Friant Water Authority  
Executive Committee Meeting Agenda

9:00 a.m., Monday, October 16, 2017 at Lindsay Office  
Conference Room  
854 N. Harvard Ave, Lindsay, CA 93247

At the discretion of the Executive Committee, all items appearing on this agenda, whether or not expressly listed for action, may be deliberated upon and may be subject to action by the Committee. Order of agenda items is subject to change.

1. Call to Order. Call to Order.

2. Additions to and approval of the agenda. Items identified after posting of the agenda, for which there is a need to take immediate action, may be added to the agenda. Addition of an item requires a two-thirds vote of the Committee members (or if less than two-thirds of the members are present, a unanimous vote of the members present). [Government Code section 54954.2(b)]

3. Approval of the September 18, 2017 meeting minutes.

4. Public Comment. (GOVERNMENT CODE SECTION 54954.3) – This is the time set aside on the agenda where members of the public may comment on any matter within the jurisdiction of the Committee that is not on the agenda. Comments will be limited to 3 minutes per speaker, 15 minutes per subject and 30 minutes overall for the entire public comment period, unless otherwise approved by the chair of the meeting, to ensure that all interested parties have an opportunity to speak. The Committee cannot take action on items not on the agenda; and therefore, comments on such items may be taken under advisement, referred to the appropriate staff for response or directed to be placed on a future agenda. Public comment on items on the agenda will be allowed at the time the Board considers the item.

OPEN SESSION

5. Determine if November EC meeting is still required because of the FWA Retreat.


   A. Temperance Flat Project – Update on SJVWIA membership and activities; status of cost sharing MOU with various agencies and scope of work.


   A. 2018 Water Bond – Update.

   B. Review of pending state and federal legislation.

9. General Counsel’s Report. Updates and other items of interest to the Executive Committee, not already covered in the agenda.
10. Chief Operating Officer’s Report. Updates and other items of interest to the Executive Committee, not already covered in the agenda.
   A. FKC Subsidence Issues – Update.
   B. Pump-back Project – Update.

11. Chief Executive Officer’s Report. Updates and other items of interest to the Executive Committee, not already covered in the agenda.

CLOSED SESSION

12. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION [Government Code section 54956.9(d)(1)] – Name of matter: NRDC v. Murillo, U.S. District Court, Eastern District of California (Sacramento Division), Case No. 88-cv-1658-JAM-GGH.


14. CONFERENCE WITH LEGAL COUNSEL—INITIATION OF LITIGATION [GOVERNMENT CODE SECTION 54956.9(d)(4)]—Initiation of Litigation: 2 potential cases.

15. Announce reportable action taken during closed session as required by Government Code Section 54957.1.


A person with a qualifying disability under the Americans with Disabilities Act of 1990 may request the Authority to provide a disability-related modification or accommodation in order to participate in any public meeting of the Authority. Such assistance includes appropriate alternative formats for the agendas and agenda packets used for any public meetings of the Authority. Requests for such assistance and for agendas and agenda packets shall be made in person, by telephone, facsimile, or written correspondence to Toni Marie, at the office of Friant Water Authority, at least 48 hours before a public Authority meeting.
Friant Water Authority
Executive Committee Meeting Agenda

9:00 a.m., Monday, September 18, 2017 at Lindsay Office
Conference Room
854 N. Harvard Ave, Lindsay, CA 93247

1. Call to Order. Call to Order. Chair Kent Stephens called the meeting to order at 9:00 a.m. Committee members present: Stephens, Borba, Camp, Loeffler, Tantau, White; Staff present: Phillips, DeFlitch, Marie, Davis, Payne, Ottemoeller, Hickernell, Luce, Villines, Bennett. Others: Adams, Demetriff, Muhar, Collup, Edwards, Morrissey, Dalke, Larsen, Geivet; Committee members absent: none

2. Additions to and approval of the agenda. The agenda was approved. (Borba/Tantau); approved unanimously - Ayes – Stephens, Borba, Camp, Loeffler, Tantau, White; Nays – none; Absent – none

3. Approval of the August 14, 2017 meeting minutes. The minutes were approved. (Borba/White); approved unanimously - Ayes – Stephens, Borba, Camp, Loeffler, Tantau, White; Nays – none; Absent – none

4. Public Comment. (GOVERNMENT CODE SECTION 54954.3) – There was no public comment.

OPEN SESSION

5. Friant Water Authority Retreat – Doug DeFlitch reported on the location for the upcoming November 15-17 retreat. The EC concurred that holding the retreat at the Wuksachi Lodge in Sequoia was an appropriate choice.


A. Update and possible action on Temperance Flat Project MOU and membership in SJVVIA. Jeff Payne, Water Resources and Operations Coordinator gave an update on the draft Temperance Flat Project cost sharing Memorandum Of Understanding (MOU) and the status of FWA’s proposed membership in the San Joaquin Valley Water Infrastructure Authority (SJVWIA) as outlined in the agenda detail sheets included in the packet. After much discussion, a motion to present the draft MOU to the Board for comments and then submit the MOU, as revised, to their home boards for review and consideration of participation as a part to the MOU; further, that the MOU clearly specify that participation in the MOU does not guarantee membership in the JPA. (Borba/White); approved unanimously - Ayes – Stephens, Borba, Camp, Loeffler, Tantau, White; Nays – none; Absent – none

The Executive Committee considered and took action to recommend to the Board that they approve membership in the SJVVIA. The proposed terms: 1. FWA’s membership dues will be $50,000 for Fiscal Year 2017-18 (July 17 – June 18). Friant can propose a payment schedule that does not require full payment by October 2017; 2. SJVVIA will not issue a press release about FWA’s membership, but FWA is free to send out its own press release; 3. SJVVIA and its members will be included in discussions led by FWA on establishing an appropriate governance structure for the implementation of the Temperance Flat Reservoir Project to ensure investment opportunities are open to appropriate agencies that include water users without Friant contracts. The goal is to have the appropriate governance structure in place by the beginning of 2018; and 4. Jason Phillips will be FWA’s representative on the Board, and Jeff Payne will be the alternate. (Camp/Borba); approved unanimously - Ayes – Stephens, Borba, Camp, Loeffler, Tantau, White; Nays – none; Absent – none

A. 2018 Water Bond – Mike Villines gave a brief update on the status of the 2018 Water Bond saying that support for the Bond is gaining speed and fundraising efforts as of today, have reached over $800,000 to put it on the ballot.

B. Review of pending state and federal legislation. Mike Villines gave a brief update on the status of the current legislation as outlined in the tracker included in the packet. He did note that SB5, (De León) California Drought, Water, Parks, Climate, Coastal Protection and Outdoor Access For All Act of 2018, which is the Senate version of AB 18, did pass the Senate.

8. General Counsel’s Report.

A. Officer and Committee Vacancies - General Counsel Don Davis discussed the need for the EC to make nominations to fill the vacancy of the Secretary-Treasurer Office and vacancies on the Executive Committee, Finance Committee and Human Resources Committee as a result of the pending resignation of the City of Fresno’s representation on the Authority, Georgeanne White, and outlined the provisions of the Bylaws for filling the vacancies. The EC took action to nominate for Board consideration Director Cliff Loeffler as Secretary-Treasurer of the Authority, as a member of the EC, and chair of the Finance and Human Resources Committee; to nominate Chris Tantau as a member of the Finance and Human Resources Committee; and to nominate Director Jim Erickson as an alternate on the EC. (Stephens/Borba); approved unanimously - Ayes – Stephens, Borba, Camp, Loeffler, Tantau, White; Nays – none; Absent – none. Director White took a moment to say a few words about her time spent on the Friant Board of Directors’ and Chairman Stephens along with the rest of the EC said she would be missed and wished her their best for her future.

9. Chief Operating Officer’s Report. Updates and other items of interest to the Executive Committee, not already covered in the agenda.

A. Subsidence Issues – Doug DeFlitch gave an update on the subsidence project that included discussion on short and long-term fix opportunities; anticipating that temporary fixes could be in place during the 2019 dewatering period.

B. Pump-back Project Update – Steve Ottemoeller, Water Resources Manager gave an update on the pump-back project saying that the group is making good progress on a preliminary technical memorandum that should be completed soon.

10. Chief Executive Officer’s Report. Updates and other items of interest to the Executive Committee, not already covered in the agenda.

A. FY 2018 General Member Budget – The EC took action to recommend to the Board that the Draft FY 2018 General Member Budget be approved at the September BOD meeting. (White/Borba); approved unanimously - Ayes – Stephens, Borba, Camp, Loeffler, Tantau, White; Nays – none; Absent – none

CLOSED SESSION
11. **CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION** [Government Code section 54956.9(d)(1)] – Name of matter: *NRDC v. Murillo, U.S. District Court, Eastern District of California (Sacramento Division), Case No. 88-cv-1658-LKK-GGH.*

12. **CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION:** Significant exposure to litigation pursuant to Government Code section 54956.9(d)(2): 1 potential matter.

13. **CONFERENCE WITH LEGAL COUNSEL—INITIATION OF LITIGATION** [Government Code section 54956.9(d)(4)]—Initiation of Litigation: 3 potential cases.

14. Announce reportable action taken during closed session as required by Government Code Section 54957.1. There was no reportable action taken during closed session.

15. **Adjournment.** The meeting adjourned at 2:12 p.m.
Legislative Tracker
FRIANT WATER AUTHORITY

October 12, 2017¹

**Governor Deadline for Action on Bills is Sunday, October 15th midnight**

***This list will be edited on Monday, October the 16th prior to the Thursday Board Meeting***

State Bills

<table>
<thead>
<tr>
<th>Bill</th>
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<th>FWA</th>
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<tr>
<td>AB 18</td>
<td><strong>AB 18 was amended in substantial form into SB 5</strong></td>
<td>California Clean Water, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (Garcia) – 8/30 version</td>
<td>PRO: Audubon, League of CA Cities, TNC, land trusts, park advocates OPP: None</td>
<td>NYC</td>
<td>Senate Appropriations Committee. This measure was amended into SB 5 (De Leon), which passed 9/15. Pending Governor Action</td>
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<td>AB 176</td>
<td>Water project: Friant-Kern Canal (Salas) – 1/18 version</td>
<td>Would appropriate $7,000,000 from the General Fund to the Department of Water Resources for the Friant-Kern Canal Pump-back Project. Current law requires DWR, upon appropriation by the Legislature, to provide funding for the project (under AB 935 passed and signed in 2016). This bill also contains other related provisions for implementation.</td>
<td>PRO: FWA, California Citrus Mutual, 48 individuals, California Fresh Fruit Association, Sun World International, South Valley Water Association &amp; districts OPP: None</td>
<td>S</td>
<td>Portion of funding proposed incorporated into signed 2018 CA Budget. Completed Successfully.</td>
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¹ Updates since the last version are included in **bold text.**
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| AB 313 | Water (Gray) – 7/18 version | Would effectively eliminate the State Water Resources Control Board by reassigning its major responsibilities and regulatory authorities to DWR and the Office of Administrative Hearings, and would also move oversight and administration of the State Water Project to a new state commission under the California Natural Resources Agency. | PRO: Ag/growers associations and groups, Westlands Water District, SLDMA, other irrigation districts  
OPP: Audubon, Sierra Club, and other enviro NGOs                         | NYC                                                                | Held in Senate Appropriations at Request of Author on 8/21.  
Updated Action: AB 313 was successfully passed on 9/15 as one of the last bills of the session.  
Pending Governor Action                                                                 |
| AB 321 | Groundwater sustainability plans (Mathis) – 4/27 version | Would require groundwater sustainability agencies under SGMA to involve farmers and ranchers in the development of groundwater sustainability plans.                                                                                                                                                                                                 | PRO: Calif. Water Association  
OPP: ACWA                                                                  | NYC                                                                | Senate passed 7/3; signed by the Governor 7/18; Chaptered into Law 8/11 |
| AB 791 | Sacramento-San Joaquin Delta: State Water Project and federal Central Valley Project: new conveyance facility (Frazier) – 3/21 version | Would require, before a water contractor enters into a contract to pay for costs related to WaterFix, that the lead agency provide the breakdown of costs for each water contractor entering into a contract and what benefits each contractor will receive based on the proportion it has financed of the proposed conveyance project. | PRO: Clean Water Action, Sierra Club, NGOs  
OPP: Water agencies, industry                                             | NYC                                                                | Failed to be acted on by deadline for 2017, and may be acted on in January 2018 (two-year bill) |
| AB 975 | Natural resources: wild and scenic rivers (Friedman) – 5/4 version | Would make California’s Wild and Scenic River requirements consistent with the federal Wild and Scenic River Act requirements. This includes (1) extending protected areas of the river to include adjacent lands in a ½-mile buffer on either side of the river (currently the definition includes only up to the river’s line of riparian vegetation) and (2) recognizing additional “values” of the river including historical, cultural, geologic, ecological, botanical, hydrological, and other “similar” values. Currently, state Wild and Scenic Rivers include mostly north state and north coast rivers, as well as a few that drain into the Lahontan basin. These rivers were placed under federal Wild and Scenic River Act protection in 1980, also, so at the federal level #1 and #2 already apply. | PRO: Enviro NGOs, sport fishing groups  
OPP: None                                                                    | NYC                                                                | Ordered to “inactive” file at request of Asm. Friedman on 6/5                                                                 |
<p>| AB 1369 | Water quality and storage (Gray) – 2/17 version | Would require the Department of Water Resources to increase statewide water storage (ground or surface) capacity by 25% by January 1, 2025, and 50% by January 1, 2050, using revenue generated and collected in the Greenhouse Gas Reduction Fund. The Greenhouse Gas Reduction Fund is the repository of funds collected by the California Air Resources Board through auction or sale of emissions allowances under the state’s “cap-and-trade” market-based emissions reduction program. | PRO: None                                                                   | NYC                                                                | Ref’d to Water, Parks &amp; Wildlife on 3/27; failed to be acted on by deadline for 2017, and may be acted on in January 2018 (two-year bill) |</p>
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<td>AB 1427</td>
<td>Water: underground storage (Eggman) – 3/21 version</td>
<td>Current law provides for the reversion of water rights to which a person is entitled when the person fails to beneficially use the water for a period of 5 years. Current law declares that the storing of water underground, and related diversions for that purpose, constitute a beneficial use of water if the stored water is thereafter applied to the beneficial purposes for which the appropriation for storage was made. This bill would revise the above declaration to additionally provide that certain uses of stored water while underground constitute beneficial use.</td>
<td>PRO: None OPP: MWD, Cucamonga Valley Water District, Three Valleys Municipal Water District, Westlands Water District, Coachella Valley Water District, Mojave Water Agency, Antelope Valley East Kern Water Agency</td>
<td>NYC</td>
<td>Failed to be acted on by deadline for 2017, and may be acted on in January 2018 (two-year bill)</td>
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<td>AB 1667</td>
<td>Agricultural water management planning (Friedman) – 7/3 version</td>
<td>Current law requires an agricultural water supplier to prepare and adopt an agricultural water management plan with specified components on or before December 31, 2012, and to update that plan on December 31, 2015, and on or before December 31 every 5 years thereafter. This bill would revise the components of the plan and additionally require the agricultural water management plan to quantify measures to increase agricultural water use efficiency, describe the agricultural water supplier’s water management strategy with specified elements, and include a drought plan describing the actions of the agricultural water supplier for drought preparedness and management of water supplies and allocations during drought conditions. Applies to districts with 10,000 acres or more.</td>
<td>PRO: None OPP: MWD, Cucamonga Valley Water District, Three Valleys Municipal Water District, Westlands Water District, Coachella Valley Water District, Mojave Water Agency, Antelope Valley East Kern Water Agency</td>
<td>NYC</td>
<td>Held in committee (Senate Natural Resources &amp; Water) on 7/11. Comments from agencies and individuals due 7/21. May be incorporated into a new bill (AB 1168). Currently held in Senate NR&amp;W Committee. 7/14/17 Failed Deadline pursuant to Rule 61(a)(10). (Last location was N.R. &amp; W. on 7/11/2017)(May be acted upon Jan 2018)</td>
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| SB 5 | California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018 (De León) – 9/12 version | Senate version of AB 18. Would enact the California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018, which, if approved by the voters, would authorize the issuance of bonds in an amount of $3,500,000,000 pursuant to the State General Obligation Bond Law to finance a drought, water, parks, climate, coastal protection, and outdoor access for all program. This bill contains other related provisions. | PRO: see AB 18, but longer; Santa Clara Valley Water District, Grasslands Water District; Orange County Water District  
OPP: None                      | NYC               | Passed on 9/15.  
Pending Governor Action |
| SB 49| California Environmental, Public Health, and Workers Defense Act of 2017 (De León) – 9/11 version                          | The Porter-Cologne Water Quality Control Act regulates the discharge of pollutants into the waters of the state. The California Safe Drinking Water Act establishes standards for drinking water and regulates drinking water systems. The California Endangered Species Act requires the Fish and Game Commission to establish a list of endangered species and a list of threatened species and generally prohibits the taking of those species. The Protect California Air Act of 2003 prohibits air quality management districts and air pollution control districts from amending or revising their new source review rules or regulations to be less stringent than those rules or regulations that existed on December 30, 2002. This bill would prohibit state or local agencies from amending or revising their rules and regulations implementing the above state laws to be less stringent than the baseline federal standards, as defined, and would require specified agencies to take prescribed actions to maintain and enforce certain requirements and standards pertaining to air, water, and protected species. | PRO: Enviro NGOs  
OPP: Cal Chamber, CFBF, CMTA, Western Growers, other industry groups | NYC       | Passed from Assembly Judiciary (8-3, party line) and sent to Appropriations on 7/11; Passed Assembly Appropriations 9/11; Currently in Assembly Rules Committee. Did not pass on 9/15, becomes a two year bill. |
OPP: None                      | NYC               | Passed from Assembly Water, Parks & Wildlife (15-0) and sent to Appropriations on 7/11; On Senate Special Consent Calendar as of 9/12, passed on 9/14.  
Signed Into Law |
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| SB 623  | Water quality: Safe and Affordable Drinking Water Fund (Monning) – 8/21 version | Would establish the Safe and Affordable Drinking Water Fund in the State Treasury and would provide that moneys in the fund are continuously appropriated to the office. The bill would require the State Water Resources Control Board to administer the fund to assist communities and individual domestic well users to address contaminants (primarily nitrates) in drinking water that exceed safe drinking water standards, as specified. The bill would authorize the board to provide for the deposit of federal contributions and voluntary contributions, gifts, grants, or bequests. Funds would be contributed through payments and tax increases on agricultural and municipal water districts.  
Ag protection would exist for 15 years. Production Ag will pay $20 million annually for 10 years, Dairy Industry will pay $10 million annually for 10 years, General Assessment on Water Bills for roughly $100 million annually for 10 years. | PRO: Enviro NGOs, Western Growers Association, Latino coalitions, clean water groups, labor groups, some valley cities  
OPP: ACWA, municipal water districts and utilities, some ag water districts, sportfishermen, NorCal envirot, NGOs | NYC                                                                 | Passed from Assembly Environmental Safety and Toxic Materials, Natural Resources and sent to Appropriations on 7/11. Sent from Assembly Appropriations to Assembly Rules 9/7 – two year bill. |
| SB 1668 **Double Joined to SB 606 - Skinner | Water Management Planning; Ag Water Management Plans; Rural Community Water Plans and half of Governor’s Water Conservation Efficieny Program | This bill was previously AB 1667 (Friedman) but has been amended to have the following key sections: (1) Urban Water Use Standard defined and implementation date of June 30, 2021 (2) Require an annual Ag Water Supply report by April 1, to be organized by groundwater basin and (3) require an annual Rural Community Water Plan report. | PRO: Enviro NGOs, Latino coalitions, clean water groups, labor groups, some valley cities  
Neutral: State Farm Bureau, Western Growers  
OPP: ACWA, municipal water districts and utilities, some ag water districts, | NYC                                                                 | In Senate Appropriations Committee. Held in Committee – two year bill. |
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| SB 606  | **Double Joined to AB 1668 - Friedman** | Water Management Planning: Urban Water Management Plans (UWMP's) reporting and Urban Drought planning  
Existing law requires the state to achieve a 20% reduction in urban per capita water use in California by December 31, 2020. Existing law requires each urban retail water supplier to develop urban water use targets and an interim urban water use target, as specified. Assembly Bill 1668 of the 2017-18 Regular Session, if enacted, would require the State Water Resources Control Board, in coordination with the Department of Water Resources, to adopt long-term standards for the efficient use of water and would establish specified standards for per capita daily indoor residential water use. | Similar to 1668 as both bills are double-joined and they implement Governor's Conservation Standards together. | NYC | Assembly Floor, did not pass. Two-year bill. |
### Federal Bills

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<td>HR 23</td>
<td>Gaining Responsibility on Water Act (Valadao) – 7/12 version</td>
<td>Would enact a number of policies related to California water law and water users. The bill includes a number of elements from other water legislation introduced in Congress in recent years, including related to increased monitoring and incidental take limit for Delta smelt, the San Joaquin River Restoration Settlement and Act (which the bill seeks to repeal), and fast-tracking feasible storage projects such as Temperance Flat.</td>
<td>S&amp;A</td>
<td>Amendments debated in the Rules Committee and subsequently passed on the House floor (230-190) on 7/12</td>
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<tr>
<td>HR 434</td>
<td>New Water Available To Every Reclamation State Act (Denham) – 1/11 version</td>
<td>Would authorize the Department of the Interior, for 15 years after this bill's enactment, to provide financial assistance, such as secured loans or loan guarantees, to entities that contract under federal reclamation law to carry out water projects within the 17 western states served by the Bureau of Reclamation, other states where the Bureau is authorized to provide project assistance, Alaska, and Hawaii.</td>
<td>NYC</td>
<td>Ref’d to the Subcommittee on Water, Power and Oceans on 2/7</td>
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