

**BOARD OF DIRECTORS  
SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT  
SPECIAL MEETING  
MONDAY, NOVEMBER 16, 2020  
8:00 AM – 10:00 AM (PDT)**

*Pursuant to Provisions of Executive order N-25-20 issued by Governor Gavin Newsom on March 12,2020, Any director may call into the Board of Directors meeting using the call-in number..... or via GoToMeeting Link....*

## Microsoft Teams meeting

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[+1 951-384-1931](tel:+19513841931), [461109619#](tel:+1461109619) United States, Riverside

Phone Conference ID: 461 109 619#

### **PLEDGE OF ALLEGIANCE:**

**ROLL CALL:** Knoles, Paulson, Placido, Prince, Wong

### **PUBLIC COMMENTS FOR ITEMS NOT ON THE AGENDA**

### **ACTION ITEMS**

1. Resolution No. 11-2020-776 Appointing WQA Alternate
2. Resolution No. 11-2020-778 Delta Conveyance Project
3. Sexual Harassment Training

### **ADJOURNMENT**

THIS AGENDA WAS POSTED ON NOVEMBER 12, 2020 AT SGVMWD.  
THE NEXT REGULAR BOARD MEETING WILL BE DECEMBER 14, 2020.

**AGENDA ACTION ITEM NO. 1**

**RESOLUTION NO. 11-2020-776 APPOINTING WQA ALTERNATE**

**RECOMMENDED ACTION:** None

**BACKGROUND:** We need to choose an alternate representative. Director Placido is the current alternate.

**RESOLUTION NO. 11-2020-776**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT  
APPOINTING A REPRESENTATIVE AND ALTERNATE TO  
SERVE ON THE BOARD OF THE SAN GABRIEL BASIN  
WATER QUALITY AUTHORITY**

**WHEREAS**, on September 22, 1992, Senate Bill 1679 was signed into law by Governor Pete Wilson authorizing the creation of the San Gabriel Basin Water Quality Authority (WQA); and

**WHEREAS**, the Board of the San Gabriel Basin Water Quality Authority is composed of seven members with three appointed members from each of the three municipal water districts, one elected city council person from cities in the San Gabriel Basin with prescriptive pumping rights, one elected city council person from cities in the San Gabriel Basin without prescriptive pumping rights, and two appointed members representing water producers in the San Gabriel Basin; and

**WHEREAS**, the San Gabriel Valley Municipal Water District is one of the municipal water districts in the San Gabriel Basin; and

**WHEREAS**, it is now time to appoint the municipal water district's representatives and alternates for the four-year term commencing on January 1, 2021; and

**WHEREAS**, said appointments shall be made by Resolution adopted by the majority of the Board.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT AS FOLLOWS:**

Section 1. Mark R. Paulson is hereby appointed as the representative to the governing Board of WQA.

Section 2. \_\_\_\_\_ is hereby appointed as the alternate representative to the governing Board of the WQA.

**PASSED, APPROVED AND ADOPTED** this 16th day of November, 2020.

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary

(SEAL)

## AGENDA ACTION ITEM NO. 2

### RESOLUTION NO. 11-2020-778 DELTA CONVEYANCE PROJECT

**RECOMMENDED ACTION:** Adopt Resolution No. 11-2020-778

**BACKGROUND:** This item was tabled from the last meeting. In summary the resolution does four things

1. Authorizing the District's level of participation at .79% of the State Water Project- the District's normal participation rate in the State Water Project is .69%. There are five north of delta contractors which receive no benefit from the project and six other contractors who have indicated that they will opt-out of the project. When this gap is distributed proportionately among the remaining 18 contractors, the District's share becomes .79%.
2. Authorizing execution of a funding agreement with DWR for environmental and planning costs associated with the Delta Conveyance Project- The total environmental and planning cost is estimated to be \$339 million. Using the .79% participation rate the District's share is \$2,678,173.00 which will be paid over 4 years:
  - \$496,856 for 2021
  - \$484,737 for 2022
  - \$807,895 for 2023
  - \$888,685 for 2024
3. Approval of amendments to Delta Conveyance Design and Construction Authority Joint Powers Agreement- The amendment will modify the JPA as follows:

The proposed amendment would restructure the Board of Directors as follows:

- Change the number of DCA Board of Directors from four (4) to seven (7)
- Convert the existing at large SWC seat and Metropolitan Water District of Southern California (Non-State Water Project capacity) seat to the following:
  - (1) seat for Class 2 members, excluding Santa Clara Valley Water District
  - (1) seat for Classes 3, 5 and 7
    - Add two (2) at large seats for Class 8 members
    - Continue one (1) seat each for:
      - Metropolitan Water District of Southern California (State Water Project)
      - Kern County Water Agency
      - Santa Clara Valley Water District

4. Determining the actions are exempt from CEQA- The recommended actions do not qualify as a "project" subject to CEQA because the actions constitute (1) continuing administrative or maintenance activities, such as general policy and procedure making; (2) government fiscal activities that do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment; and (3) organizational or administrative activities of a public agency that will not result in direct or indirect physical changes in the environment. (State CEQA Guidelines, § 15060(c)(3).) The recommended actions do not constitute an approval by the Agency of the DCP nor do the actions authorize or approve construction of the DCP. The recommended actions do not authorize or commit the Agency or DWR to expenditure of the funding on any site-specific project. In addition, the recommended actions do not authorize or approve any actions by the DCA or DWR that may cause direct or reasonably foreseeable indirect environmental impacts. As such, the actions recommended herein are not a "project" requiring environmental review under the California Environmental Quality Act ("CEQA") pursuant to State CEQA Guideline § 15378, subdivisions (a) and (b)(2), (b)(4) and (b)(5).

Further, and even were the actions to be considered a CEQA "project," these actions would be statutorily exempt from environmental review pursuant to CEQA Guideline § 15262 because the actions merely call for the funding and completion of feasibility and planning studies, including the completion of CEQA review itself. In addition, the actions are exempt under the "common sense" exemption in CEQA Guidelines § 15061, subd. (b)(3) because it can be seen with certainty that there is no possibility that the actions may have a significant effect on the environment. Finally, none of the exceptions to the use of the "common sense" exemption as identified in CEQA Guidelines § 15300.2 exist here.

Budget Impact: The adopted 2020-2021 budget included \$1.2 million dollars for DCP planning an environmental costs. At that time the assumption was that the total cost would be paid in 12 monthly installments over calendar year 2021. The costs will now be spread out over 4 years.

**RESOLUTION NO. 11-2020-778**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT (1) AUTHORIZING A LEVEL OF PARTICIPATION IN THE DELTA CONVEYANCE PROJECT; (2) AUTHORIZING THE GENERAL MANAGER TO ENTER INTO A FUNDING AGREEMENT FOR ENVIRONMENTAL PLANNING COSTS FOR THE PROJECT; (3) AUTHORIZE ENTERING INTO THE DELTA CONVEYANCE DESIGN AND CONSTRUCTION AUTHORITY JOINT POWERS AGREEMENT; AND (4) DETERMINING THAT THE FOREGOING ACTIONS ARE EXEMPT FROM CEQA.**

**WHEREAS**, San Gabriel Valley Municipal Water District (District) has a long-term water supply contract with the State of California Department of Water Resources (DWR) for the delivery of State Water Project (SWP) water; and

**WHEREAS**, on July 21, 2017, DWR approved the project known as the California WaterFix, which was a dual conveyance project that involved two new diversion points and two tunnels moving water from the Sacramento River north of the Delta under the Delta to State Water Project and Central Project water pumping facilities in the South Delta; and

**WHEREAS**, the purpose of the WaterFix project was to improve the reliability of SWP water for the District and other SWP contractors; and

**WHEREAS**, in 2019, Governor Newsom announced that he did not support the WaterFix project but he instead supported a one tunnel conveyance project. DWR subsequently rescinded its approvals of the WaterFix project and began planning for a single tunnel option; and

**WHEREAS**, DWR began public negotiations with the SWP contractors to agree upon a framework, referred to as an Agreement in Principle (AIP), for the amendment of the SWP water supply contracts to allocate costs and benefits in the event that a potential single tunnel facility is ultimately approved; and

**WHEREAS**, In January 2020, DWR released a Notice of Preparation of an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act (CEQA) for a proposed single tunnel project with 6,000 cfs of capacity, referred to as the Delta Conveyance Project (DCP), and DWR is currently conducting environmental review of the DCP; and

**WHEREAS**, after fifteen public negotiation sessions, DWR and the SWP contractors have developed a draft AIP that contains provisions for the allocation of costs and benefits for a potential Delta Conveyance Project; and

**WHEREAS**, DWR has requested that the District identify the level of its desired participation in the DCP assuming a 6,000 cfs facility, which will be used to inform the percentage of planning funding allocated to the District; and

**WHEREAS**, DWR has also requested that the District enter into a new funding agreement with DWR for an amount equal to the District's participation percentage of the preliminary design, environmental planning, and other preconstruction activities for DCP, which is up to \$2,678,173.00; and

**WHEREAS**, the Delta Conveyance Design and Construction Authority (DCA) was created by certain SWP contractors to actively participate with DWR in the design and construction of California WaterFix. The DCA subsequently entered into a Joint Powers Agreement with DWR; and

**WHEREAS**, given the shift from a two tunnel WaterFix project to the potential single-tunnel DCP and a significant change in the anticipated participation for DCP, the existing and prospective members of the DCA desire to amend the DCA Joint Powers Agreement to better align representation with Public Water Agency (PWA) participation; and

**WHEREAS**, the recommended actions do not qualify as a "project" subject to CEQA because the actions constitute (1) continuing administrative or maintenance activities, such as general policy and procedure making; (2) government fiscal activities that do not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment; and (3) organizational or administrative activities of a public agency that will not result in direct or indirect physical changes in the environment (State CEQA Guidelines, § 15060(c)(3)). The recommended actions do not constitute an approval by the District of the DCP nor do the actions authorize or approve construction of the DCP. The recommended actions do not authorize any amendment to the long-term water supply contract with DWR. Further, the recommended actions do not authorize or approve any actions by the DCA that may cause direct or reasonably foreseeable indirect environmental impacts. As such, the actions recommended herein are not a "project" requiring environmental review under CEQA pursuant to State CEQA Guideline § 15378, subdivisions (a) and (b)(2), (b)(4) and (b)(5); and

**WHEREAS**, even if the actions were considered a CEQA "project," these actions would be statutorily exempt from environmental review pursuant to CEQA Guideline § 15262 because the actions merely call for the funding and completion of feasibility and planning studies, including the completion of CEQA review itself. In addition, the actions are exempt under the "common sense" exemption in CEQA Guidelines § 15061, subdivision (b)(3) because it can be seen with certainty that there is no possibility that the actions may have a significant effect on the environment. Finally, none of the exceptions to the use of the "common sense" exemption as identified in CEQA Guidelines § 15300.2 exist here.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SAN GABRIEL VALLEY MUNICIPAL WATER DISTRICT:**

1. The above recitals are true and correct and are incorporated herein by reference as an operative portion of this Resolution.
2. The District's General Manager is authorized to inform DWR that the District desires to participate in the Delta Conveyance Project at a .79% participation level of the State Water Project Table A amount.
3. The District's General Manager is authorized to execute a funding agreement with DWR for environmental planning costs associated with the Delta Conveyance Project in the amount of up to \$2,678,173.00. The funding agreement is attached as Exhibit A.
4. The District's General Manager is authorized to execute a Joint Powers Agreement for the District to become a member of the Delta Conveyance Design and Construction Authority. The joint powers agreement is attached as Exhibit B.
5. For the reasons set forth above, the District's actions do not constitute a "project" requiring environmental review pursuant to State CEQA Guidelines § 15060, subdivision (c)(3) and §15378, subdivisions (a), (b)(2), (b)(4) and (b)(5). Alternatively, the actions are statutorily exempt from CEQA review pursuant to State CEQA Guidelines § 15262 and exempt under the "common sense" exemption identified in State CEQA Guidelines § 15061, subdivision (b)(3). None of the exceptions to the use of the "common sense" exemption as identified in Government Code § 15300.2 exist.
6. District staff is directed to prepare and file a Notice of Exemption within five working days of the approval of this Resolution.
7. The custodian of the records upon which this Resolution is based is the District's General Manager, Darin Kasamoto, who may be contacted at the District's office, located at 1402 East Vosburg Drive, Azusa, California 91702, by telephone at (626) 969-7911, or by e-mail at [dkasamoto@sgvmwd.com](mailto:dkasamoto@sgvmwd.com).

**PASSED, APPROVED AND ADOPTED** on November 16, 2020.

\_\_\_\_\_  
President

ATTEST:

\_\_\_\_\_  
Secretary



**Exhibit A**

## Exhibit B