: 27767301 PAYCHEX	130.00	130.00
10/6/23	EFT 09.30.2023	2020SC 1020SC	Invoice: 78706 ONEPOINT HUMAN CAPITAL MANAGEMENT LLC	656.50	656.50
10/3/23	EFT 09.30.2023	2020SC 2020SC 2020SC 1020SC	Invoice: SIP PPE 09.30.2023 Invoice: PPE 09.30.2023 Invoice: PEPRA PPE 09.30.2023 CALPERS	6,844.88 11,130.82 8,569.52	26,545.22
10/6/23	EFT 10.06.2023	2020SC 1020SC	Invoice: PPE 09.30.2023 PAYROLL TAXES	29,919.83	29,919.83
10/19/23	EFT 10.14.2023	2020SC 2020SC 2020SC 1020SC	Invoice: PPE 10.14.2023 Invoice: PEPRA PPE 10.14.2023 Invoice: SIP PPE 10.14.2023 CALPERS	10,817.81 8,606.94 7,386.06	26,810.81
10/20/23	EFT 10.20.2023	2020SC 1020SC	Invoice: PPE 10.14.2023 PAYROLL TAXES	28,255.19	28,255.19
10/25/23	FEHRENKAMP S	2020SC 1020SC	Invoice: FEHRENKAMP SEP 2023 UMPQUA BANK	1,755.39	1,755.39
10/25/23	FLORENDO SEP	2020SC 1020SC	Invoice: FLORENDO SEP 2023 UMPQUA BANK	736.51	736.51
10/25/23	FOX SEP 2023	2020SC 1020SC	Invoice: FOX SEP 2023 UMPQUA BANK	236.95	236.95
10/25/23	GANTNER SEP 2	2020SC 1020SC	Invoice: GANTNER SEP 2023 UMPQUA BANK	837.67	837.67
10/25/23	GOODING SEP 2	2020SC 1020SC	Invoice: GOODING SEP 2023 UMPQUA BANK	464.87	464.87
10/25/23	HYER SEP 2023	2020SC 1020SC	Invoice: HYER SEP 2023 UMPQUA BANK	2,164.65	2,164.65
10/25/23	LEE SEP 2023	2020SC 1020SC	Invoice: LEE SEP 2023 UMPQUA BANK	861.01	861.01
10/25/23	MARQUEZ SEP	2020SC 1020SC	Invoice: MARQUEZ SEP 2023 UMPQUA BANK	509.22	509.22
10/25/23	MOORE SEP 202	2020SC 1020SC	Invoice: MOORE SEP 2023 UMPQUA BANK	866.50	866.50
10/25/23	MORRIS SEP 202	2020SC 1020SC	Invoice: MORRIS SEP 2023 UMPQUA BANK	2,166.29	2,166.29
10/2/23	OCT 2023 HEAL	2020SC 1020SC	Invoice: OCT 2023 HEALTH CALPERS	26,575.08	26,575.08
10/25/23	PEREZ SEP 2023	2020SC 1020SC	Invoice: PEREZ SEP 2023 UMPQUA BANK	235.84	235.84

SOLANO COUNTY WATER AGENCY
Cash Disbursements Journal
 For the Period From Oct 1, 2023 to Oct 31, 2023

Filter Criteria includes: Report order is by Check Number. Report is printed in Detail Format.

Date	Check #	Account ID	Line Description	Debit Amount	Credit Amount
10/25/23	POORE SEP 2023	2020SC	Invoice: POORE SEP 2023	253.88	
		1020SC	UMPQUA BANK		253.88
10/20/23	PPE 10.14.2023	2020SC	Invoice: 79164	152.00	
		1020SC	ONEPOINT HUMAN CAPITAL MANAGEMENT LLC		152.00
10/28/23	PPE 10.28.2023	2020SC	Invoice: 79396	631.00	
		1020SC	ONEPOINT HUMAN CAPITAL MANAGEMENT LLC		631.00
10/25/23	RABIDOUX SEP	2020SC	Invoice: RABIDOUX SEP 2023	1,101.56	
		1020SC	UMPQUA BANK		1,101.56
10/25/23	STEVENSON SE	2020SC	Invoice: STEVENSON SEP 2023	782.68	
		1020SC	UMPQUA BANK		782.68
10/25/23	WILLINGMYRE	2020SC	Invoice: WILLINGMYRE SEP 2023	1,527.41	
		1020SC	UMPQUA BANK		1,527.41
	Total			2,907,543.49	2,907,543.49

SOLANO COUNTY WATER AGENCY



MEMORANDUM

TO: Board of Directors

FROM: Chris Lee, General Manager

DATE: November 2, 2023

SUBJECT: November General Manager's Report

Water Supply Update

The water supply outlook remains unchanged from the prior month – full allocations from the Solano Project and the North Bay Aqueduct. The Department of Water Resources generally makes initial allocations for the State Water Project on December 1st. Lake Oroville, the backbone of the State Water Project, is at 134% of average storage for this time of year.

As of November 2, Lake Berryessa held 1,224,103 acre-feet in storage (80 percent of full capacity), about 18 feet below the Glory Hole.

Staff will continue to track El Nino modeling and provide updates. The Climate Prediction Center has extended forecasts for the next three months. As of their October 19th update, the northernmost part of the state has a 50-60% chance of being above normal, while most of Northern California has a 40-50% chance. As mentioned previously, different models have different predictions and forecasts, and El Nino does not necessarily mean more water for California.

California Forever-Potential Impacts to Solano Multi-species Habitat Conservation Plan

Staff have asked our consultant working on the Solano Multi-species Habitat Conservation Plan (HCP), LSA Associates, to develop a memorandum looking at the potential impacts of a new city planned by California Forever on the HCP. The memorandum is attached. Currently, there is not enough information about the California Forever project to assess any potential impacts with regards to Water Supplies or the Solano Subbasin Groundwater Sustainability Plan.

The HCP memorandum is too large to include in the Board packet. It can be viewed on the SCWA website at: https://www.scwa2.com/wp-content/uploads/2023/11/FINAL-HCP-MEMORANDUM_CF_10.31-ID-334258.pdf

810 Vaca Valley Parkway, Suite 203
Vacaville, California 95688
Phone (707) 451-6090 • FAX (707) 451-6099
www.scwa2.com



Summary of the HCP memorandum:

Mitigation land for anticipated effects from planned development within the HCP Plan Area will be challenged by a diminished availability of suitable land. This will primarily affect the ability and costs to mitigate future development portions of Fairfield and Vacaville and all of Suisun City and Rio Vista under the HCP. It is not clear if the California Forever project can self-mitigate on their current land holdings. If they require additional conservation acreage to offset effects of their project, this will exacerbate the competition for conservation lands and could endanger timely and cost-effective mitigation of HCP projects for the 13 Plan Participants and many developer applicants.

Most mitigation categories can still technically be met and California Forever does not currently have a monopoly on a single conservation acreage type. However, mitigation will be most challenging for the Valley Floor Grassland and Vernal Pool Natural Community and specific species mitigation for Swainson's hawks, burrowing owls, California tiger salamanders, Contra Costa goldfields, delta green ground beetle, as well as federally and state listed plants including Solano grass and San Joaquin Valley Orcutt grass. In addition, California Forever owning 60% of the freshwater marsh cover type in the HCP Plan Area is a substantial percentage and includes some of the most suited lands for mitigation.

The future of HCP mitigation in Solano County will be characterized by:

- Increased competition for suitable conservation acreage, especially for vernal pool resources, and Vernal Pool Conservation Areas with high preservation and restoration potential.
- Increased land prices. California Forever has driven up land prices in Solano County by offering more than 200% of appraised value in many cases. If mitigation land prices increase for HCP Plan Participants and other applicants, then the current pricing models that drive the HCP cost and budgets may not be appropriate in the future. This may result in funding shortfalls.
- Difficulty to achieve the spatial distribution of conservation lands to fulfill corridor and linkage goals of the HCP, especially from the Jepson Prairie Region to the Potrero Hills.
- Increasing costs for establishing conservation lands as lower quality areas requiring significant restoration and likely species establishment will be necessary to achieve conservation objectives.
- Increased costs to purchase credits from existing and new conservation and mitigation banks, which will increase the cost for Plan Participants to obtain credits. This will tend to affect smaller projects with more limited mitigation acreage requirements.
- Rising costs are anticipated for Plan Participants who must mitigate for multiple species and Natural Communities within the affected areas with fewer options (e.g., Swainson's hawk and burrowing owl foraging habitat).

As noted above, these effects will be most pronounced on future development in Suisun City, Rio Vista, and portions of Vacaville and Fairfield. All of this points to the obvious need to get the HCP adopted and into implementation as soon as possible.

Winters Salmon Festival

The 2023 Winters Salmon Festival is scheduled for Saturday, November 4th, from 11:00 am to 4:00 pm at Rotary Park in Winters. Water Agency staff have been assisting with Festival preparations. The event will feature family-oriented programs including live music, local food trucks, children's activities, educational programming and more. The event is free to the public.

Coordination and funding of the Salmon Festival is through the City of Winters, U.S Bureau of Reclamation, Solano County Water Agency, Solano Irrigation District, Putah Creek Council, California Department of Fish & Wildlife, Putah Creek Trout, as well as local businesses and interested citizens.

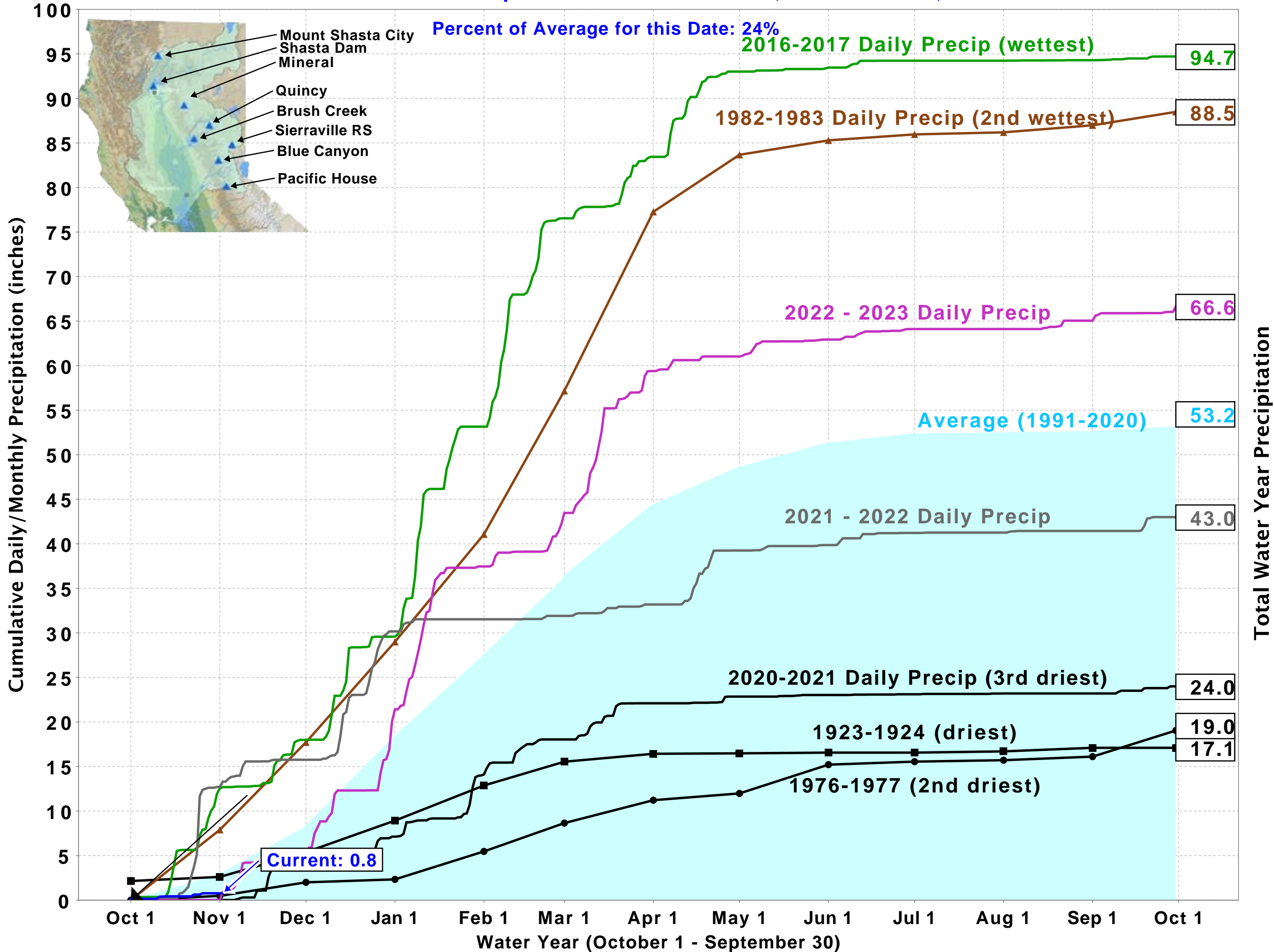
LPCCC Update

As of November 1, 2023, there are approximately 250 Chinook salmon spawning in Putah Creek, with more arriving daily. The adult salmon will continue to arrive until mid-December. An underwater 'salmon cam' was installed by Agency staff and salmon are being counted by AI (artificial intelligence) software. This first year with the 'salmon cam' is a test run with hopes for improved accuracy in the future. Additionally, UC Davis researchers are working with Water Agency staff to count the total number of adult salmon from canoes. UC Davis also counts the number of juvenile salmon in the spring, and in some years more than 60,000 juvenile salmon head downstream to the ocean.

While Putah Creek is mostly on the border between Solano and Yolo County, the lower 6.5 miles of Putah Creek is exclusively in Yolo County. The Water Agency has responsibilities in all sections of Putah Creek, including the Yolo County stretches. This necessitates close coordination with our sister agencies, land managers, and landowners in both Solano and Yolo Counties. This past month Water Agency staff were kept busy preparing for the fall salmon attraction 'pulse flows', coordinating with farmers to remove check dams, scheduling wildlife monitoring activities, mapping barriers to fish passage, scarification of spawning gravels, environmental permitting, and flow measurement.

The Lower Putah Creek Coordinating Committee (LPCCC) had its first public meeting for Putah Creek Water Management (PCWM) on Oct 5, 2023. The meeting was well attended, and much was learned from participants. This is the first of many further focused meetings over the next year. For more information on PCWM, please visit <https://www.scwa2.com/pcwm/> The LPCCC meets monthly in the SCWA Board room at 3-4:30 pm on the second Thursday of the month (same day as SCWA Board meetings).

Northern Sierra Precipitation: 8-Station Index, November 02, 2023



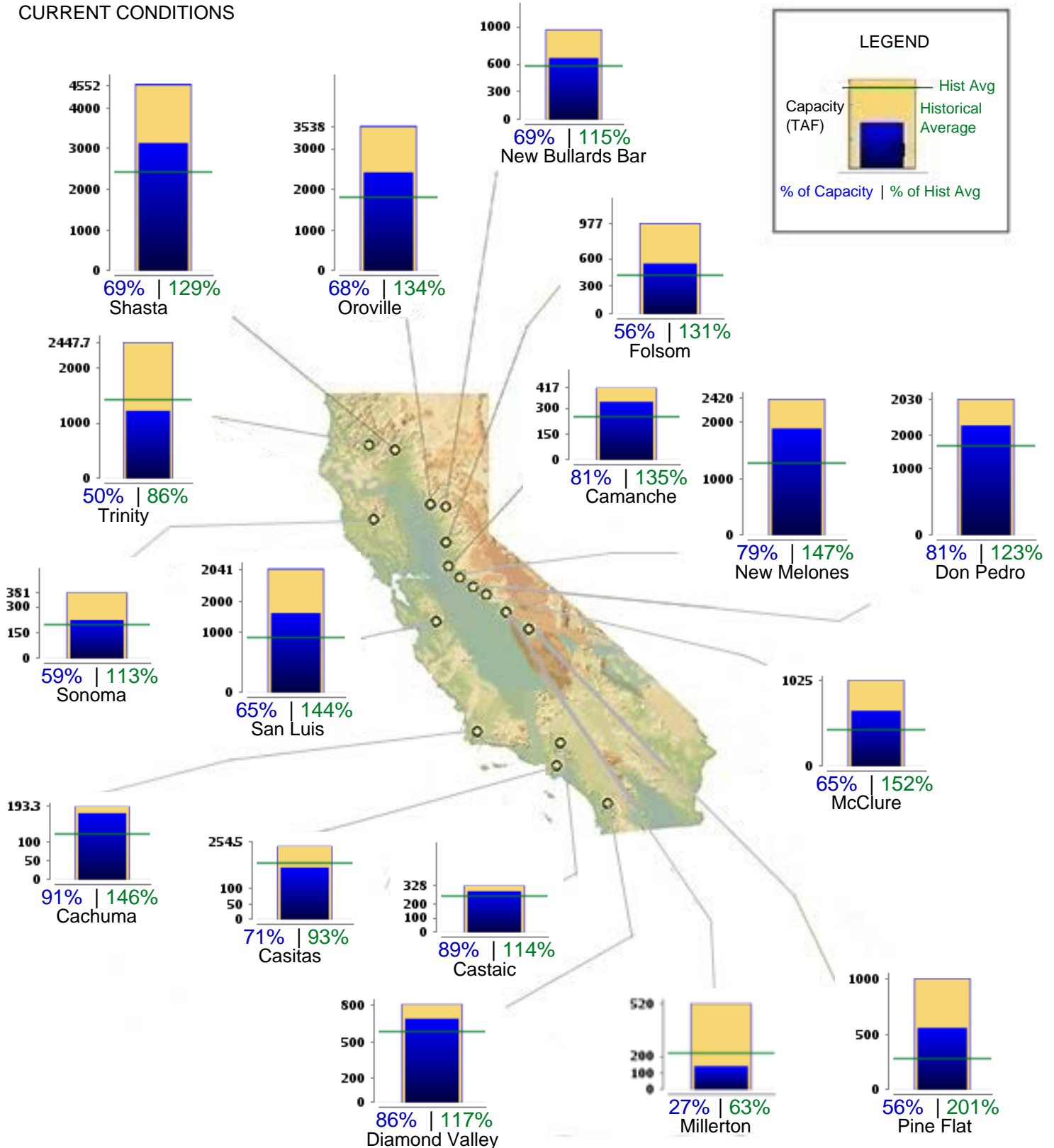


CURRENT RESERVOIR CONDITIONS

CALIFORNIA MAJOR WATER SUPPLY RESERVOIRS

Midnight - November 1, 2023

CURRENT CONDITIONS



**REPORT OF CONSTRUCTION CHANGE ORDERS AND
CONTRACTS APPROVED BY GENERAL MANAGER UNDER
DELEGATED AUTHORITY**

Construction Contract Change Orders (15% of original project costs or \$60,000, whichever is less) - None

Construction Contracts (\$60,000 and less) – None

Professional Service Agreements (\$45,000 and less) – None

Non-Professional Service Agreements (\$45,000 and less) – None

Construction contracts resulting from informal bids authorized by SCWA Ordinance- None

Note: Cumulative change orders or amendments resulting in exceeding the dollar limit need Board approval.

**WATER
ADVISORY
COMMISSION
UPDATES**

**Solano Water Advisory Commission
Meeting Minutes
August 23, 2023**

Present:

Agency	Members
SCWA	Chris Lee, Alex Rabidoux, Jeff Barich, Andy Florendo
Benicia	Kyle Ochenduszkowski, Danielle Bonham
Dixon	Jordan Santos
Fairfield	Michael Hether
Rio Vista	
Vacaville	Justen Cole, Ramiro Jimenez
Vallejo	Beth Schoenberger, Melissa Cansdale
Solano County	Misty Kaltreider
RD 2068	
SID	Paul Fuchslin
Dixon RCD	Kelly Huff
FSSD	Jordan Damerel
MPWD	
Other	

The meeting was called to order at 12:33 PM.

1. Minutes of July 26, 2023, meeting:
The meeting minutes were approved.

2. Cancellation of September 27, 2023 SWAC meeting:
The Commission discussed and agreed to cancelling the September 27th meeting.

3. Water Accounting Update:
Alex Rabidoux (SCWA) provided a brief update on water accounting. Alex will be taking over water accounting, as today is Jeff Barich's (SCWA) last day. Alex explained to the Commission that the Water Agency would like to create a web-based portal for Water Accounting, similar to what has been done in the past for NBA operations and Longfin Smelt curtailments. The Commission thanked Jeff for all of his help and support over the years.

4. SCWA General Manager's Report:
 - a. SCWA Board Items:
Chris Lee (SCWA) shared with the Commission that there will be no September Board meeting.

 - b. North Bay Aqueduct:
Chris Lee (SCWA) informed the Commission that the State Water Contractors did not meet this last month. The State Water Contractors are having a tour up

at Lake Oroville tomorrow and will also be meeting with staff from the North American Wetlands Conservation Act (NAWCA) program. For water transfers, there is currently no interest or capacity in the Delta to move water. The Commission discussed the possibility of putting water into a groundwater bank, and to see if there would be the ability to do local groundwater recharge and banking. For the NBA AIP (Water Plus Project) the Commission would like to update the 2016 estimate of the project. On related items, Michael Hether (Fairfield) is going to send a Letter of Interest on the Sites Reservoir Project.

c. Solano Project:

Chris Lee (SCWA) informed the Commission that staff are continuing to have discussions with USBR on Contract Renewal.

d. Bay Delta Planning Issues:

Chris Lee (SCWA) shared with the Commission that the Voluntary Agreement (VA) has been delayed another month, with a package to be sent to the SWRCB. The participants are waiting for a template from the attorneys to be used for each watershed.

e. Flood Management Issues:

None.

f. Other Regional and State Issues:

None.

g. Other Issues:

None.

5. Groundwater Planning:

a. SGMA Update:

Chris Lee (SCWA) updated the Commission that we are waiting to hear from DWR on a \$4.4-million grant. As part of the grant, would like to look at the possibility of recharge on agricultural land. Chris Lee (SCWA) and Kelly Huff (DRCD) met with landowners in the Dixon area, that are interested in doing groundwater recharge. DRCD is currently working with farmers in the area that have an interest in groundwater recharge. There will also be a groundwater "2.0" workshop as part of the Irrigated Lands Program. Last year over 60 people attended.

6. Solano County Report:

Misty Kaltreider (County) provided an update to the Commission that Flannery has acquired over 52,000-acres of land, and they are continuing to purchase land, yet very little is known about the organization and their long-term goals.

7. Other Topics:

Kelly Huff (DRCD) discussed how well the Commission works on water supply issues, and that a similar group or discussion would be incredibly helpful on the drainage side. The various agencies could also share resources between agencies. The Commission agreed but indicated that it would be a different group of people for drainage. The FSSD manages the Solano Stormwater Alliance, and there was a big meeting between agencies to brainstorm how to generate funds for stormwater. The Commission recommended picking a date in October, potentially after the SWAC meeting, with the Water Agency to schedule.

8. Public Comments:
None.

The next meeting will be Wednesday, December 6, 2023, at 12:30 PM.

The meeting was adjourned at 1:37 PM.

ACTION OF
SOLANO COUNTY WATER AGENCY

DATE: November 9, 2023

SUBJECT: Water Agency Staffing – Retired Annuitant Part Time Temporary Help

RECOMMENDATION:

Authorize General Manager to renew retired annuitant position for former Putah Creek Streamkeeper to continue assistance with project development, grant writing, and other duties as assigned for an additional year – total hours not to exceed 940 over a fiscal year.

FINANCIAL IMPACT:

The former Putah Creek Streamkeeper would be hired as a retired annuitant at an hourly rate not to exceed \$65 dollars per hour, without benefits. Total cost not to exceed \$62,000.

BACKGROUND:

The State and Federal government have committed significant funding for infrastructure, water management and environmental projects over the next several years – much of it in the form of grants. As outlined in the Water Agency’s annual Legislative Platform, the Water Agency is seeking funding for a variety of projects and programs. Potential funding sources are readily identifiable. However, the available staff time for preparing grant applications is limited. In order to take advantage of the State and Federal grant opportunities that currently exist, staff is recommending continuing the retention of former Streamkeeper, Richard Marovich, who has been working on acquiring grants over the last year.

Mr. Marovich retired in December 2021 after 21 years of service. During his tenure he was instrumental in obtaining over 15 million dollars of grant funds for various restoration and watershed management projects in Lower Putah Creek and the surrounding watershed. He is a proven, successful grant writer and is very familiar with the Water Agency, it’s staff capabilities and programs. Staff is requesting authorization to continue Mr. Marovich employment as a retired annuitant Streamkeeper – consistent with CalPERS regulations - to assist and advise on a variety of projects; grant applications, nursery management, creek restoration, “green” infrastructure, biological monitoring, water conservation, invasive species control, and possibly other projects.

Recommended: 
Chris Lee, General Manager

<input type="checkbox"/> Approved as Recommended	<input type="checkbox"/> Other (see below)	<input checked="" type="checkbox"/> Continued on next page
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Modification to Recommendation and/or other actions:

I, Chris Lee, General Manager and Secretary to the Solano County Water Agency, do hereby certify that the foregoing action was regularly introduced, passed, and adopted by said Board of Directors at a regular meeting thereof held on November 9, 2023, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Chris Lee
General Manager & Secretary to the
Solano County Water Agency

Page 2

RELEVANCE TO 2016-2025 SCWA STRATEGIC PLAN:

The authorization to hire one retired annuitant for grant writing services. This is consistent with Goal #1 (Water Supply Management), Goal #2 (Water Management Infrastructure), Goal #7 (Natural Resources Stewardship), and Goal #10 (Funding and Staffing) of the 2016-2025 SCWA Strategic Plan.

ACTION OF
SOLANO COUNTY WATER AGENCY

DATE: November 9, 2023

SUBJECT: Management of the Native Plant Nursery at Sackett Ranch

RECOMMENDATIONS:

Authorize General Manger to sign Agreement with Putah Creek Council for Management of the Native Plant Nursery at Sackett Ranch.

FINANCIAL IMPACT:

Management of the Sackett Ranch Nursery will cost approximately \$172,205 for the remainder of the Fiscal Year. Costs for managing the Sackett Ranch Nursery for the remainder of the Fiscal Year have been programmed in the FY 2023-2024 Budget. Costs for Managing the Sackett Ranch Nursery will be approximately \$243,565 per Fiscal Year. This Agreement will be for three years at a total cost of \$659,335.

There will be income from outside plant sales to regional partners (Dixon and Solano Resource Conservation Districts, Solano County Parks, etc.). As this effort is just taking off and efforts are ramping up to make more plants available, it is hard to quantify what annual sales might look like. There will also be variability from year to year depending on the needs of regional partners. Anticipated annual income from outside plant sales is projected to be \$50,000-\$100,000.

If Water Agency staff were to manage the Sackett Ranch Nursery directly, it would cost the Water Agency approximately \$350,000 a year in labor costs.

BACKGROUND:

Staff advertised a Request for Proposals (RFP) for Management of the Native Plant Nursery on July 17, 2023. One response to the RFP was submitted, from Putah Creek Council (PCC). The Nursery Management RFP Subcommittee, comprised of the General Manager and Water Agency staff who regularly work at the nursery, including Retired Annuitant, Rich Marovich, who was instrumental in setting up the nursery when Sacket Ranch was purchased, interviewed PCC on September 6, 2023. The Subcommittee unanimously concluded that PCC

Recommended: 
Chris Lee, General Manager

Approved as Recommended Other (see below) Continued on next page

Modification to Recommendation and/or other actions:

I, Chris Lee, General Manager and Secretary to the Solano County Water Agency, do hereby certify that the foregoing action was regularly introduced, passed, and adopted by said Board of Directors at a regular meeting thereof held on November 9, 2023, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Chris Lee
General Manager & Secretary to the
Solano County Water Agency

could provide Management of the Native Plant Nursery at Sackett Ranch under the terms and conditions set by the Water Agency.

The Native Plant Nursery provides plants for restoration efforts on Putah Creek, Sackett Ranch, Peterson Ranch, and in the future for our newest acquisition, Lang Tule Ranch. We will also start ramping up use of native grasses on flood control channels as a more cost effective and natural means to protect against erosion and bank failures.

The staff recommendation is to authorize the General Manager to sign an Agreement with Putah Creek Council for Management of the Native Plant Nursery at Sackett Ranch.

RELEVANCE TO 2016-2025 SCWA STRATEGIC PLAN:

Management of the Sackett Ranch Native Plant Nursery is consistent with Goal #7 (*Natural Resources Stewardship: Develop comprehensive approaches to the stewardship of natural resources*), Objective A (*Implement the Solano Multi-species Habitat Conservation Plan*), Objective B (*Support and promote Lower Putah Creek Coordinating Committee programs and projects*), Objective C (*Protect SCWA water supply sources*), and Objective D (*Identify other habitat and watershed stewardship opportunities and implement activities where feasible*), of the 2016-2025 Strategic Plan.

SOLANO COUNTY WATER AGENCY

AGREEMENT FOR PROFESSIONAL SERVICES (Professional Services/Contractor)

THIS AGREEMENT, **effective November 9, 2023**, is between SOLANO COUNTY WATER AGENCY, a public agency existing under and by virtue of Chapter 573 of the 1989 statutes of the State of California, hereinafter referred to as "Agency," and **Putah Creek Council**, hereinafter referred to as "Contractor."

The Agency requires services for **Management of Native Plant Nursery at Sackett Ranch**; and the Contractor is willing to perform these services pursuant to the terms and conditions set out in this Agreement.

IT IS MUTUALLY AGREED, as follows:

1. SCOPE OF SERVICES

The Agency hereby engages the Contractor, and the Contractor agrees to perform the services for **Management of Native Plant Nursery at Sackett Ranch**, as described in Exhibit A, in accordance with the terms of this Agreement and any applicable laws, codes, ordinances, rules or regulations. In case of conflict between any part of this Agreement, this Agreement shall control over any Exhibit.

2. COMPENSATION

Compensation for services shall be as follows: Hourly rate of personnel plus any allowed reimbursable expenses based on unit costs as indicated on any allowed reimbursable expense in Exhibit B **not to exceed \$659,335** for all work contemplated by this Agreement.

3. METHOD OF PAYMENT

Payment for services will be approved by the Agency's representative only if all contract requirements have been met.

Invoices must be submitted monthly, and upon approval of the Agency's representative, the Agency shall pay the Contractor monthly in arrears for fees and allowed expenses incurred the prior month. Invoices that are over 6 months old will not be approved or paid by the Agency. **In no event shall the cumulative total paid pursuant to this agreement exceed the maximum amount provided for in paragraph 2 of this Agreement.**

Every invoice shall specify hours worked for each task identified in Exhibit A undertaken. To be approved by payment, any allowed reimbursable expenses will need supporting written documentation such as receipts and mileage logs.

Each invoice shall be accompanied by a spreadsheet showing, by month, costs incurred to date for the project broken down by the Tasks identified in Exhibit A. The spreadsheet shall show, for each task, budget amounts, total expended and remaining amounts. The spreadsheet shall show a subtotal for each fiscal year covered by the contract. Any amendments to the contract shall be listed and incorporated into spreadsheet. An example of a typical spreadsheet shall be provided by the Agency.

4. **TIME OF PERFORMANCE**

This Agreement shall become effective as of the date it is executed and said services will take place between this date and **June 30, 2026**, as directed by the Agency.

5. **MODIFICATION AND TERMINATION**

This Agreement may be modified or amended only by written instrument signed by the parties hereto, and the Contractor's compensation and time of performance of this Agreement shall be adjusted if they are materially affected by such modification or amendment.

Any change in the scope of the professional services to be done, method of performance, nature of materials or price thereof, or to any other matter materially affecting the performance or nature of the professional services will not be paid for or accepted unless such change, addition or deletion be approved in advance, in writing, by the Agency's General Manager.

This Agreement may be terminated by the Agency at any time, without cause, upon written notification to the Contractor. The Contractor may terminate this Agreement upon 30 days written notice to Agency.

Following termination by the Agency or the Contractor, the Contractor shall be reimbursed for all expenditures made in good faith in accordance with the terms of this Agreement that are unpaid at the time of termination.

6. **PERMITS** *(Note: include only if permits are required)*

Permits required by governmental authorities will be obtained at the Contractor's expense, and the Contractor will comply with local, state and federal regulations and statutes including Cal/OSHA requirements.

7. **INDEMNIFY AND HOLD HARMLESS**

To the extent permitted by law, Contractor shall hold harmless, defend at its own expense, and indemnify Solano County Water Agency, its directors, officers, employees, and authorized volunteers, against any and all liability, claims, losses, damages, or expenses, including reasonable attorney's fees and costs, arising from all acts or omissions of Contractor or its officers, agents, or employees in rendering services under this contract; excluding, however, such liability, claims, losses, damages or expenses arising Solano County Water Agency's sole negligence or willful acts.

8. **INSURANCE**

Minimum Insurance Requirements: Contractor shall procure and maintain for the duration of the contract insurance against claims for injuries or death to persons or damages to property which may arise from or in connection with the performance of the work hereunder and the results of that work by the Contractor, his agents, representatives, employees or sub-contractors.

Coverage - Coverage shall be at least as broad as the following:

1. **Commercial General Liability (CGL)** - Insurance Services Office (ISO) Commercial General Liability Coverage (Occurrence Form CG 00 01) including products and completed operations, property damage, bodily injury, personal and advertising injury with limit of at least two million dollars (\$2,000,000) per occurrence or the full per occurrence limits of the policies available, whichever is greater. If a general

aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (coverage as broad as the ISO CG 25 03, or ISO CG 25 04 endorsement provided to Solano County Water Agency) or the general aggregate limit shall be twice the required occurrence limit.

2. **Automobile Liability** – (if necessary) Insurance Services Office (ISO) Business Auto Coverage (Form CA 00 01), covering Symbol 1 (any auto) or if Contractor has no owned autos, Symbol 8 (hired) and 9 (non-owned) with limit of one million dollars (\$1,000,000) for bodily injury and property damage each accident.
3. **Workers' Compensation Insurance** - as required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. **Waiver of Subrogation:** The insurer(s) named above agree to waive all rights of subrogation against the Solano County Water Agency, its elected or appointed officers, officials, agents, authorized volunteers and employees for losses paid under the terms of this policy which arise from work performed by the Named Insured for the Agency; but this provision applies regardless of whether or not the Solano County Water Agency has received a waiver of subrogation from the insurer.

If the Contractor maintains broader coverage and/or higher limits than the minimums shown above, the Solano County Water Agency requires and shall be entitled to the broader coverage and/or higher limits maintained by the Contractor. Any available insurance proceeds in excess of the specified minimum limits of insurance and coverage shall be available to the Solano County Water Agency.

Other Required Provisions - The general liability policy must contain, or be endorsed to contain, the following provisions:

1. **Additional Insured Status:** Solano County Water Agency, its directors, officers, employees, and authorized volunteers are to be given insured status (at least as broad as ISO Form CG 20 10 01), with respect to liability arising out of work or operations performed by or on behalf of the Contractor including materials, parts, or equipment furnished in connection with such work or operations.
2. **Primary Coverage:** For any claims related to this project, the Contractor's insurance coverage shall be primary at least as broad as ISO CG 20 01 04 13 as respects to the Solano County Water Agency, its directors, officers, employees and authorized volunteers. Any insurance or self-insurance maintained by the Solano County Water Agency its directors, officers, employees and authorized volunteers shall be excess of the Contractor's insurance and shall not contribute with it.

Notice of Cancellation: Each insurance policy required above shall provide that coverage shall not be canceled, except with notice to the Solano County Water Agency.

Self-Insured Retentions - Self-insured retentions must be declared to and approved by the Solano County Water Agency. The Solano County Water Agency require the Contractor to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention. The policy language shall provide, or be endorsed to provide, that the self-insured retention may be satisfied by either the named insured or Solano County Water Agency.

Acceptability of Insurers - Insurance is to be placed with insurers having a current A.M. Best rating of no less than A: VII or as otherwise approved by Solano County Water Agency.

Verification of Coverage – Contractor shall furnish the Solano County Water Agency with certificates and amendatory endorsements, or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the Solano County

Water Agency before work commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Contractor's obligation to provide them. The Solano County Water Agency reserves the right to require complete, certified copies of all required insurance policies, including policy Declaration pages and Endorsement pages.

Sub-contractors - Contractor shall require and verify that all sub-contractor maintain insurance meeting all the requirements stated herein, and Contractor shall ensure that Solano County Water Agency its directors, officers, employees, and authorized volunteers are an additional insured are an additional insured on Commercial General Liability Coverage.

9. **COMPLIANCE WITH LAW**

The Contractor shall be subject to and comply with all federal, state and local laws and regulations applicable with respect to its performance under this Agreement, including but not limited to, licensing, employment and purchasing practices, and wages, hours and conditions of employment.

10. **RECORD RETENTION**

Except for materials and records, delivered to the Agency, the Contractor shall retain all materials and records prepared or obtained in the performance of this Agreement, including financial records, for a period of at least three years after the Contractor's receipt of the final payment under this Agreement. Upon request by the Agency, the Contractor shall make such materials and records available to the Agency at no additional charge and without restriction or limitation to State and federal governments at no additional charge.

11. **OWNERSHIP OF DOCUMENTS**

All materials and records of a finished nature, such as final plans, specifications, reports and maps, prepared or obtained in the performance of this Agreement, shall be delivered to and become the property of the Agency. All materials of a preliminary nature, such as survey notes, sketches, preliminary plans, computations, and other data, prepared or obtained in the performance of this Agreement, shall be made available, upon request, to the Agency at no additional charge and without restriction or limitation on their use.

12. **SUBCONTRACT AND ASSIGNMENT**

This Agreement binds the heirs, successors, assigns and representatives of the Contractor. The Contractor shall not enter into subcontracts for any work contemplated under this Agreement and shall not assign this Agreement or monies due or to become due, without the prior written consent of the General Manager of the Agency or his designee, subject to any required state or federal approval. *(Note: list any subcontractors here)*

13. **NONRENEWAL**

The Contractor understands and agrees that there is no representation, implication, or understanding that the services provided by the Contractor under this Agreement will be purchased by the Agency under a new agreement following expiration or termination of this Agreement and waives all rights or claims to notice or hearing respecting any failure to continue purchase of all or any such services from the Contractor.

14. **NOTICE**

Any notice provided for herein are necessary to the performance of this Agreement and shall be given in writing by personal delivery or by prepaid first-class mail addressed as follows:

AGENCY

Chris Lee, General Manager
Solano County Water Agency
810 Vaca Valley Parkway, Suite 203
Vacaville, CA 95688

CONTRACTOR

Phil Stevens, Executive Director
Putah Creek Council
P.O. Box 1258
Winters, CA 95694

The parties have executed this Agreement the day and year first above written. If the Contractor is a corporation, documentation must be provided that the person signing below for the Contractor has the authority to do so.

Solano County Water Agency
a Public Agency

By: _____
Chris Lee,
General Manager

By: _____
Phil Stevens,
Executive Director

FOR SCWA USE ONLY

Contract Period: November 9, 2023 to June 30,2026
File Number: AG-P-4
Account Manager: C.Lee
G/L Account #: Various
Job Cost #: Various
Contract Type: Professional Services

EXHIBIT A

SCOPE OF SERVICES

The Solano County Water Agency requires an entity to serve as the primary agent responsible for Management of the Native Plant Nursery at Sackett Ranch.

GENERAL EXPECTATIONS

1. Nursery Operations:

- Provide day-to-day management of the native plant nursery, including propagation, planting, cultivation, and maintenance of plants.
- Implement and maintain industry best practices to ensure plant health, including phytosanitation, irrigation, fertilization, weed control, pest management, and disease control.
- Develop and maintain a production schedule and an inventory system for tracking plant species, quantities, and availability.
- Ensure compliance with all relevant regulations and permits related to plant production, distribution, and sales.
- Collaborate with our Agency to identify and prioritize plant species based on ecological importance and market demand.

2. Sales and Marketing

- Develop and execute marketing strategies to promote the native plant nursery to landscaping companies, contractors, restoration projects, and other potential customers.
- Establish relationships with local businesses, environmental organizations, and government agencies to expand the customer base.
- Maintain accurate records of sales, customer interactions, and inventory management.
- Provide exceptional customer service, including plant selection advice and recommendations.
- All sales of plants beyond what are required for Agency needs will be retained by the Agency.

3. Staff Management and Training

- Hire, train, and manage a team of nursery staff, ensuring their adherence to best practices and safety protocols.
- Foster a positive and collaborative work environment that promotes employee growth and professional development.
- Conduct regular staff meetings, provide performance evaluations, and address any personnel issues that may arise.

MINIMUM QUALIFICATIONS

1. Respondent must have experience managing a native plant nursery.
2. Respondent must have experience in marketing and sales of native plants.
3. Respondent must have the necessary staff to fulfill the requirements of this agreement.

EXHIBIT B
RATE OF COMPENSATION

See attached Vendor Proposal.

Exhibit A. Scope of Work

Nursery Management, 2023-2026

Putah Creek Council (PCC) will manage the native plant nursery at Sackett Ranch on behalf of the Solano County Water Agency (SCWA) to provide high-quality native plants for restoration projects and public and private landscapes. The principal client for the nursery is SCWA, whose needs for plants will be top priority. SCWA will not pay for plants produced by the nursery.

PCC will carry out the following tasks:

I. Plant Production and Maintenance

Production

PCC will collect seed and cuttings and propagate plants in consultation with SCWA personnel and with reference to market demand. Wherever possible, plants will be wild types of known provenance and native to the region. Propagation will focus on straight natives that meet the needs of both restoration and landscaping projects and will not include cultivars or non-native species. Plants will preferentially be grown from seed to preserve genetic diversity within the plant stock. Cuttings may be used for species that have low seed viability or do not produce sufficient quantities of seed for propagation.

Maintenance

Should a SCWA project be delayed, PCC will maintain plants in a healthy state to the extent possible, including moving plants up to larger containers as needed. PCC will not charge SCWA any additional fees for plant maintenance. In the case of another customer's project being delayed, PCC will maintain those plants in the same manner, for an agreed-on fee. Fees for maintenance for other customers will be shared between SCWA and PCC at the same ratio as is applied to plant sales (see below, "Sales and Grow Contracts"), i.e. SCWA will receive 75% of the income and PCC will receive 25% (excluding taxes).

Project space allocation

PCC will maintain plant stock allocated to SCWA in a separate location to facilitate easy identification by SCWA staff. SCWA staff will consult with PCC nursery personnel before taking any plants that have not been assigned to their stock so PCC can maintain accurate inventory counts and fulfill other orders.

II. Nursery Management

PCC will manage the nursery in accordance with best practices wherever possible. Management activities include plant maintenance, transplanting, pest control, fertilization, watering, culling, and keeping an accurate inventory of plant stock. Inventory will be tracked electronically to enable nursery staff to immediately generate up-to-date availability lists. In addition, data will be kept for each plant regarding source of propagules, date of propagation, date(s) of up-potting, etc.

Phytosanitation

Because the primary goal of the nursery is to produce plants to be used in habitat restoration efforts, effective phytosanitation, and particularly the control of *Phytophthora*, is essential. The nursery presently has attained a bronze-tier certification in *Phytophthora* management from the CDFA. The aim is to achieve best practices in *Phytophthora* management over time as funding for upgrades becomes available. To remain in compliance with these standards and avoid contamination, any new hires or current SCWA employees need to be trained by the nursery staff before they enter propagation areas. Employees that do not follow procedures will be retrained or will not be allowed to access propagation areas.

Weed and Pest Management

PCC will use Integrated Pest Management (IPM) techniques to control pests in order to minimize the use of pesticides and herbicides. Such techniques might include releasing beneficial insects within the greenhouse or hoop house, use of less-toxic chemicals such as neem oil to control insect pests, and an emphasis on good cultural practices to help plants be as resilient as possible to pests and diseases. PCC will never use systemic pesticides that are taken up by plant tissues or those that are considered high-risk to pollinators, such as neonicotinoids.

SCWA staff will be responsible for weed control outside of propagation structures (hoop house, greenhouse, and shade house). Any herbicide applications within the vicinity of nursery plants will contain dyes to help prevent plant injury through drift. Inside propagation structures, SCWA will also provide staff time for hand weeding and flame torching or will apply PCC approved herbicides under supervision of PCC nursery staff.

SCWA staff will notify PCC before any pesticide applications in the vicinity of the nursery and parking areas and will avoid spraying during volunteer events whenever possible.

Volunteer Recruiting and Management

PCC staff are joined on a once-weekly basis by volunteers from the surrounding community, who assist in nursery tasks such as planting, weeding, and potting up.

Volunteers are recruited and managed by PCC. This program provides significant labor cost savings, benefits the community and is a platform for good public relations for SCWA. PCC will continue its volunteer program at the nursery while operating under the management contract.

Purchasing

PCC will be responsible for purchasing all necessary supplies and materials. Receipts for purchases will be included in quarterly invoices that PCC will prepare for SCWA. SCWA will reimburse PCC for these expenses at a rate of cost plus 20%.

Site Maintenance

It is assumed that maintenance of the nursery facilities, including but not limited to pumps, greenhouses/shade houses, watering systems, etc., will be carried out by SCWA staff.

III. Intellectual property

PCC will retain ownership of all existing intellectual property and that generated during its time under this management agreement. This includes but is not limited to locations for collecting seeds and cuttings, techniques for processing and preservation of seeds and cuttings, timing and methods of producing plants, as well as any databases and electronic management tools developed for use in nursery operations.

The seed library/collection will also remain the property of PCC.

IV. Branding, Marketing, and Communications

PCC will actively seek out new customers and new opportunities to grow the nursery business. Specific market segments to be targeted include professional restoration firms, landscapers, Resource Conservation Districts, and Caltrans.

Branding and Marketing

The nursery will be given a unique name that is descriptive and marketable and includes a reference to SCWA and PCC. Our top choices are:

- 1) Creekside Natives - a Partnership between the Solano County Water Agency and Putah Creek Council
- 2) Green River Nursery - a Partnership between the Solano County Water Agency and Putah Creek Council

In all marketing efforts, the SCWA name and logo will be featured in tandem with their PCC counterparts. Electronic and print marketing materials will make it clear that the nursery is owned by SCWA and managed by PCC.

Communications

PCC staff (typically the Nursery Manager) will be the primary point of contact with customers. SCWA staff who receive inquiries about availability or other aspects of nursery management will refer those customers to the Nursery Manager, or in her absence, to the lead Nursery Technician.

V. Sales and Grow Contracts

PCC staff will be responsible for transacting all plant sales and, in consultation with SCWA, for entering into grow contracts.

In addition to producing plants for SCWA, the nursery will also produce plants for sale to other customers. Pricing of plants will be determined by PCC with reference to current market trends.

Volunteer labor is an essential part of the plant production cycle that PCC brings to the table. To account for the value of volunteer labor and except as noted below, proceeds (selling price excluding taxes) from third-party sales of plants started after the effective date of the management contract will be shared between SCWA and PCC in a ratio of SCWA 75% and PCC 25%.

Should SCWA choose to sell plants that it has purchased from PCC, all revenues from those sales will revert to SCWA. In this case, PCC nursery staff will facilitate the transaction(s).

Plants already started under contract to PCC prior to the effective date of the management agreement will be provided to their respective buyers when ready and any income generated will revert to PCC alone. Time spent maintaining these plants will not be charged to SCWA.

Additionally, PCC is bound by conditions of a grant to provide plant plugs at no cost to Solano Resource Conservation District and Solano Land Trust in fall/winter 2023-24. These plugs have already been started. PCC will fulfill the orders for these partners per the terms of the grant. Time spent producing and maintaining these plants will not be charged to SCWA.

VI. Time Tracking

Staff hours expended will be tracked on a daily basis. The use of overtime will be discouraged, though it is occasionally necessary. Time tracking records will be available for inspection by SCWA staff at all times, with a minimum of 24 hours' notice.

VII. Bookkeeping and Accounting

PCC will maintain accurate records of all sales and maintenance income, as well as taxes collected. PCC's books and records related to plant sales will be available for inspection by SCWA staff at all times, with a minimum of 24 hours' notice.

It shall be PCC's responsibility to report and pay sales tax due in a timely manner so as not to incur penalties. Any penalties incurred for late payment of taxes shall be the responsibility of PCC.

VIII. Invoicing and Remittances

PCC will remit SCWA's share of the proceeds of plant sales and maintenance along with full documentation to SCWA on a quarterly basis.

PCC's fee for managing the nursery will be calculated as cost plus 20%. PCC will invoice SCWA for staff labor and supplies and materials ordered on a quarterly basis. In order to recoup not readily allocable costs such as rent, bookkeeping, utilities, insurance, etc., PCC will add 10% of total labor costs as overhead to each invoice. Overhead costs will be applied before the 20% markup.

IX. Staffing

PCC will determine staffing needs in consultation with SCWA. At present PCC nursery staff consists of two full-time personnel. As of October 2023, we anticipate needing to hire one more part-time technician in the near future to meet production needs.

SCWA technicians

We anticipate needing at least 20 hrs/week of seasonal tech staff time to help with maintenance tasks such as weed management, irrigation upkeep, cutting back plants, keeping premises clean as determined by PCC nursery staff. SCWA techs will be trained by PCC staff prior to working in the nursery.

Three-year Budget

2023-24

Staff	Rate	Hours	Total
Nursery manager	\$ 45.50	1560	\$ 70,980.00
Nursery tech	\$ 26.18	1560	\$ 40,840.80
		Total sal/ben	\$ 111,820.80
		Overhead	\$ 11,182.08
		Subtotal	\$ 123,002.88
		Plus 20%	\$ 147,603.46
		Contingency @ 20%	\$ 24,600.58
		Total	\$ 172,204.03

2024-25

Staff	Rate	Hours	Total
Nursery manager	\$ 47.32	2080	\$ 98,425.60
Nursery tech	\$ 27.23	2080	\$ 56,632.58
		Total sal/ben	\$ 155,058.18
		Overhead	\$ 15,505.82
		Subtotal	\$ 170,563.99
		Plus 20%	\$ 204,676.79
		Contingency @ 20%	\$ 34,112.80
		Total	\$ 238,789.59

2025-26

Staff	Rate	Hours	Total
Nursery manager	\$ 49.21	2080	\$ 102,362.62
Nursery tech	\$ 28.32	2080	\$ 58,897.88
		Total sal/ben	\$ 161,260.50
		Overhead	\$ 16,126.05
		Subtotal	\$ 177,386.55
		Plus 20%	\$ 212,863.86
		Contingency @ 20%	\$ 35,477.31
		Total	\$ 248,341.17

Grand total 3 years \$ 659,334.80

Billing Rates

Year	Staff	Rate
2023-24	Nursery manager	\$ 45.50
	Nursery tech	\$ 26.18
2024-25	Nursery manager	\$ 47.32
	Nursery tech	\$ 27.23
2025-26	Nursery manager	\$ 49.21
	Nursery tech	\$ 28.32

ACTION OF
SOLANO COUNTY WATER AGENCY

DATE: November 9, 2023

SUBJECT: Water Supply Portfolio and Discussions with California Forever

RECOMMENDATIONS:

1. Receive overview of Water Supply Portfolio.
2. Receive update on North Bay Aqueduct discussions and provide direction regarding the same.

FINANCIAL IMPACT:

None.

BACKGROUND:

As discussed at the October Board of Directors meeting, California Forever (aka Flannery), has made it clear that it intends to create a new city in eastern Solano County. Staff have met with California Forever CEO Jan Sramek to discuss water supplies within the county.

To give the Board context, staff will provide an overview of the water supply portfolio.

Mr. Sramek intimated that they have an interest in providing financial assistance in furthering the studies to show the multi-benefits of the Water + Project (NBA Alternate Intake Project). He also stated that they would be in discussions with other State Water Contractors to see if there is interest in selling water to California Forever so that local State Water Project supplies of Member Agencies would not be affected. As the Board is aware, if the Water + project gets built, it solves water quality issues, capacity issues, mutes endangered species issues, and could provide the Cities of Dixon and Rio Vista the needed infrastructure to utilize surface water supplies.

The staff recommendation is continuing discussions with California Forever to learn more about their proposed project. Any formal requests from California Forever would come back to the Board for consideration.

Recommended: 
Chris Lee, General Manager

Approved as
Recommended

Other
(see below)

Continued on
next page

Modification to Recommendation and/or other actions:

I, Chris Lee, General Manager and Secretary to the Solano County Water Agency, do hereby certify that the foregoing action was regularly introduced, passed, and adopted by said Board of Directors at a regular meeting thereof held on November 9, 2023, by the following vote:

Ayes:

Noes:

Abstain:

Absent:

Chris Lee
General Manager & Secretary to the
Solano County Water Agency

LEGISLATIVE UPDATES



MEMORANDUM

October 25, 2023

TO: Chris Lee, General Manager
Solano County Water Agency

FROM: Bob Reeb and Raquel Ayala Vargas, Esq.
Reeb Government Relations, LLC

RE: 2023 Annual Report

This is the 4th year that Reeb Government Relations has had the honor and privilege to work with Solano County Water Agency (SCWA or Agency) to advance its interests on behalf of Agency's cities and agricultural districts through state-level legislative and regulatory advocacy in Sacramento.

Our firm provides a full suite of lobbying services under your immediate direction and enjoys working with Agency staff and the board of directors. We provide periodic oral reports and weekly legislative status reports to the agency. We value the expertise, advice and comments shared by senior staff in response to our inquiries related to legislation and proposed regulatory proceedings. Working with the Agency's new General Manager, Chris Lee, and staff, we have been identifying state grant funding opportunities for Agency capital projects and have met with executive branch representatives to discuss Agency funding needs.

This was the first year of the 2023-24 Regular Session of the Legislature and we are pleased to report that the Agency and our firm have enjoyed continuing to work and get to know Assembly Member Lori Wilson and her staff in this, her second year of service in the California legislature. Our firm and the Agency continue to enjoy a good working relationship with Senator Bill Dodd, whose term in the Senate is set to expire on December 2, 2024. Also, although the post-2020 decennial census redistricting moved the 4th Assembly District out of Solano County, Assembly Member Cecilia Aguiar-Curry

continues to be very interested in assisting the Agency regarding Putah Creek water and habitat management issues. She recently was named Assembly Speaker pro Tempore by Speaker Robert Rivas, who became Speaker on June 30, 2023. As such, she will serve a key leadership role in the Assembly.

A Debt Problem Is, At Its Core, a Budgeting Problem¹

Governor Gavin Newsom introduced his \$296.9 billion state budget proposal on January 10, 2023, with a projected General Fund deficit of \$22.5 billion. To deal with this deficit, the proposed budget initially reduced, delayed, or eliminated several previous spending commitments, including significant investments in mitigating or preparing for the effects of climate change.

The 2021 and 2022 Budget Acts allocated about \$54 billion over five years to advance the state's climate agenda. The Governor's proposed budget slashed this by \$6 billion. About half of the budget cuts, \$3.3 billion, to the state's climate change programs would come from the state's clean transportation initiatives, including programs designed to ramp up zero emission vehicle infrastructure. Still, the governor's initial proposal maintained \$8.6 billion, over multiple years, of previously committed funding to mitigate the impacts of drought and continue to cultivate water resilience throughout the state.

As the year progressed, however, the state's projected budget deficit increased to \$31.5 billion, revealing a more dire fiscal picture for the state. According to the Legislative Analyst's Office, the increasing budget problems were due to a combination of factors, such as decreased revenues, increased baseline spending and new discretionary spending. The Governor's May Revision proposed to address the higher deficit through a combination of several fiscal maneuvers, some initially introduced in the January state budget proposal, including:

- Delaying an additional \$695 million in spending (for a total of \$8.1 billion) across the 2021-22 through 2023-24 fiscal years.
- Reducing an additional \$1.1 billion in spending (for a total of \$6.7 billion).
- Shifting an additional \$3.3 billion (for a total of \$7.5 billion) in expenditures from the General Fund to special funds.
- Increasing \$3.7 billion (for a total of \$4.9 billion total) in revenue and borrowing from special funds.
- Withdrawing for expenditure \$450 million from the state's Safety Net Reserve.

The Legislature passed a budget bill on June 15, 2023 to meet the constitutional deadline to pass a balanced state budget. Further negotiations ensued between legislative leaders and the governor to reach agreement on a state budget before the start of the fiscal year on July 1, 2023.

On June 27, 2023, the governor signed the FY 2023-24 state budget, along with 20 budget trailer bills, approving a \$310 billion spending plan. According to the governor and legislative leaders, the budget addressed a \$31.7 billion deficit while maintaining

budget reserves through the following actions: \$9.3 billion in spending shifts from the General Fund to other funds; \$8.1 billion in General Fund spending reductions or the elimination of previously approved spending; \$7.9 billion in spending delays; \$6.1 billion in revenue and internal borrowing from special fund balances not projected to be needed for programmatic purposes in FY 2023-24; and \$340 million in reductions that will be restored in the January 2024 governor's state budget proposal should there be sufficient resources.

In 2022, California enacted landmark legislation to advance the Newsom Administration's climate goals of cutting pollution, advancing carbon neutrality, developing a carbon removal target date for natural and working lands, and accelerating the state's transition to clean energy.

The Newsom Administration has begun those initiatives, and the enacted State Budget includes resources to continue their implementation. According to the Department of Finance, the initiatives and funding include:

- *Nature-Based Solutions—Chapter 341, Statutes of 2022 (AB 1757) outlined a comprehensive portfolio of initiatives that include setting targets, quantifying and reporting progress, updating the state strategy, and engaging with experts, to develop an ambitious range of targets for natural and working lands. The Budget includes \$7.6 million General Fund and Cost of Implementation Account in 2023-24 and \$5 million ongoing to support implementation.*
- *Clean Electric Grid—Chapter 361, Statutes of 2022 (SB 1020) advances new interim clean energy targets for California while increasing community engagement. The bill requires eligible renewable energy resources and zero-carbon resources supply 90 percent of all retail sales of electricity to California end-use customers by December 31, 2035; 95 percent of all retail sales of electricity to California end-use customers by December 31, 2040; and 100 percent of electricity procured to serve all state agencies by December 31, 2035. SB 1020 accelerates Chapter 312, Statutes of 2018 (SB 100) requirements for state agencies by ten years. The Budget includes \$4 million from various funds (General Fund, Cost of Implementation Account, Greenhouse Gas Reduction Fund, and Public Utilities Commission Utilities Reimbursement Account) in 2023-24, and additional ongoing funds, across multiple agencies to support implementation.*
- *Carbon Sequestration—Chapter 359, Statutes of 2022 (SB 905) establishes a framework for capture, utilization, and storage of compressed carbon dioxide and created the Carbon Capture, Removal, Utilization, and Storage Program. The Budget includes \$7.8 million Cost of Implementation Account for the State Air Resources Board (\$3.6 million), Department of Conservation (\$3.7 million), and State Water Resources Control Board (\$280,000) in 2023-24 and ongoing to support implementation.*

The 2021 and 2022 Budget Acts committed \$2.8 billion over four years to continue strengthening forest and wildfire resilience statewide. The enacted State Budget maintains \$2.7 billion (98 percent) of these investments over four years to advance critical investments in restoring forest and wildland health to continue to reduce the risk of catastrophic wildfires in the face of extreme climate conditions. The Budget includes \$61 million in General Fund reductions across various programs, which include, but are not limited to, Climate Catalyst Fund, Stewardship of State-Owned Lands, and Workforce Training. These reductions are offset in part by a \$14 million shift to Proposition 98 (public education).

The 2021 and 2022 Budget Acts committed \$8.7 billion over multiple years to support drought resilience and response programs to help communities and fish and wildlife avoid immediate impacts from extreme drought, while advancing projects and programs that will improve the state’s resilience to future droughts and floods. The enacted State Budget maintains \$8.1 billion (93 percent) of these investments over multiple years in programs and projects to bolster the capacity of communities and ecosystems to endure droughts and floods. The Budget reflects \$632 million in General Fund reductions and \$455 million in delays across various programs which include, but are not limited to, water recycling, Salton Sea restoration, safe drinking water (PFAS treatment), and water conservation programs.

The State Budget deficit and uncertain revenue future prompted the Department of Finance, in the Governor’s May Revision to write the following:

“Given the ambition and urgency of California’s climate agenda, the Administration remains committed to supporting additional resources to continue to advance the climate and opportunity agenda. As indicated at Governor’s Budget, the Administration is committed to engaging the Legislature in pursuing a climate bond over the coming months. As a result of lower revenue projections and a resulting increase in the budget problem, the May Revision includes an additional \$1.1 billion in General Fund shifts across climate resilience programs. These programs remain a high priority for the Administration and will be included as part of the future climate bond proposal. Specific shifts to the bond include:

- *Water Recycling—\$270 million*
- *Salton Sea Restoration—\$169 million*
- *Community Resilience Centers—\$160 million*
- *Transformative Climate Communities—\$100 million*
- *Regional Resilience Program—\$100 million*
- *Urban Greening—\$100 million*
- *Statewide Parks Program—\$86.6 million*
- *Sustainable Groundwater Management Act Implementation—\$60 million*
- *Dam Safety and Flood Management—\$50 million*
- *Multi-Benefit Land Repurposing—\$20 million*

Legislative climate resilience bond proposals include SB 867 (Allen), AB 1567 (Garcia), and SB 638 (Eggman and Niello). The Allen and Garcia bond proposals total about \$16 billion each, while the Eggman and Niello bond sits at \$6 billion (some flood risk reduction funding is included in SB 867 and AB 1567). We believe the three proposals will be combined into one state general obligation bond proposal for placement on the November 2024 General Election ballot, but the total amount will likely be between \$8 and \$10 billion, according to Newsom Administration sources. Recent polling of state voters, however, indicate they are hesitant to support significant issuance of new debt.

When it Rains, it Pours...ⁱⁱ

After three consecutive years of persistent and worsening drought conditions, the state was inundated with multiple atmospheric rivers, causing widespread flooding in several counties earlier this year. These storms set rainfall records, with some locations receiving their annual average rainfall totals in less than a month. Breached levees, overtopped riverbanks, flash floods, mudslides, debris flow, and fallen trees resulted in loss of life and severe property and infrastructure damage. Thousands of persons were forced to evacuate with many losing their homes. By the time the storms and floods receded, economic losses were estimated to have reached between \$5–7 billion. The silver lining was the creation of historic levels of snowpack, significantly improving the state’s water conditions. The FY2023-24 State Budget reflected these changing conditions, with many of the climate funding reductions being shifted to support targeted statewide flood funding.

He Who Sews Hurry Reaps Indigestionⁱⁱⁱ

This year’s budget negotiations between the Legislature and the governor were more complicated compared to the last few years due, in part, to the governor’s proposed trailer bills to streamline infrastructure projects that would help meet the state’s climate goals, such as drought and flood resilience. The Governor originally proposed a package of 11 measures in May to accompany the main budget bill.

Under Newsom’s proposal, certain types of water, transportation, clean energy, and semi-conductor or microelectronic projects would be eligible for expedited judicial review under the California Environmental Quality Act (CEQA). The provisions would require that judicial challenges and appeals under CEQA be completed, to the extent feasible, within 270 days. For water infrastructure, this expedited review process would specifically apply to the Delta Conveyance Project, water storage projects under Proposition 1 (including the Sites Reservoir Project), water recycling projects, desalination projects, and canal or other conveyance maintenance or repair projects. Projects would need to apply to be certified as an eligible water-related project and lead agencies would be required to prepare the administrative record concurrently with the administrative approval process.

The governor’s trailer bill proposals would directly benefit water infrastructure projects by streamlining administrative and project delivery processes. Specifically, the

proposals would also streamline the process and types of documents that are subject to CEQA administrative record; grant the Department of Water Resources (DWR) the authority to utilize the Progressive Design-Build project delivery process to accelerate construction and reduce costs; repeal the classification of “fully protected” under CESA and provide additional authority for the California Department of Fish and Wildlife to issue incidental take permits; and streamline certain procedures of the Delta Stewardship Council to allow the Council’s consistency review process to be more efficient. The trailer bills would also seek to establish a Green Bank Financing Program within the Climate Catalyst Fund so that the state can leverage existing federal dollars for climate projects.

The Governor’s proposals were reduced to five infrastructure bills following negotiations with the Legislature to allow the state to “build more, faster to mitigate extreme weather and other environmental impacts.”

Senate Bill 149 by Senators Ana Caballero (D-Salinas) and Josh Becker (D-San Mateo), and Assembly Speaker Robert Rivas (D-Salinas) included the governor’s proposal to expedite CEQA administrative and judicial review procedures. Specifically, the legislation will revise procedures regarding CEQA administrative record to make preparation and certification of the record more efficient, without compromising the content of the record; establish new expedited judicial review procedures (270-days, if feasible) for four categories of public and private “infrastructure projects” provided the eligible projects are certified by the governor, approved by the lead agency by January 1 2033, and meet specified labor requirements; and extend these expedited administrative and judicial procedures until January 1, 2032.

Water-related projects that can qualify for this new streamlined CEQA review processes include a project that is approved to implement a groundwater sustainability plan that DWR has determined to be in compliance with specified provisions of SGMA; water storage projects under Proposition 1; water recycling projects; desalination projects; and projects exclusively for canal or other conveyance maintenance and repair. The definition of “water-related projects” explicitly excluded the design or construction of through-Delta conveyance facilities of the Sacramento-San Joaquin Delta.

Governor Newsom signed the final infrastructure bill package on July 10, 2023.

Changes in Attitude, Changes in Latitude^{iv}

Assemblyman Robert Rivas (D-Hollister) was sworn in on June 30, 2023 as the 71st Speaker of the California State Assembly. Speaker Rivas represents all of San Benito County, as well as portions of Monterey, Santa Clara, and Santa Cruz Counties. He succeeds Assembly Member Anthony Rendon from Los Angeles, who served as Speaker from 2016 to 2023.

Rivas announced his leadership team at a news conference on July 3. Assembly Member Cecilia Aguiar-Curry (D-Winters) has been tapped to assume the role of

Speaker Pro Tem and Assembly Member Isaac Bryan, D-Los Angeles, will be the new Majority Leader for the 62-member Democratic caucus. Aguiar-Curry and Bryan were allies of Rivas during his long, bitter fight for the Speaker role. At the news conference, Bryan said that the team would work on “building a different kind of culture in the body.” Rivas emphasized efficiency and unifying the caucus. Rivas shared the news at the conference that other committee leadership shake-ups were coming, though mostly in the next session to “minimize disruptions in the legislative year.”

Rivas represents a largely rural and agricultural district on California’s Central Coast. Since the early 1960s, the majority of Speakers have been from the urban areas of Los Angeles County or the San Francisco Bay Area. Many view Rivas’ politics and policies to be the same as Rendon’s, however Rivas is expected to bring more of a focus on farmworkers and agricultural communities.

Speaker Rivas named Keith Cialino to serve as an environmental policy consultant in his office. The move comes after longtime environmental policy advisers Alf Brandt and Marie Liu departed the speaker’s office following Rivas’ ascension into leadership. Prior to this position, Cialino served as a consultant for the Assembly Water, Parks and Wildlife Committee over the last five years. According to his LinkedIn profile, his areas of expertise include crafting science-informed public policy, public outreach, sustainability, water quality, and environmental management.

On the Senate side, on August 28, Senate President pro Tempore Toni G. Atkins (D-San Diego) announced that the Senate Democratic Caucus had unanimously named Senator Mike McGuire (D-Healdsburg) as the Pro Tem Designee, with a transition to be announced next year. Senator McGuire, a former county supervisor who was elected to the Senate in 2014, has served as Majority Leader since 2022, and has been integral to several legislative victories, including the 2022 climate package and the infrastructure streamlining package negotiated alongside this year’s state budget. Senator Atkins reaches the end of her term limit in 2024.

It is difficult to make our material condition better by the best law...’

Following the review and approval of legislative positions by Agency staff and the board of Directors, our firms actively monitored and engaged in direct lobbying on over 30 bills. Below, we highlight legislation on which the Agency was active on this year.

Atmospheric Rivers Research and Forecast Improvement Program

Assembly Bill 30, by Assemblymember Christopher Ward (D-San Diego), would revise the existing Atmospheric Rivers (AR) Program within the Department of Water Resources (DWR) to include forecast-informed reservoir operations (FIRO). Specifically, the bill would require the department to research, develop, and implement new observations, prediction models, novel forecasting and tailored decision support systems to improve predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions. The bill would also

require the department to utilize relevant information to operate reservoirs in a manner that improves flood protection in the state and to reoperate flood control and water storage facilities to capture water generated by atmospheric rivers and other storms.

Atmospheric rivers are narrow bands of water vapor pushed along by strong winds from the tropics to higher latitudes, striking coastlines globally. Atmospheric river precipitation can be both beneficial and hazardous, creating a special challenge to California's water managers and flood control planners. Over the past decade, research has identified the benefits and risks of atmospheric rivers, and led to increased skill in forecasting such events. A small number of atmospheric rivers can provide between 40 to 50 percent of the state's annual precipitation and snowpack; however, problems can occur should atmospheric river events last for more than a day or occur back-to-back. At the beginning of 2023, for example, several back-to-back atmospheric rivers caused severe statewide flooding, resulting in both loss of life and property.

Climate change has been predicted to worsen the severity of atmospheric river events in California in the near future. Better modeling and forecasting, however, could help mitigate the risks associated with these events. According to research published by the Center for Western Weather and Water Extremes at the Scripps Institution of Oceanography at UC San Diego, widespread FIRO in California could save up to 500,000 acre-feet of water per year. Fully integrating FIRO into DWR's AR program is necessary to align investments in AR forecast development, support FIRO implementation, and enhance California's ability to leverage federal agency support and funding.

"Without efficient and reliable predictions of AR, many communities cannot prepare for floods, resulting in wasted water from dam overflow, hindering hydroelectric power, less water for agriculture use, and less water for rural residential communities that all too often go dry," wrote Assembly Member Ward. "ARs and their patterns can also help us better understand climate change and the environmental implications too much or too little water can have on our state."

The Agency joined several water agencies in supporting AB 30 as the bill would allow the Agency to improve their predictions of atmospheric rivers and their impacts on water supply, flooding, post-wildfire debris flows, and environmental conditions, while also strengthening drought resilience.

AB 30 enjoyed bipartisan support in both houses of the Legislature, passing both houses with no "No" votes. Governor Newsom signed AB 30 into law on September 1, 2023. (Chapter 134, Statutes of 2023).

Advance Payments for Habitat Restoration and Flood Control

In the grant funding process, many state agencies typically issue grant payments as reimbursements following the approval of receipts. It is not unusual, however, for

several months to pass between the time grant-related expenses are incurred and the reimbursement is receiving.

Assembly Bill 345, by Assemblymember Lori Wilson (D-Fairfield), would authorize the Department of Water Resources (DWR) or the State Water Resources Control Board (Board) with discretionary authority to advance payments to local agencies for projects that restore habitat for threatened and endangered species or improve flood protection. The bill would limit the total amount of advance payments to no more than 25% of the entire amount authorized to be provided under the funding agreement, require the project proponent to demonstrate a need for an advance payment and require the project proponent to demonstrate sufficient qualifications in managing the project and its finances. The bill would require the funds to be spent within six months and would require the recipient to provide an accountability report to the department or the board on a quarterly basis.

The Agency believed that AB 345 was necessary because local agencies that develop flood protection and habitat restoration projects have limited funds. It is not uncommon for these agencies to have annual budgets that are dwarfed by the magnitude of the capital projects that they implement. Since DWR and the Board cannot provide funds until after the local agency has paid project expenses, this means that local agencies are financing the State's share of the project alongside their own until reimbursement happens. For many grant recipients, this creates an irreconcilable cash flow challenge that acts as a major obstacle to the development and implementation of these much-needed projects. The discretion offered by AB 345 will enable DWR and the Board to resolve these issues when it determines it is appropriate to do so.

According to the Senate Appropriations Committee Analysis, AB 345's provisions would apply to several DWR grant programs, including, among others: Delta Levees Special Flood Control Projects, the Flood Corridor Program, the Riverine Stewardship Program, the Urban Streams Restoration Program, the Coastal Watershed Flood Risk Reduction Program, the Central Valley Tributaries Program, the Urban Flood Risk Reduction Program, the Small Community Flood Risk Reduction Program, and the Flood Control Subventions Program. Further, DWR, the Board and the California Natural Resources Agency have allowed for advanced payment options for local projects when specifically authorized in bond language. The State allowed for advanced funding the Urban Flood Risk Reduction (UFRR) program, The Coastal Flood Risk Reduction (CWFRR) program when meeting the criteria of Water Code Section 10551, and other State grants. DWR and the Board have successfully used these authorities to provide billions of dollars in funding resulting in the construction of numerous projects protecting the citizens of our State. Thus, the impact of advanced payments has already been tested and proven to be beneficial.

Under AB 345, funds will not be advanced by DWR or the Board or held by the local agencies until they are needed. Moreover, the authority granted by AB 345 does not require DWR or the Board to fund any particular project. Rather, for projects otherwise

approved by the Legislative and Executive Branches for appropriations, this authority will help make these projects more achievable without resulting in additional state costs.

SCWA maintained a support position on AB 345 throughout the year. The bill enjoyed bipartisan support, passing the Assembly 78 – 0 and the Senate 39 – 0.

AB 345 was signed by the Governor (Chapter 647, Statutes of 2023).

Abandoned and Derelict Commercial Vessel Program

Current law authorizes the State Lands Commission (Commission) to take immediate action to remove from areas under its jurisdiction a vessel that is left unattended and is moored, docked, beached, or made fast to land in a position as to obstruct the normal movement of traffic or in a condition as to create a hazard to navigation, other vessels using a waterway, or the property of another. Current law requires the commission, by July 1, 2019, and in consultation with other relevant state and local agencies directly involved in the removal of abandoned vessels, to develop a plan for the removal of abandoned commercial vessels.

Assembly Bill 748, by Assemblymember Carlos Villapudua (D-Stockton), would establish the California Abandoned and Derelict Commercial Vessel Program within the Natural Resources Agency, to be administered by the commission, upon appropriation by the Legislature, to bring federal, state and local agencies together to identify, prioritize, and fund the removal and proper disposal of abandoned and derelict commercial vessels (ADCVs) and other debris from commercially navigable waters; and require the commission to, on or before July 1, 2025, create and regularly update and maintain thereafter an inventory of ADCVs on or in commercially navigable waters. The bill would additionally establish the California ADCV Program Task Force to, among other things, and in consultation with impacted local governments, provide policy guidance for the program and advise on the prevention, removal, destruction, and disposal of ADCVs, and to develop a system for prioritizing the removal of the ADCVs identified by the commission. The bill would further establish the ADCV Program Trust Fund to help fund the removal of ADCVs and other debris pursuant to this program.

ADCVs are strewn throughout the Delta and other California Waterways. ADCVs are not only expensive to remove (with costs reaching the millions of dollars), but also hazardous to navigation, the environment and public health and safety. Through deliberate action or negligence, these vessels break up, sink, or block navigation channels. ADCVs that settle on the bottom can disrupt the aquatic environment, scouring or crushing sensitive habitats like eelgrass beds and kelp meadows. Harmful pollutants from the ADCVs—like polychlorinated biphenyls, lead and copper-based paint, batteries, hydraulic fluid, grease, oils, lubricants—can then leak into the waterways. These chemicals can injure or kill marine mammals and other aquatic life and contaminate aquatic lands, nearby shorelines, and water bodies. Further, since many of these toxic substances do not dissolve in water, they can remain in the environment for lengthy periods of time.

SCWA supported AB 748, arguing that without such a program and ongoing funding, ADCVs would continue to pose a threat to the delta’s waterways and levees.

AB 748 would generally prohibit a commercial vessel that is at-risk of becoming derelict, as determined by a peace officer, from occupying, anchoring, mooring, or otherwise being secured in or on waters of the state. The bill would subject a person who violates this prohibition to a civil penalty of not less than \$1,000 and not more than \$5,000 per day, and would prescribe other requirements related to a civil action, including the assessment of a civil penalty and the recovery of other specified costs, brought for a violation of this prohibition. The bill would require 75% of civil penalties and other costs collected to be deposited into the California ADCV Program Trust Fund and, upon appropriation by the legislature, 25% distributed to the Attorney General, district attorney, or city attorney prosecuting the action.

AB 748 received bipartisan support throughout the legislative process, passing both the Assembly and the Senate unanimously. AB 748 was enrolled and presented to the governor on September 18, 2023. Governor Newsom vetoed AB 748 stating, in part:

“While I support the author’s attempt to create a statewide approach to address abandoned and derelict commercial vessels in California that pose significant public health, safety, and environmental risks, this program was not accounted for in the 2023 Budget Act. Implementation across the relevant agencies is expected to cost about \$7.5 million in year 1 with ongoing General Fund impacts... With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure.”

AB 748 is essentially identical to last session’s Senate Bill 1065 (Eggman), which Governor Newsom vetoed, also citing as the reason the costs of the program in light of the state facing lower-than expected revenues at the time.

Water management planning and water shortages

Existing law requires every urban water supplier to prepare and adopt a water shortage contingency plan as part of its urban water management plan that consists of each of the following elements: (1) an analysis of water supply reliability; (2) procedures used in conducting an annual water supply and demand assessment that include, at a minimum, both the written decision-making process that an urban water supplier will use each year to determine its water supply reliability, and the key data inputs and assessment methodology used to evaluate the urban water supplier’s water supply reliability for the current year and one dry year.

Assembly Bill 754, by Assemblymember Diane Papan (D-San Mateo), would additionally require an urban water supplier, if a single reservoir constitutes at least 50% of the total water supply, to identify the dam and describe existing reservoir

management operations. Similar requirements would be imposed on agricultural water suppliers.

According to the author, “the state eagerly uses all available water immediately after wet years and does not conserve until crisis hits. We must start planning for severe droughts rather than scrambling to react when faced with water shortages. The worst time to plan for drought is during drought. To better handle California's water crisis, California must learn to adapt to these extreme weather fluctuations and conserve water from the wet years before drought. To deal with these issues, [this bill] simply requires agricultural and urban water suppliers to initiate demand-side conservation triggered by reservoir storage levels. These plans will change our management from reactive to proactive.” The bill’s sponsor, the California Coastkeeper Alliance, presented similar arguments to the author and argued that AB 754 is necessary so that both urban and agricultural water suppliers exercise greater foresight in planning for periods of drought to ensure demand-side conservation actions are adopted once in drought. The sponsors further asserted that urban water suppliers draw down reservoir levels as a first response to drought rather than taking steps to reduce demand during such periods.

Both the author’s and sponsor’s depictions of reservoir owners and their operations, however, are inaccurate and baseless. Our firm noted in communications with committees that AB 754 is sponsored and supported by environmental organizations that lack the expertise and experience of the engineers, hydrologists, and other professionals that operate sophisticated water systems. This is exemplified in the bill’s core provisions, which are unnecessary and overly simplistic.

Water agencies that rely on reservoirs as water sources are already required by law to develop water shortage contingency plans, which require an assessment of water supply reliability, requiring identification of six standard water shortage levels corresponding to 10%, 20%, 30%, 40%, 50%, and greater than 50% shortages. Further, water agencies that rely on locally managed reservoirs are already accounting for the issues AB 754 seeks to address in their planning documents and through licensing and other agreements with state and federal entities. These licenses and agreements take numerous factors into account including the water year and environmental needs among others. AB 754, however, would require additional information such as the range of historic annual inflows into the reservoir, the range of historic annual outflows from the reservoir, the range of historic annual carryover volumes for the reservoir, the purposes for which the reservoir is operated, existing regulatory requirements, including instream flow requirements downstream of the reservoir, and more—all of which are unnecessary for an urban water management plan. Such additional requirements would also result in significant state and local implementation costs.

Further, while many agencies rely upon a single reservoir for a significant portion of their supply, they likely have other supplies that they manage in conjunction, including groundwater, recycled water, surface water, desalinated water, or other potential supplies. Additionally, though a water provider may receive water from a reservoir, for

many water providers, that reservoir may be owned and operated by the U.S. Bureau of Reclamation and/or is part of the larger State Water Project or Central Valley Project, and the requirements placed on water providers would be based on reservoir actions that are out of their control and based on complex and diverse information about the current and expected supply among other factors.

AB 754, however, would inappropriately force agencies to make water shortage and conservation decisions based on only one source of supply, rather than considering the full portfolio of water supplies and water supply goals. Making conservation decisions based on a reservoir level in isolation from all other water resources would lead to defective decision-making, potentially impeding critical activities such as groundwater recharge.

SCWA strongly opposed AB 754 and joined a coalition of other water providers to stop the bill from progressing. Though the bill passed the Assembly on a 59-18 vote, AB 754 was ultimately held on the Suspense File in the Senate Appropriations Committee. Assembly Member Wilson voted in favor of the legislation on the Assembly Floor.

Salmonid Populations and the California Monitoring Program

Current law requires the California Department of Fish and Wildlife (CDFW) to contract with the University of California (UC) to conduct a study on the effects of reduced waterflows at the mouths and upstream estuaries of certain rivers would have on salmon and steelhead populations and restoration or reintroduction programs, subject to the availability of funds. Additionally, the Salmon, Steelhead Trout, and Anadromous Fisheries Program Act, among other things, requires DFW, with the advice of specified committees, to prepare and maintain a detailed and comprehensive program for the protection and increase of salmon, steelhead trout, and anadromous fisheries.

Assembly Bill 809, by Assemblymember Steve Bennett (D-Ventura), would require DFW to establish the California Monitoring Program to collect comprehensive data on anadromous salmonid populations, in coordination with relevant federal and state agencies, to inform salmon and steelhead recovery, conservation, and management activities. As introduced, AB 809 would establish the California Monitoring Program Fund in the State Treasury to, upon appropriation by the Legislature, support the program. The funding mechanism was removed by the Senate Appropriations Committee, however. Our firm secured an amendment to AB 809 to authorize CDFW to consult with local agencies, tribes, conservation organizations, and academic institutions to carry out monitoring efforts under the program.

According to the author, "California's wild salmon and steelhead populations are on the brink of extinction. Nearly all the state's population of these species have declined due to habitat degradation, climate change and migration barriers. These fish are critical to ecosystem and human health alike. In 2011, the Coastal Monitoring Program was created to measure the recovery of endangered anadromous fish species."

SCWA has funded, and federal and state agencies have supported, investments in establishing a sustainable fall run Chinook Salmon fishery on Lower Putah Creek. The agency supported AB 809 upon its introduction, as the data collected under bill's proposed program would help the agency better coordinate its efforts with federal and state fishery agencies to maintain a healthy fall Chinook Salmon population.

AB 809 enjoyed bipartisan support and passed both houses of the legislature with no "NO" votes. Governor Newsom signed AB 809 into law on October 8, 2023. (Chapter 455, Statutes of 2023)

The California Water Plan – Long-Term Supply Targets

The California Water Plan (Plan) is "the master plan which guides the orderly and coordinated control, protection, conservation, development, management and efficient utilization of the water resources of the state." As a part of updating the plan every five years, the Department of Water Resources (DWR) is required to include a discussion of various strategies, including those relating to the development of new water storage facilities, water conservation, water recycling, desalination, conjunctive use, and water transfers that may be used to meet future water needs of the state. Inclusion of a particular project or strategy does not constitute approval of or state financing for said project or strategy without further legislative action. DWR must also conduct, as part of updating the plan, a study to determine the amount of water needed to meet the state's future needs and to recommend programs, policies, and facilities to meet those needs. The plan was last updated in 2018 and the next update is currently underway.

Senate Bill 366, by Senator Anna Caballero (D-Merced), would require DWR to coordinate with the California Water Commission, the State Water Resources Control Board, other state and federal agencies as appropriate, and a 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; and require DWR to update the California Water Plan on or before December 31, 2028 and every five years thereafter. Each update will require the plan to include a discussion of various strategies that may be pursued to meet the water supply targets, and an economic analysis. The bill would also require DWR to submit to the Legislature an annual report between updates to the plan that includes progress made toward meeting the water supply targets once established.

According to the author, "A reliable and sustainable water supply is critical to every aspect of California's economy and the quality of life for all Californians. While recent storms have been helpful, a combination of factors, including the driest three-year period in 1,200 years, an aging infrastructure, a growing population and economy, antiquated state policies, and climate change, have created a challenge that threatens the survival of some communities and sectors of the economy and jobs. Despite

decades of work to improve California’s water system, our infrastructure remains inadequate to meet present needs and is woefully unprepared to meet future needs. [This bill] would establish necessary water supply targets to capture and produce enough water for all uses, including communities, agriculture, and the environment, by modernizing the California Water Plan for a 21st century climate.”

California has established numerous targets over the last decade, including for renewable energy generation and electric vehicles sales. In August 2022, Governor Newsom released the [“California’s Water Supply Strategy: Adapting to a Hotter, Drier Future.”](#) the Administration’s blueprint for enabling the state to cope with more extreme droughts, floods, and temperatures while addressing long-standing challenges, such as over-reliance on groundwater and lack of safe drinking water in many communities. The governor released this strategy to address a projected 10% decrease in water supply by 2040 due to climate change. To address this projection, the strategy sets various targets to generate new water supply, reduce demand, and develop additional water shortage.

SB 366 would codify and amplify the governor’s Water Supply Strategy, which admits that the ability to capture water in wet years for use in dry years and to supply water for groundwater recharge will depend on adding surface water and groundwater storage capacity. This is especially important if a warming climate results in more precipitation falling as rain instead of snow—adding surface water storage capacity will be needed to both maintain and increase water supplies.

The Agency held a support position on SB 366. The bill unanimously passed the Senate before it was sent to the Assembly, where it was referred to the Assembly Water, Parks, and Wildlife Committee. The bill was scheduled to be heard in the Assembly Water Committee on July 11. The hearing was canceled at the request of the Author, as the committee was requesting amendments Senator Caballero was not willing to accept. The requested amendments included (1) striking the economic analysis requirement from the bill and instead requiring DWR to analyze the costs of achieving the targets developed under the bill and a cost-benefit analysis of the projects and strategies needed to achieve them; and (2) removing the 2040 interim target and allowing DWR to determine whether or not an interim target is necessary and feasible. The bill is now a 2-year bill after failing the July 14, 2023 legislative deadline for policy committees to meet and report bills.

2023 Water Rights Legislation

In 2022, the Planning and Conservation League (PCL) convened a group of water law and policy professionals to develop recommendations for Updating California Water Laws to Address Drought and Climate Change. The report, titled “Updating California Water Laws to Address Drought and Climate Change,” contains 11 recommendations to modernize California’s water rights law. All recommendations in the report are characterized as focused approaches to updating existing laws, regulations, and funding.

PCL noted that it recognized these recommendations can and should be scrutinized and refined in the various public processes, writing, in part:

“Some are more detailed all the way to the proposed legislative language. Others are more generally described. Although we gave them the best consideration we could in the time available, there will undoubtedly be additional drafting and implementation issues that will need to be considered. Also, we recognize that this is not a complete list of all needed upgrades. We hope that others will add their contributions to the process.”

This year, PCL co-sponsored three bills that would essentially restructure California’s water rights system: Senate Bill 389 by Senator Ben Allen (D-Santa Monica), Assembly Bill 460 by Assemblymember Rebecca Bauer-Kahan (D-Orinda), and Assembly Bill 1337 by Assemblymember Buffy Wicks (D-Oakland).

SCWA opposed all three bills. Joining a coalition that consisted of business properties associations, the California State Association of Counties (CSAC), the Association of California Water Agencies (ACWA), the California Municipal Utilities Association (CMUA), several other water districts, and building associations, (collectively referred to in this section as “Coalition”) our firm continuously engaged legislators and legislative staff as the bill moved through the legislative process, aiming to halt their progress at every step.

Senate Bill 389

Current law authorizes the State Water Resources Control Board (State Water Board) to investigate bodies of water, to take testimony in regard to the rights of water or the use of water, and to ascertain whether or not water is appropriated lawfully. Under existing law, the diversion or use of water other than as authorized by specified provisions of law is a trespass and subject to civil liability.

In its early iteration, SB 389 would authorize the Board to investigate the diversion and use of water from a stream system to determine whether the diversion and use are based upon appropriations, riparian right, or other basis of right. The bill would allow the Board, in furtherance of an investigation, to issue an information to a water right claimant, diverter, or user, to provide technical reports or other information related to a diversion and use of water, including, among others, information related to the basis of the water right claimed; information related to the patent date claimed for the place of use; and information related to the notice date of the appropriation and the date of actual delivery of water to beneficial use.

The bill would, after notice and opportunity for hearing, authorize the Board to issue a decision or order determining the diversion and use basis of right, including the authorized scope of the diversion and use, or issue a decision or order determining that the diversion and use is not authorized under any basis of right. In determining whether

a holder of an appropriative water right has forfeited the right or any portion of the right, the Board would not be required to find the existence of a conflicting claim by any water right holder within the stream system during the period of forfeiture. Further, the bill would have placed the burden of proving by the preponderance of evidence the elements of the basis of right on the water right claimant in any State Water Board proceeding. The bill further provided that nothing in its provisions limited the authority of the State Water Board to issue any decision or order, or to take any other action authorized by law.

SCWA opposed SB 389 as the bill presented significant concerns, namely that it would unjustly expand the authority of the Board and subject water right holders to costly and resource intensive investigations. SB 389 would not require the Board to provide a basis for initiating an investigation of a water right claim, meaning any claimant could be subject to an investigation at any time. Once an investigation is initiated, water right claimants would be subject to onerous reporting requirements, forced to provide countless amounts of information in the hopes of proving the validity of their right. In other words, the State Water Board would be able to drag any water rights holder before the board to defend its claim of right.

Once the Board begins adjudicating, the bill stacks the deck against all right holders by providing minimal due process protections and placing the burden of proof on the right holder. Though the bill includes an investigative process, the only opportunity for a claimant to participate is after notice and opportunity for a hearing; however, SB 389 provides no further details about the hearing process. The bill essentially would have allowed the Board to operate in the dark, without a fair and transparent process.

Additionally, by authorizing the Board to conclude that water rights have been forfeited in the absence of a conflicting claim, SB 389 disrupts settled law. Courts in California have long recognized there is no policy reason for finding a forfeiture until an alternative use has been asserted, as the purpose of the forfeiture doctrine is to free unused water for beneficial use. If no other beneficial use has been asserted, there is no reason to find a forfeiture.

In concert with the coalition, our firm diligently worked on communicating how SB 389 would undermine the reliability of any water right, and in turn, all interests that depend on such rights. Senator Allen engaged the Coalition stating that the intent of SB 389 was to give the Board the authority to request information about riparian and pre-1914 water rights. The opposition coalition began negotiating amendments with the senator that would: remove the burden of proof and forfeiture elements of the bill; narrow the scope of information orders that the board may issue with limitations as to the burden of providing documents; and include a cross-reference to enforcement authority the Board has over an unauthorized use. By June, the Author, Senator Ben Allen (D-Santa Monica), committed to removing provisions related to forfeiture and expressed that he was open to further amendments to the bill.

By July, Senator Allen amended the bill to further address the Coalition’s concerns with the measure. As amended, SB 389 would 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. Instead of the burden of proof being solely on the water right claimant, SB 389 was amended to state: “the burden of any order issued under subdivision (b), including costs, shall bear a reasonable relationship to the need for the requested information and the benefits to be obtained from the board receiving that information.” Further, the Board would be required to provide the person to whom the request is directed with a written explanation with regard to the need for the information, and identify the evidence that supports requiring that person to provide the information.

Based on these amendments, the majority of the opposition coalition, including the Agency, removed their opposition to SB 389 and took a neutral or watch position on the bill. SB 389 passed the Assembly on a 58-17 vote and the Senate 30-8 on concurrence in Assembly amendments. Senator Dodd voted in favor of the bill as did Assembly Member Lori Wilson.

Governor Newsom signed SB 389 into law on October 8, 2023 (Chapter 486; Statutes of 2023)

Assembly Bill 460

Current law authorizes the State Water Board to investigate all watercourses, 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 unreasonable use of water.

AB 460 would authorize the Board to issue, on its own motion or upon the petition of an interested party, an interim relief order to implement or enforce constitutional law, common law, and statutes regarding waste and unreasonable use, the public trust doctrine, and water quality objectives. The bill would provide that a person or entity that violates any interim relief order issued by the board would be liable to the board for a civil penalty.

Additionally, current law authorizes any party aggrieved by any decision or order of the Board to file a petition for a writ of mandate for judicial review of the decision or order. Current law requires a court to exercise its independent judgment on the evidence in any case involving the judicial review of certain cease and desist orders issued by the board and in any other case in which the court is authorized by law to exercise its independent judgment on the evidence.

AB 460 would require an aggrieved party to file a petition for reconsideration with the board to exhaust the party's administrative remedies before filing an action for judicial review of the board's decision or order. The bill would require the scope of review of a board decision or order regarding interim relief to be the same as for a court of appeal review of a superior court decision granting or denying a preliminary injunction. The bill would generally prohibit a legal or equitable process from issuing in any proceeding in a court against the Board to review, prevent, or enjoin certain adjudicative proceedings or a decision or order of the Board before a final decision or order of the Board is issued.

According to the Author, Assemblymember Rebecca Bauer-Kahan (D-Orinda), the bill is intended to give the State Water Board an additional tool to enforce existing law and enhance penalties to deter unlawful behavior. A coalition of environmental organizations similarly argued that the bill is necessary to ensure a "climate resilient future for fish, water, and people."

The Agency, along with the rest of the opposition coalition, argued against AB 460 stating that the bill is overly broad, significantly expanding the Board's existing enforcement authority, thus presenting a threat to law-abiding water right holders and water supply reliability.

Water agencies rely on their water rights to ensure there will be sufficient water to meet the needs of their customers and to serve future growth. Materially altering the water rights system in California could result in the inability of public water systems to meet existing needs and to plan for the future because they would lack certainty regarding their ability to divert or store water pursuant to their water rights permits and licenses. For example, a city or county, at the time that it determines whether an environmental impact report, a negative declaration, or a mitigated negative declaration is required for any project subject to the California Environmental Quality Act, must identify any water system whose service area includes the project site and any water system adjacent to the project site that is, or may become as a result of supplying water to the project. Each public water system must verify that available water supply during normal, single dry, and multiple dry water years during a 20-year projection will meet the projected water demand associated with the proposed project, in addition to the public water system's existing and planned future uses, including agricultural and manufacturing uses. The assessment required must include an identification of any existing water supply entitlements, water rights, or water service contracts relevant to the identified water supply for the proposed project, and a description of the quantities of water received in prior years by the public water system.

AB 460 would also authorize the Board to issue interim relief on much broader issues than violations to drought-related curtailment orders. The bill would apply to enforcement of Fish and Game Code Section 5937; the Public Trust Doctrine; Section 2 of Article X of the California Constitution (the reasonable use doctrine); and water quality objectives, principles, or guidelines. Under this bill, any interested party that takes issue with dam releases could seek immediate state intervention and the bill would authorize the Board to take over dam operations. Additionally, this bill allows the

Board to essentially determine the degree to which the public trust doctrine applies, a concept that courts have been unable to agree on a precise definition.

Finally, the bill also raises several due process concerns. AB 460 would allow the Board to issue interim relief without notice or opportunity for a hearing. Allowing the Board to act on its own motion to issue an order violates certain ensured protections. There already exists a process where the Board can seek short-term injunctive relief by referring matters to the Attorney General. The scope of actions this bill targets requires fact-finding and balancing, which is only something an adjudicator should be able to do.

AB 460 would give the Board sweeping authority to address far more than just illegal diversions. The bill continues to change the standard of review for all final Board orders to one that is deferential to the Board's decisions. This will effectively deny the court its current role to make its own determination about Board actions.

Interim relief should only be reserved for very limited circumstances (i.e., quick responses to obvious illegal actions). It should not be a tool to enforce all areas within the Board's jurisdiction. Furthermore, the Senate Natural Resources and Water Committee's analysis implies that this new authority would enable the Board to make seismic changes to the ways water is managed at a moment's notice, without the benefit of a robust administrative process. This ability to rapidly change the status quo is yet another way that this bill puts law-abiding water users at risk.

Despite the potential effects of AB 460, the Assembly voted to pass the bill 43–20, with 17 members, including Assembly Member Wilson, not voting. Throughout the bill's progress, Assemblymember Bauer-Kahan continued to signal disinterest in engaging with the opposition coalition and rejected suggested amendments from both ACWA and the CMUA. Based on this knowledge, our firm and the coalition focused on stopping AB 460's progress in the Senate Natural Resources and Water Committee. Though initial meeting requests with Committee Chair Dave Min (D-Irvine) were rejected, the opposition coalition was directed to meet with the committee consultant, who signaled that Senator Min had already decided to support the bill. Still, the coalition targeted 3 Democrats on the 11-member committee to either abstain or oppose the bill with Republican members to stop it from moving forward: Senators Melissa Hurtado (D-Sanger), Susan Talamantes Eggman (D-Stockton), and Steve Padilla (D-San Diego). With our efforts, all three committed to voting against AB 460.

Ultimately, Assemblymember Bauer-Kahan pulled AB 460 from the Senate Natural Resources & Water Committee hearing agenda on June 27, 2023. AB 460 is now a 2-year bill that will be eligible to be considered in 2024.

Assembly Bill 1337

Under existing law, the diversion or use of water authorized by specified provisions of law is a trespass. Existing law authorizes the Board to adopt emergency regulations if, among other things, the regulations are adopted to prevent the waste, unreasonable

use, unreasonable method of use, or unreasonable method of diversion, of water, to promote water recycling or water conservation, to require curtailment of diversions when water is not available under the diverter's priority of right, or in furtherance of any of the foregoing, to require reporting of diversion or use or the preparation of monitoring reports. Existing law also authorizes the Board to issue a cease-and-desist order against a person who is violating, or threatening to violate, certain requirements relating to water use.

AB 1337 would authorize the Board to issue a curtailment order for any diversion, regardless of basis of right, when water is not available under the diverter's priority of right. Specifically, the bill would: (1) require the Board to adopt regulations governing implementation of curtailment orders; (2) authorize the Board to issue a cease-and-desist order when a water right holder fails to curtail diversions when water is unavailable under the water right holder's priority of right; and (3) expand the instances when unauthorized diversion or use of water is considered a trespass.

According to the author:

“Before California passed The Water Commission Act in 1914, our state’s water rights system was fundamentally unfair. It was exclusionary—the textbook definition of systemic racism—with Indigenous People and Californians of color literally forbidden from owning the land that was necessary to attain a water right...Now, more than one hundred years later, those who have inherited the pre-1914 water rights claim they were “first in time, first in line”, and oppose this bill because it would subject them to regulation by a state-appointed body...The State Water Resources Control Board already has the ability to curtail water use in order to balance legitimate demands from residents, agriculture, businesses, and the environment. However, it lost a court case against the same organizations that oppose this bill, and AB 1337 amends the law upon which that ruling was based.”

A coalition of environmental organizations wrote in support of the bill, arguing that the Board “lacks the authority to curtail all rights outside of a state-wide drought emergency” and that AB 1337 would “fully equip” the Board to manage the state’s water rights system.

The Agency, along with the rest of the coalition, argued that AB 1337 would essentially hand the State Board unfettered authority to control water as it sees fit. The Board’s use of curtailments to deal with water shortages during drought is a relatively new occurrence. With this unprecedented statutory authority, the Board would be able to curtail the legal diversion or use of water under any claim of right during any water year—even during years when the state receives record amounts of precipitation. There are also limited guardrails or guidance in the bill for how the Board would implement curtailments under the authority provided in this bill.

Curtailments have significant ramifications that extend far beyond the water right holders themselves. For example, the resulting reduction in anticipated water supply can disrupt agriculture, industry, and other water-dependent sectors, leading to job losses, revenue declines, and other economic hardships. Additionally, curtailment orders can disproportionately impact small and disadvantaged water users who may lack the resources to adapt to changing water conditions. Because of their effects, curtailments have historically—and should continue to be—reserved for use only during emergency drought conditions. By limiting curtailment to the most severe and urgent water shortages, the Board can ensure that this tool is used only when necessary and that its impacts are mitigated.

Under AB 1337, curtailments could become an every-year water management tool, which would be an unnecessary task for the Board and threaten to create chaos in the way water is managed, diverted, and used.

AB 1337 narrowly passed the Assembly with a 45-20 vote, with 15 members not voting. Every single Assembly Republican, along with a handful of Democrats from the San Joaquin, voted against the bill. Though some Assembly Democrats voted against AB 460, these same members still voted to pass AB 1337 as they felt they could not vote against both bills. Assembly Member Wilson was among the Members voting in favor of the bill, although she abstained from voting on AB 460.

Throughout the bill's progress, Assemblymember Wicks was resistant to working with the opposition. After passing the Assembly, our firm and the coalition focused on stopping AB 1337's progress in the Senate Natural Resources and Water Committee in tandem with efforts to stop AB 460. The coalition targeted the same (3) Democrats on the 11-member committee to either abstain or oppose the bill with Republican members to stop it from moving forward: Senators Melissa Hurtado (D-Sanger), Susan Talamantes Eggman (D-Stockton), and Steve Padilla (D-San Diego). With our efforts, all three committed to voting against AB 1337.

Ultimately, Assemblymember Wicks pulled AB 1337 from the Senate Natural Resources & Water Committee hearing agenda on June 21, 2023. AB 1337 is now a 2-year bill that will be eligible to be considered in 2024.

Climate Bond Legislation

According to July 2022 polling by the Public Policy Institute of California, Californians are most likely to name water supply and drought, followed by wildfires and climate change, as the most important environmental issues the state faces. In the same poll, overwhelming majorities raise concerns about water supply and protecting the condition of the state's oceans and beaches.

Bonds can be placed on the ballot by citizen's initiative and by the Legislature. Bonds are often used to finance capital outlay projects to help spread the cost over the years the proposed projects provide services. State voters have approved general obligation

bonds for a variety of purposes including, for example, education, housing, high-speed rail, correctional facilities, and veterans.

With the overwhelming need to promote climate resilience in the state, legislators introduced climate resilience bonds to potentially be included in the November 2024 statewide election ballots. These include Senate Bill 638 by Senator Susan Eggman (D-Stockton) and Roger Niello (R-Roseville), Senate Bill 867 by Senator Ben Allen (D-Santa Monica), and Assembly Bill 1567 by Assemblymember Eduardo Garcia (D-Coachella).

Senate Bill 867 & Senate Bill 638

SB 867 would enact the Drought, Flood, and Water Resilience, Wildfire and Forest Resilience, Coastal Resilience, Extreme Heat Mitigation, Biodiversity and Nature-Based Climate Solutions, Climate Smart Agriculture, Park Creation and Outdoor Access, and Clean Energy Bond Act of 2024, which, if approved by the voters, would authorize the issuance of bonds in the amount of \$15,500,000,000 pursuant to the State General Obligation Bond Law to finance projects for drought, flood, and water resilience, wildfire and forest resilience, coastal resilience, extreme heat mitigation, biodiversity and nature-based climate solutions, climate smart agriculture, park creation and outdoor access, and clean energy programs.

The bill would specifically authorize \$5.2 billion, upon appropriation by the Legislature, for drought, flood, and water resilience programs. These would include: \$400 million to the State Water Board for projects that improve water quality or help provide clean, safe, and reliable drinking water; \$400 million to the Department of Water Resources (DWR) for groundwater projects that improve water resilience, including recharge, storage, banking, and conjunctive use; \$600 million for projects that protect and restore rivers, streams, lakes, and watersheds; and \$300 million for water reuse and recycling grants. The bill would also authorize \$3 billion for wildfire and forest resilience programs, including watershed improvement programs.

Similarly, SB 638 would enact the Climate Resiliency and Flood Protection Bond Act of 2024 which, if approved by the voters, would authorize the issuance of bonds in the amount of \$6,000,000,000 pursuant to the State General Obligation Bond Law, for flood protection and climate resiliency projects.

Provisions were added to both SB 638 and SB 867 that would prevent each bond from going into effect unless the other is also enacted.

AB 1567 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. These would include: \$2.275 billion for the prevention and reduction in the risk of wildfires to lives, properties, and natural resources; \$5.255 billion for safe drinking water, drought preparation and response, and flood protection; \$1.59 billion for climate resilience and mitigation strategies to address increasing temperatures and extreme heat; and \$1.2 billion to strengthen climate resilience based on regional needs.

All bills would provide for the submission of their provisions to the voters at the November 5, 2024 statewide general election.

Our firm closely monitored the progress of all three bond bills and communicated the Agency's priorities for potential funding, including habitat restoration, State Water Project public benefit projects, and water use efficiency. All three bills await final consideration next year.

Assembly Constitutional Amendment No. 13

Assembly Constitutional Amendment (ACA) No.13, by Assemblymember Christopher Ward (D-San Diego) proposes to amend the California Constitution for two purposes: (1) to require an initiative constitutional amendment to comply with any increased voter approval threshold that it seeks to impose on future ballot measures; and (2) to guarantee in the state constitution the ability of local governments to submit advisory questions to voters.

ACA 13 provides that an initiative measure that includes one or more provisions that amend the California Constitution, and that increases the voter approval requirement to adopt any state or local measure, must receive a proportion of votes in favor of the initiative that is equal to or greater than the highest voter approval requirement imposed by the initiative for the adoption of a state or local measure. In simpler terms, if an initiative measure proposes to require a 2/3 vote of the electorate to impose a tax, then the initiative measure itself must be approved by a 2/3 vote of the electorate. The current voter threshold for passage is a majority vote.

ACA 13 also authorizes a local governing body, at any election, to hold an advisory vote concerning any issue of governance for the purpose of allowing voters within the jurisdiction to voice their opinions on the issue. The measure provides that an advisory question is approved only if a majority of the votes cast on the question are in favor and further provides that the results of the advisory vote are not controlling on the local governing body. Further, the provisions of this measure related to the vote requirement for initiative constitutional amendments apply only to initiatives that seek to make it more difficult for voters to take a specified action by approving a ballot measure. It does not affect the vote requirement for initiative constitutional amendments that seek only to make it harder for a governmental body to approve a specified action by increasing the vote by which that body must approve an action.

According to Assemblymember Ward:

“The Protect and Retain the Majority Vote Act, ACA 13, would retain the majority vote requirement for passage of state and local initiatives. ACA 13 will require proposed initiatives that seek to increase vote thresholds on future ballot measures to pass with that same proportional higher vote threshold. For example, a measure that would impose a two-thirds vote threshold on future measures should also pass with a two-thirds vote. Cities and counties also often place non-binding advisory measures on the ballot to allow voters to weigh in on various issues. This is a critical tool that allows voters to advise local government, and ACA 13 would protect the right of cities to place advisory questions on the ballot to ask voters their opinion on issues.”

ACA 13 was written in response to Initiative #1935—a measure that would amend the California Constitution to change the rules for how the state and local governments can impose taxes, fees, and other charges—which is slated to appear on the ballot during the 2024 statewide general election. Among other provisions, initiative #1935 requires that any local special tax be approved by a two-thirds vote of the electorate to take effect. Recent case law suggests that local special taxes that are proposed by a local initiative measure can be approved by a majority vote of the electorate. By contrast, local special taxes that are placed on the ballot by a local governmental body must be approved by a two-thirds vote of the electorate. Additionally, initiative #1935 prohibits an advisory measure from appearing on the same ballot as a local measure that proposes a general tax if the advisory measure would indicate that the revenue from the general tax will, could, or should be used for a specific purpose.

If ACA 13 were applied to the voter’s consideration of initiative #1935, then initiative #1935 would need to be approved by two-thirds of the voters to take effect—the very same threshold authors of the initiative seek to place on the local electorate for any local special tax to take place.

According to the California State Council of Service Employees international Union (SEIU California): “ACA 13 is simple. It would retain and protect the majority vote, require any initiative that increases voter approval requirements to also be approved at the higher level, and would ensure local governments can always ask voters for their opinion on issues.”

ACA 13 passed the Assembly 55-19 and the Senate with a 28–9 vote. Senator Dodd and Assembly Member Wilson voted in favor of ACA 13.

It's tough to make predictions...^{vi}

Members of the Assembly and one-half of the 40-member State Senate will stand for election in 2024 with the primary election moved up to March 2024 to put California in a more influential position to vote on presidential candidates. Locally, California Districts represented by Senator Bill Dodd and Assembly Member Lori Wilson will appear on the ballot. So far, four Democratic Party candidates have declared their intention to run for

Senate District 3 seat: Napa County Supervisor Alfredo Pedroza; Christopher Cabaldon, former mayor of West Sacramento; Rozzana Verder-Aliga, Vice-Mayor of Vallejo; and Jackie Elward, Rohnert Park city councilor. No candidates have announced their intention to challenge Assembly Member Wilson for the 11th Assembly seat.

Ten State Senators and 8 Assemblymembers will be termed out of office in 2024, including many that hold important committee chair positions. In the Senate, term limited members include Anthony Portantino, chair of the Appropriations Committee; Nancy Skinner, chair of the Budget & Fiscal Review Committee; Bill Dodd, chair of the Governmental Organization Committee; Richard Roth, chair of the Business, Professions and Economic Development Committee; Steve Glazer, chair of the Elections and Constitutional Amendments Committee; Steve Bradford, chair of the Energy, Utilities & Communications Committee; and Susan Talamantes Eggman, chair of the Health Committee. In the Assembly, Philip Ting, chair of the Budget Committee will term out, as also will Chris Holden, chair of the Appropriations Committee; Reginald Jones-Sawyer, chair of the Public Safety Committee; Brian Maienschein, chair of the Judiciary Committee; and Freddie Rodriguez, chair of the Emergency Management Committee.

The change in leadership in the Senate and Assembly, with Senate President pro tempore Atkins yielding her position to Senator McGuire next year and Speaker Rivas assuming his position at the end of this past June, in combination with the term limited members noted above, could signal new fiscal and policy directions for both houses. It is likely that some current policy committee chairs will be appointed to fill the soon-to-be vacant chairs. Changes could occur at any time ahead of the next session, which is scheduled to be gavelled into order on January 3, 2024.

Our firm expects efforts to be renewed to effect reform in water rights administration and enforcement. AB 460 by Bauer-Kahan and AB 1337 by Wicks both remain eligible for consideration by the Senate Natural Resources & Wildlife Committee anytime next year as late as July. The committee chair, Senator Dave Min (D-Irvine) is running for Congress next year and would have to vacate his Senate seat at the end of the 2023-24 Regular Session if he remains in the Congressional race. The latter circumstance could lead to a change in the committee chairmanship. The water rights opposition coalition prevailed on both bills by a one-vote margin, with Min supporting both bills. A new chair could sway the vote in committee, although it is unlikely that the current vote tally would change absent changes to the committee membership.

The task of influencing the content of a climate resilience bond will occupy our time next year and we will lean heavily on Senator Dodd and Assembly Member Wilson to press for funding categories and language that will benefit the agency in terms of its ability to compete for state grant funding. Voter sentiment combined with a limit in the amount of state general obligation bond debt service will make it difficult to place a measure on the November ballot at a sufficient dollar total that will benefit many programs or projects. The Governor has indicated that he can only support a total of \$26 billion in new debt going before the voters next year, and a \$4.68 billion bond to build 10,000 new

behavioral health beds and supportive housing units across the state will appear on the March primary election ballot. This means that a climate resilience bond, given competing housing and education bond proposals, will likely end up in the \$8 to \$10 billion range—far less than the \$16 billion proposals contained in AB 1567 and SB 867 (let alone the \$6 billion SB 638 flood risk reduction bond).

Our firm continues to monitor work on voluntary agreements among state, federal and local water entities that create new measures to integrate additional water flows with the physical landscape to help improve conditions for native fish in the Sacramento and San Joaquin rivers, their tributaries, and the Delta to which they drain. The agreements encompass an integrated program to improve the health of rivers more quickly and more holistically than the traditional regulatory proceedings underway by the state board. Water suppliers in the Sacramento-San Joaquin Delta watershed not covered by a voluntary agreement will be subject to the regulatory requirements developed by the state board as part of its update to the Bay-Delta Water Quality Control Plan, which would include a mix of flow and potentially other measures to provide reasonable protection of fish, wildlife, agricultural, municipal, and other water uses.

According to the California Natural Resources Agency, parties are currently working to ensure the agreed-upon term sheet can go to the state board for its analysis as an alternative pathway to implement an updated Bay-Delta Water Quality Control Plan. Early implementation provisions of the MOU entered into by the parties mean that habitat restoration will not wait the two or more years it will take for the state board to complete its process. Some improvements are already underway. Signatories have begun creating the shared governance structure that will guide adaptive management under the agreements, and the state and water suppliers have already begun coordinating habitat restoration with flows.

The state board staff released its “Draft Scientific Basis Report Supplement in Support of Proposed Voluntary Agreements” in January 2023. The state board is holding a workshop on October 19, 2023, on a draft Staff Report/Substitute Environmental Document in support of possible updates to the Water Quality Control Plan for the San Francisco Bay/Sacramento San Joaquin Delta Estuary. The updates are focused on the Sacramento River watershed, Delta eastside tributaries, interior Delta, and Delta.

Our firm also is monitoring the state board proposed regulations for “Making Water Conservation a Way of Life” that would implement the requirements of SB 606 (Hertzberg) and AB 1668 (Friedman) from 2018. We are members of several ACWA work groups and have shared communications from ACWA staff on the analysis and comments developed by the work groups with agency staff. A public workshop on the proposed regulations was held on October 4, 2023, and the comment deadline is October 17, 2023. The regulatory framework proposed by state board staff would establish individualized efficiency goals for each Urban Retail Water Supplier—a water supplier, either publicly or privately owned, that directly provides potable municipal water to more than 3,000 end users or that supplies more than 3,000 acre-feet of potable water annually at retail for municipal purposes. The goals are based on the

unique characteristics of the supplier’s service area and are intended to give suppliers the flexibility to implement locally appropriate solutions. Once implemented, state board staff estimate the achievement of the goals will reduce urban water use by more than 400-thousand-acre feet by 2030. Public water systems led by ACWA, and other state organizations expressed significant concerns with the draft regulations during the public workshop, including the estimated cost to achieve the estimated savings--\$13 billion statewide. Thankfully, state board members shared many concerns similar to those expressed during the public comment period.

ⁱ “A Debt Problem Is, At Its Core, a Budgeting Problem.” — Natalie Pace, *The ABCs of Money*

ⁱⁱ “When it rains it pours. Maybe the art of life is to convert tough times to great experiences: we can choose to hate the rain or dance in it.” — Joan F. Marques

ⁱⁱⁱ “He Who Sews Hurry Reaps Indigestion.” — Robert Louis Stevenson

^{iv} “Changes in Attitude, Changes in Latitude;” Lyrics by Jimmy Buffett

^v “It is difficult to make our material condition better by the best law, but it is easy enough to ruin it by bad laws.” – President Theodore Roosevelt

^{vi} “It’s tough to make predictions, especially about the future.” –Yogi Berra