In accordance with the Governor’s Executive Order (N-25-20) and the declared State of Emergency as a result of the threat of COVID-19, members of the Executive Committee and FWA staff will be participating in this meeting remotely from multiple locations. Public access is being provided at the FWA Lindsay Office, but members of the public are encouraged to use the Webex number provided which will allow them to fully participate in the meeting without having to be present in person. If members of the public have any problems using the Webex number during the meeting, please contact the FWA office at 559-562-6305.

At the discretion of the Board of Directors, all items appearing on this agenda, whether or not expressly listed for action may be subject to action by the Board. The order of agenda items is subject to change.

1. CALL TO ORDER/ROLL CALL – (TANTAU)
2. APPROVAL OF THE AGENDA – (TANTAU)
3. PUBLIC COMMENT ON CLOSED SESSION ITEMS – (DAVIS)
4. ADJOURN TO CLOSED SESSION

Closed Session Items (90 min)

5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
   (Government Code section 54956.9(d)(1))
   NRDC v. Murillo, U.S. District Court, Eastern District of California (Sacramento Division), Case No. 88-cv-01658-JAM-GGH

6. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION
   (Government Code section 54956.9(d)(2))
   Significant Exposure to Litigation: Three potential matters.

7. CONFERENCE WITH LEGAL COUNSEL-INITIATION OF LITIGATION
   (Government Code section 54956.9(d)(4))
   Initiation of Litigation: Two potential cases.
8. **CONFERENCE WITH REAL PROPERTY NEGOTIATORS**

(Government Code section 54956.8)
Property: Friant-Kern Canal facilities and right-of-way
Agency negotiator: CEO, COO, General Counsel
Negotiating parties: United States (Bureau of Reclamation)
Under negotiation: OM&R Transfer Agreement (price and terms of payment)

9. **RECONVENE INTO OPEN SESSION (10:00 am)**
Announce reportable action taken during closed session.

10. **PUBLIC COMMENT / PUBLIC PRESENTATIONS – (TANTAU)**
Public comment is welcome at this time on any matter within the jurisdiction of the Board that is not on the agenda. Under the State's open meeting law - the Brown Act - no action may be taken on any item not on the agenda. Public comment on items on the agenda will be allowed at the time the Board considers the item.

11. **ACTION ITEMS (2 MINUTES)**
   A. Approval of the Minutes –Executive Committee meeting of February 10, 2020.

12. **BOARD RECOMMENDATIONS (5 MINUTES)**
   A. Governance/Board Meeting Software – Recommendation to Board of Directors to to implement use of a digital platform using BoardEffect software for Board and Committee meeting materials and authorize the COO to execute an agreement with the Diligent Corporation to license its software for an initial one-year period. (Phillips/Davis)
   B. Title Transfer MOU – Recommendation to Board of Directors to direct CEO to negotiate and bring back for Board approval a final MOU with Reclamation on the process for transferring title of the Friant-Kern Canal to FWA. (Bezdek)
   C. Recommendation to the Board regarding Water Year 2020 – San Luis Delta-Mendota Water Authority O&M Water Rates and a proposed increase of $600,000 for Cash Flow Reserves.

13. **DISSCUSSION/DIRECTION (90 MINUTES)**
   A. FKC Middle Reach Capacity Correction Project Update. (DeFlitch/Davis)
      i. Investment strategy
      ii. Schedule
   B. External Affairs Update. (Amaral/Biering/Villines)
   C. CVP and Friant Division Water Supply Allocations. (DeFlitch/Phillips)
   D. San Joaquin Valley Water Blueprint Update. (Ewell)
   E. Brown Act flexibility under Governor’s Executive Order and discussion regarding procedural options in response to threat of COVID-19. (Davis)
   F. CEO Report. (Phillips)

14. **ADJOURNMENT**
Public Participation
Information

Agenda reports and other disclosable public records related to each Open Session agenda item are available on FWA's website under "Calendar" at Friantwater.org and at FWA’s main office, 854 N. Harvard Ave., Lindsay, CA 93247, during regular business hours. Under the Americans with Disabilities Act, if you require a disability-related modification or accommodation to participate in this meeting, including auxiliary aides or services, please contact Toni Marie at 559-562-6305 at least 48 hours prior to the meeting.
EXECUTIVE COMMITTEE MEETING | Minutes

FEBRUARY 10, 2020
9:00 AM (CLOSED SESSION), 11:30 (OPEN SESSION)
VISALIA CONVENTION CENTER, SEQUOIA ROOM (2ND FLOOR)
300 SOUTH COURT, VISALIA, CA 93291

1. CALL TO ORDER/ROLL CALL – Chair Chris Tantau called the meeting to order at 9:00 a.m. Committee members present: Tantau, Kisling, Erickson, Camp, Loeffler; Staff present: DeFlitch, Marie, Biering, Willard, Phillips, Davis, Buck-Macleod, Amaral, Bezdek, Hickernell. Others: Ewell, Collup, Dalke, Muhar, Wallace, Fukuda, Larsen, Geivet, Morrissey, Barcellos, Quinley, Vanden Heuvel; Committee Members Absent: Borges, Stephens

2. APPROVAL OF THE AGENDA – The agenda was approved. (Loeffler/Kisling); approved unanimously - Ayes – Tantau, Loeffler, Erickson, Camp, Kisling; Nays – none; Absent – Borges, Stephens

3. PUBLIC COMMENT ON CLOSED SESSION ITEMS – There was not comment from the public on closed session items.

4. ADJOURN TO CLOSED SESSION

Closed Session Items

5. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Government Code section 54956.9(d)(1))
NRDC v. Murillo, U.S. District Court, Eastern District of California (Sacramento Division), Case No. 88-cv-01658-JAM-GGH

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(Government Code section 54956.9(d)(2))
Significant Exposure to Litigation: Three potential matters.

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(Government Code section 54956.9(d)(4))
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8. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

(Government Code section 54956.8)  
Property: Friant-Kern Canal facilities and right-of-way  
Agency negotiator: CEO, COO, General Counsel  
Negotiating parties: United States (Bureau of Reclamation)  
Under negotiation: OM&R Transfer Agreement (price and terms of payment)
9. **RECONVENE INTO OPEN SESSION**

   There was no reportable action taken during closed session.

10. **PUBLIC COMMENT / PUBLIC PRESENTATIONS**

    Ian Buck-Macleod was introduced as Friant’s newly hired Water Resources Manager.

11. **ACTION ITEMS**

    Approval of the Minutes – Executive Committee meeting of October 14, 2019. The minutes were approved with one correction, add Mr. Loeffler as being present. (Loeffler/Erickson); approved unanimously - Ayes – Tantau, Loeffler, Erickson, Camp, Kisling; Nays – none; Absent – Borges, Stephens

12. **BOARD RECOMMENDATIONS (5 MINUTES)**

    a. Approval of Master Professional Services Agreement with MBK Engineers and Task Orders 1 & 2 for Monthly Tracking of Water Project Operations and On-Call Water Supply Strategic Assessments. (DeFlitch/Davis) – The Executive Committee approved recommendation to the Board of Directors that they ratify the MSA with MBK Engineers and Task Orders 1 & 2 for Monthly Tracking of Water Project Operations and On-Call Water Supply Strategic Assessments as outlined in the agenda report. (Loeffler/Erickson); approved unanimously - Ayes – Tantau, Loeffler, Erickson, Camp, Kisling; Nays – none; Absent – Borges, Stephens

13. **DISSCUSSION/DIRECTION (90 MINUTES)**

    a. FKC Middle Reach Capacity Correction Project Update – COO DeFlitch and General Counsel Davis reported on current activities on the FKC Middle Reach Capacity Correction Project as outlined in the agenda report. This included submittal of the Administrative Draft Feasibility report to OMB on January 28th; legal descriptions for 23 parcels proposed for acquisition have been approved by Reclamation; and BRI appraisal team continues to work with the federal Appraisal Valuation Services Office to get approval of Statements of Work (SOW), 14 SOW’s have been submitted.

    b. Title Transfer Update – A brief update on the Title Transfer update was provided and the hope is a formal report will be completed by the end of the month.

    c. San Joaquin Valley Blueprint Update – Austin Ewell gave an update on the SJV Blueprint group as outlined in the agenda report. Work continues to be finalized on the Socio-Economic report that Dr. Sundig is providing. His report is expected to show that approximately $1 billion of tax revenue will be lost in the San Joaquin Valley.

    d. External Affairs Update – Alex Biering and Johnny Amaral gave an update on External Affairs as outlined in the agenda report. Governor Newsom released their version of the 2020 natural resources and climate resiliency bond on February 1, 2020 that shows total spending of $4.75 billion with $2.952 Billion that is dedicated to water related projects and programs. FWA submitted a comment letter to the Newsom Administration on its Draft Water Resilience Portfolio on February 7th; FWA is preparing a comment letter to submit to Reclamation on the CVPIA True-up and Business practice as well; and Jason Phillips gave testimony on HR 5316 on January 28, 2020 before the House Subcommittee on Water, Oceans, and Wildlife on the Valley’s water balance, Friant-Kern Canal’s capacity limitations, and the benefits of HR. 5316.

    e. CVP and Friant Division Water Supply Allocations – CEO Phillips and COO DeFlitch gave an update on CVP and Friant Division water supply allocations and provided a spreadsheet that showed limitations on carryover for 2019 and 2020. It was reported that the Bureau and
contractors conducted phone calls to see if a carryover limitation of 10% could be changed and Michael Jackson indicated that the Bureau will be continuing with the carryover limitation at this time. CEO Phillips and COO DeFlitch will continue to work with contractors and Reclamation on this issue.

f. CEO Report – Chairman Tantau said that the Finance Committee was seeking some history into the fees that Friant is paying the State Water Resources Control Board to hold in abeyance Application 31153. The fee has increased to $65,000 this year. CEO Phillips will have the legal team look into the status of Application 31153.

14. ADJOURNMENT – The meeting adjourned at 12:53 p.m.
DATE: March 16, 2020

TO: Executive Committee

FROM: Austin Ewell

SUBJECT: Water Blueprint for the SJV

SUMMARY:

The Water Blueprint for the San Joaquin Valley (Group) will hold its next Large Group meeting on March 19th. The Group is made up of approximately 70 participants that include directors of Farm Bureaus, Water Authorities, Districts, Growers, Trade Associations, Fresno State, GSAs and white land interests. The Group is continuing to develop a comprehensive and collaborative plan that the San Joaquin Valley (broad coalition) can support and advocate for that focuses on solutions in coordination with key stakeholders. The Group is working with state representatives to include the Blueprint into the Governor’s Water Resiliency Plan (WRP). The Group is awaiting responses from its submitted comments on the Governor’s Water Resiliency Portfolio Draft from February 7th.

The Project Manager (Tal Eslick) has prepared an annual summary that has been sent to participants that highlights the completion of Phase 1 of the Socio Economic Report and other milestones this past year. The Steering Committee for Phase II will be reengaged in the coming weeks. The Group and the following committees listed are pursuing the goals of Blueprint, including funding opportunities and working in conjunction with other stakeholders.

Socio-Economic Impact Analysis Phase I completed: A rollout has begun and we are sharing the highlights of the report including up to 1,000,000 acres may be fallowed in the San Joaquin Valley over a period of 2-3 decades as a result of reduced ground and surface water availability. Approximately $1 billion of tax revenue will be lost in the SJV. Roughly 20% of farms will be eliminated in the SJV. The revenue loss associated with this fallowing would be up to $7.2 billion per year, and the lost net income to farmers would be up to $1.9 billion per year.

Project Implementation Status: The next phases of activities will require Planning and Engineering services to support the development, evaluation, and selection of activities that will be pursued with the support of the Blueprint entity, including: Implementation of SGMA in the San Joaquin Valley, Development of a water supply plan to minimize loss of working lands, degradation of groundwater quality, loss or jobs, and other regional economic impacts, Development of an environmental plan to manage land use changes for agricultural lands that unavoidably must come out of production, and Develop safe, clean affordable water supplies for disadvantaged communities.

Water Resiliency Portfolio: We are awaiting responses from the Governor’s office on the comments that were submitted. Overall the Blueprint requested focus on addressing SGMA in the Valley and planning for the impacts associated with land conversion. There remains a focus on reiterating the need for the Blueprint and real solutions to the crisis before us as highlighted by the Economic Report.
The Committees are working on the following matters:

1) Regional Representation & Technical Support: The committee is engaging technical experts Stantec and MBK to provide project and cost estimates. Technical Committee continues to meet and discuss the project list and related matters. The Group is looking to circulate a solicitation to GSAs for their involvement. Blueprint is looking for additional technical funding sources through BOR and DWR.

2) Engagement and Outreach (i.e. Disadvantaged Communities, Environmental Organizations & Urbans). The committee is continuing to set up meetings with eNGOs, State and Federal Representatives and Brattle Group to go over the Socio-economic Study. It continues to meet with organizations and entities to educate them and pursue their engagement in the Blueprint. Self-Help has identified a possible pilot project to work on together in line with the Blueprint.

3) Funding, Finance & Governance: Blueprint is circulating 2020 invoices and an annual summary of the progress and milestones accomplished since its formation last year. An updated draft budget has been prepared for 2020 to reflect the governance structure, project management, the economic report as well as related services.

4) Advocacy & Public Relations: A communications plan is being implemented and the members are meeting regularly with advocacy assets to discuss priorities, which include the WRP, Governor’s budget, Bonds and additional support. Blueprint and Committee members have met with elected in Sacramento and key Administration officials about the details and implementation of the Blueprint. It is looking for possible bond or budget funding opportunities. It will continue to work with other key stakeholders and the administration to fold the Water Blueprint into the governor’s Water Resiliency Plan and possible Bonds and funding.

RECOMMENDED ACTION:

There is no recommended action at this time. The Board gave initial direction to pursue this collective effort and report back on its status.

BUDGET IMPACT:

None

ATTACHMENTS:

None
DATE: March 16, 2020
TO: Executive Committee
FROM: Jason Phillips, CEO
SUBJECT: Governance/Board Meeting Software

SUMMARY:
At the 2019 Board Retreat, the Board discussed moving to a digital platform for meeting materials. FWA holds numerous meetings each month and agenda packages can be voluminous. Significant amounts of staff time are spent on preparing hard copy binders, which are generally not saved by participants since the materials are available on the FWA website. Staff has researched various service providers and has identified the BoardEffect platform licensed by the Diligent Corporation as a preferred product. This software program is relatively easy to use and has many useful features. The licensing arrangement would also allow member districts to use the software thus enhancing connectivity between FWA and its members and eliminating the need for Directors and staff to learn different programs.

RECOMMENDED ACTION:
Staff recommends the Committee make a recommendation to the Board to implement use of a digital platform using BoardEffect for Board and Committee meeting materials and authorize the COO to execute an agreement with the Diligent Corporation to license its software for an initial one-year period.

DISCUSSION:
Staff looked into various software platforms for meeting materials and identified BoardEffect as a superior option. Kern-Tulare ID is currently using the software. BoardEffect provided an online overview of their product as well as a software demonstration to management staff who were duly impressed. Some staff are familiar with other meeting software and found the BoardEffect platform to be superior. Staff will present a short video on the software at the meeting. Here is a link to the video if anyone wants to preview in advance:

https://diligent.zoom.us/rec/play/vMAkdO-o-jo3GN2T4QSDAqAoW460Jvisg3IvW-KFcxy2zBXcAY1X1MrVEZLASRa2I_i6Xi0nUZu_pBuvn?continueMode=true

The software can be uploaded on any type of tablet or laptop. Staff is therefore not proposing that FWA purchase any devices, and will rely on Directors and member agency staff to supply a personal or agency-owned device. Staff will set up some training opportunities to become familiar with the software, and we expect it may take a meeting or two for everyone to get comfortable with the shift to a digital platform. As such, limited numbers of hard copies of agenda packages will continue to be made available at meetings for those who are not comfortable with the electronic format and for members of the public.
BUDGET IMPACT:

The initial annual cost for 60 licenses will be $13,000. Because Diligent sees the opportunity to expand the use of BoardEffects with member districts buying their own licenses, they initially offered to waive the one-time set up fee of $3,000 if FWA purchased the licenses in February. Staff will try to negotiate a waiver of this fee if the Board decides to purchase the licenses. This would be a budget addition, but would be offset in terms of reduced paper and supply costs, and from an organizational efficiency perspective, it will free up significant amounts of staff time that is being spent on the preparation of agenda packages.

SUGGESTED MOTION:

I move that the Executive Committee recommend that the Board authorize the COO to execute an agreement with the Diligent Corporation to license its BoardEffect meeting software for a one-year period, and direct staff to schedule the conversion to a digital platform along with appropriate training.

ATTACHMENTS:

BoardEffect Brochures
BoardEffect Agreement
BoardEffect excels at guiding nonprofit organizations towards modern governance best practices.

BoardEffect, part of Diligent, is the board management platform that allows boards to work smarter. Answering the direct board management needs of organizations with different structures, missions and goals, enables our clients to be better communicators and collaborators while fueling efficiency at every turn. Nonprofit organizations have long relied on BoardEffect’s modern governance tools to help their board leaders make informed decisions to power better outcomes.

With BoardEffect, your nonprofit can:
- Enhance efficiency for board and staff
- Provide security and control for important content
- Ensure board member engagement
- Document all governance activity
- Demonstrate a commitment to governance best practices

More than 68% of nonprofits surveyed in a 2018 study report being unprepared for a cyber attack, without any policies and procedures in place in the event that a breach occurs.

The stakes are high for protecting your organization's most sensitive information. BoardEffect can help -- with customers across the globe ranging from healthcare organizations to institutions of higher education to foundations and traditional nonprofits, we’ve developed our product over the past 10-years with security top-of-mind, to support the especially dynamic, nuanced, critically important work of thousands of nonprofit boards.

BoardEffect’s broad range of intuitive and collaborative features allows for easy management of board and committee information, while also enabling board and committee members to be more engaged in meetings and more focused on achieving goals. BoardEffect makes meetings more effective for everyone.

A feature-rich, easy-to-use platform for board members and administrators:

- Online meeting books
- Secure workrooms for boards & committees
- Dynamic agenda management
- Surveys and polls
- Full annotation capabilities
- Electronic signatures
- Single sign-on integration
- Task management with progress tracking
- Calendar integration, attendance tracking, RSVPs
- Mobile apps with offline access
- User directories
- Newsfeed

With over 2,500 customers, 180,000 users globally and a 96% customer retention rate, BoardEffect is the modern governance leader that puts customers first.

“I didn’t realize how much of an impact the easy delivery of board materials would have... We are a nonprofit company and we liked that BoardEffect understands the needs of nonprofit organizations. That, and the fact that BoardEffect is fairly priced, really appealed to us... It's fantastic to get service right away from a live person when I have questions and the helpdesk staff is helpful, knowledgeable and totally client-friendly.”

- Joann Cragoe
  Executive Assistant to the President,
  American Public Media

CONTACT US TODAY

866.672.2666
info@boardeffect.com
Hear From Our Customers:
The Top Benefits of BoardEffect

Efficiency

“BoardEffect has made my life easier by making it a one-stop shop for all of our board members for what they need and the information that they need to be effective board members.”

- April V.E., Board Administrator

“What BoardEffect helps us do is make sure that all of the information that is out there for our board, we're able to get it to them quickly and efficiently and easily. It helps us inform our board when they need to make decisions on those important matters.”

- Debbie B., Director of Board and Government Relations

“I absolutely would recommend BoardEffect. It has streamlined our process. It has helped our board. It's wonderful, it's innovative.”

- Laura M., Manager of Administrative Services
Security

“We feel really confident with BoardEffect when we’re sending information to the board that they’re able to retrieve it easily, but that it’s also a secure process.”

- Debbie B., Director of Board and Government Relations

“It has saved us time, but it really does bring us such a great feeling of confidence and security that our information is secure.”

- Laura M., Manager of Administrative Services

“Being on a secure platform where we can not only store, but share, information that’s extremely confidential, is a tremendous benefit.”

- Felicia F., Board Liaison
"BoardEffect has transformed our board in several ways. Making them more efficient and effective, for sure, giving them timely access to information and collaboration opportunities. I think it has made them smarter because they have better access to stuff that they wouldn’t have had before, and they’re able to make better informed decisions."

- April V.E., Board Administrator

"BoardEffect has really allowed me to automate those tasks, and it has made space for me to do the deeper work of this work. So to really be able to focus on governance, to really look at best practices."

- Felicia F., Board Liaison

"BoardEffect has transformed our board because it has allowed our board to collaborate with each other... It helps them to make the decisions that need to be made and prepare in advance for the work that the foundation collectively does."

- Scott O., Executive Assistant to the President and CEO

"The boards that I’ve worked with that have adopted BoardEffect have become savvier boards. They have become better governing boards."

- Felicia F., Board Liaison
Ease-of-Use

“Everybody loves using it. It’s very, very easy. It’s user-friendly. I have all age types on my board, and everyone can access it and do what they need to do.”

- Laura M., Manager of Administrative Services

“It’s made my board’s life easier because they receive the materials in a way that’s convenient for them. They can access it at home, on the road, on their iPad, on their desktop, even on their mobile phone.”

- Scott O., Executive Assistant to the President and CEO

Bring BoardEffect to Your Organization

BoardEffect strives to provide solutions that support board governance best practices, addressing the challenges organizations of all sizes and industries face with board governance. Offering robust training options from in person to self-service, BoardEffect works with you to define an implementation strategy to best fit your needs. BoardEffect leads the industry in defining governance management software platforms, and its commitment to innovation puts you in control of an intuitive environment that improves efficiency, collaboration, communication, security and governance.

This Diligent Corporation Order Form ("Order Form") by and between Diligent Corporation ("Diligent") and Friant Water Authority ("Client") details the terms of Client’s use of the products and services set forth below ("Product and Pricing Summary"). This Order Form shall become effective on the Effective Date. This Order Form, together with the BoardEffect® Platform Master Terms located at [www.boardeffect.com/terms](http://www.boardeffect.com/terms) ("Master Terms") as of the date of the Client’s signature to this Agreement and incorporated by this reference, form the entire agreement between the parties in respect of the offerings set forth in the Pricing Summary. Upon request, the Master Terms can be provided the Client. Notwithstanding anything to the contrary in any purchase order or other document provided by Client, any product or service provided by Diligent to Client in connection with a purchase order related to this Order Form is conditioned upon Client’s acceptance of this Order Form and the Master Terms. Any additional, conflicting or different terms proffered by Client in a purchase order or otherwise shall be deemed null and void. Each of the individuals executing this Order Form represent and warrant that he or she is authorized to execute the Agreement on behalf of Client or Diligent, as applicable.

*If executed by Client after this date, Diligent may accept or reject this Order Form in its sole discretion.

In consideration of the promises set forth herein, the parties hereby agree as follows:

**Product & Pricing Summary**

<table>
<thead>
<tr>
<th>BoardEffect Solutions</th>
<th># Users</th>
<th># of Boards</th>
<th>Annual Subscription Fee*</th>
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**Additional Services**

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<th>One-Time Subscription Fees</th>
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**Discounts**

Client is eligible for a 100% discount ($3,000) of the One-Time Set-up Fee (One-Time Fee) provided a fully executed Order Form is returned to Diligent on or before February 29th, 2020. ($3,000)

**Total Fees Due**

| TOTAL FEES DUE | $13,000 |

**Client Information**

<table>
<thead>
<tr>
<th>Invoicing</th>
<th>Notices</th>
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</thead>
<tbody>
<tr>
<td>Client Contact Name: Toni Marie, Executive Secretary</td>
<td>Toni Marie, Executive Secretary</td>
</tr>
<tr>
<td>Address: 854 N. Harvard Ave, Lindsay, CA 93247</td>
<td></td>
</tr>
<tr>
<td>Billing Contact: Toni Marie, Executive Secretary</td>
<td></td>
</tr>
<tr>
<td>Phone: 559.562.6305 x4001</td>
<td></td>
</tr>
<tr>
<td>E-mail: <a href="mailto:tmarie@friantwater.org">tmarie@friantwater.org</a></td>
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IF APPLICABLE:

- Purchase Order Required for Invoicing.
- Tax-exempt Entity: Please attach a copy of Client's tax-exemption certificate to this order form.

**B. Effective Date**

1. Effective Date: The date indicated below.
C. Payment Terms

1. All payments shall be due Net 30 days from the date of the invoice. Unless otherwise specified, all dollars ($) are United States currency.
2. Client shall be invoiced for amounts due in respect of the first year of the Initial Term upon execution of this Order Form.
3. Sales Tax: If applicable, a copy of Client’s Sales Tax Direct Pay Certificate or Client’s Sales Tax Exemption Certificate must be returned with this Order Form.

D. Special Provisions

None.

IN WITNESS WHEREOF, the parties hereto have executed this Order Form as of the Effective Date.

<table>
<thead>
<tr>
<th>Client: Friant Water Authority</th>
<th>Diligent: Diligent Corporation</th>
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<tbody>
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DATE: March 16, 2020

TO: Executive Committee

FROM: Don Willard, Business Administration Manager

SUBJECT: Water Year 2020 – San Luis Delta-Mendota Water Authority O&M Water Rates & Reserves

SUMMARY:

The SLDMWA Board of Directors met on February 6, 2020 and approved Water Year 2020 O&M Water Rates. The SLDMWA Board approved the WY 2020 O&M rates as represented in the WY 2020 column of the attached Schedule 2. These rates assume a 25% allocation by the USBR for WY 2020. These rates include the funds required for the USBR financing on the first unit completed in the JPP Rewind project, (Unit #6). The second unit, (Unit #2), was self-financed through the WY 2019 rates. The WY 2020 rates do not include any funding for the next unit in the Project. SLDMWA is currently pursuing financing for this unit through the USBR and anticipates this will be in place by May of 2020 and would not require any debt repayment until after completion of the work on that unit, which would likely be in 2021. The rates that apply to the Exchange contractors do not include any component for the DMC/CA Aqueduct Intertie. The primary factor behind the increase in rates from 2019 to 2020 is the reduction in the USBR Allocation.

On February 25, 2020 the USBR announced that the South of Delta Ag Contractors initial allocation was 15%. FWA Staff followed up with SLDMWA to see if there would be any adjustment to the rates following the USBR announcement. The response from SLDMWA was that, at this point in time, there were no plans to adjust the rates. Rates may be adjusted when the USBR makes a “final” allocation decision.

The WY 2019 rates, related to FWA / Exchange Contractors, that were approved last year, based on a 50% Ag Allocation, were as follows:


(Rates ended up at $15.18 and $17.73 respectively after the Allocation increases during the year).

The Approved WY 2020 rates, based on a 25% Ag Allocation, are as follows:

Upper DMC-Exchange Water Rates = $18.53 / acre foot.
Lower DMC-Exchange Water Rates = $23.29 / acre foot.

DISCUSSION:

In conjunction with the issuance of SLDMWA O&M Water Rates, FWA Staff is directed by the “Friant Water Authority O&M Fund Cost Recovery and Reserve Policy” to review the SLDMWA Cash Flow Reserve. After
completing this review, it is evident that an increase in the Reserve may be necessary should the USBR Allocation remain at or below 25%. The current Reserve amount is $3.0M. The attached schedule of “Cash Flow by Month with SLDMWA Adopted 2020 Rates”, indicates that an increase in the Reserve of $600,000 is appropriate to meet the requirements of the Policy, for a balance that is “based upon current maximum anticipated monthly payment by the Authority to the SLDMWA”. The highlighted line for July is the basis for this determination.

RECOMMENDED ACTION:

Staff is proposing that the Executive Committee recommend to the FWA Board of Directors, approval of an increase in the SLDMWA Cash Flow Reserve in the amount of $600,000 to be invoiced to the Friant contractors in a single billing.

SUGGESTED MOTION:

A motion that the Executive Committee recommend to the Board of Directors approval of an increase in the SLDMWA Cash Flow Reserve in the amount of $600,000 to be invoiced to the Friant contractors in a single billing.

BUDGET IMPACT:

There is no Budget impact to Friant Water Authority.

ATTACHMENTS:

SLDMWA - WY 2020 Water Rates

Cash Flow by Month with 2020 Rates
San Luis & Delta-Mendota Water Authority
Proposed WY20 O&M Rates - @ 25% ALLOCATION

<table>
<thead>
<tr>
<th>WATER SUPPLY</th>
<th>WY 2020 Rate</th>
<th>WY 2019 Rate</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Irrigation</td>
<td>WY2020</td>
<td>WY2019</td>
<td></td>
</tr>
<tr>
<td>M&amp;I</td>
<td>25%</td>
<td>75%</td>
<td>-50%</td>
</tr>
<tr>
<td>M&amp;I</td>
<td>50%</td>
<td>100%</td>
<td>-50%</td>
</tr>
<tr>
<td>Refuge</td>
<td>100%</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>Exchange/Water Rights</td>
<td>100%</td>
<td>100%</td>
<td>0%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RATES</th>
<th>WY2020</th>
<th>WY2019</th>
<th>Variance</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upper DMC</td>
<td>$22.69</td>
<td>$17.56</td>
<td>$5.13</td>
</tr>
<tr>
<td>Upper DMC - Exchange/Wr Rts</td>
<td>$18.53</td>
<td>$15.18</td>
<td>$3.35</td>
</tr>
<tr>
<td>Lower DMC/Pool</td>
<td>$27.45</td>
<td>$20.11</td>
<td>$7.34</td>
</tr>
<tr>
<td>Lower DMC/Pool - Exchange/Wr Rts</td>
<td>$23.29</td>
<td>$17.73</td>
<td>$5.56</td>
</tr>
<tr>
<td>San Felipe</td>
<td>$27.57</td>
<td>$20.26</td>
<td>$7.31</td>
</tr>
<tr>
<td>SLC Above Dos Amigos</td>
<td>$55.60</td>
<td>$29.76</td>
<td>$25.84</td>
</tr>
<tr>
<td>SLC Below Dos Amigos</td>
<td>$71.99</td>
<td>$37.91</td>
<td>$34.08</td>
</tr>
<tr>
<td>Volta Wells</td>
<td>$47.16</td>
<td>$31.93</td>
<td>$15.23</td>
</tr>
<tr>
<td>San Luis Drain</td>
<td>$0.34</td>
<td>$0.17</td>
<td>$0.17</td>
</tr>
</tbody>
</table>
## Forecasted Cash Flow by Month - SLDMWA Adopted 2020 Water Rates

<table>
<thead>
<tr>
<th>Month</th>
<th>AF from 2019 Water Schedule</th>
<th>2020 Proposed Rates</th>
<th>SLDMWA Reserves</th>
<th>Cash (Shortage)</th>
<th>SJR Releases Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>March</td>
<td>33,163</td>
<td>(518,006)</td>
<td>(518,006)</td>
<td></td>
<td>$7.73</td>
</tr>
<tr>
<td>April</td>
<td>50,500</td>
<td>1,176,145</td>
<td>3,000,000</td>
<td>1,823,855</td>
<td></td>
</tr>
<tr>
<td>May</td>
<td>107,055</td>
<td>2,493,311</td>
<td>3,000,000</td>
<td>506,689</td>
<td></td>
</tr>
<tr>
<td>June</td>
<td>130,241</td>
<td>3,033,313</td>
<td>3,000,000</td>
<td>(33,313)</td>
<td></td>
</tr>
<tr>
<td>July</td>
<td>153,847</td>
<td>3,583,097</td>
<td>3,000,000</td>
<td>(583,097)</td>
<td></td>
</tr>
<tr>
<td>August</td>
<td>132,852</td>
<td>3,094,123</td>
<td>3,000,000</td>
<td>(94,123)</td>
<td></td>
</tr>
<tr>
<td>September</td>
<td>40,219</td>
<td>936,701</td>
<td>3,000,000</td>
<td>2,063,299</td>
<td></td>
</tr>
<tr>
<td>October</td>
<td>24,286</td>
<td>565,621</td>
<td>3,000,000</td>
<td>2,434,379</td>
<td></td>
</tr>
<tr>
<td>November</td>
<td>27,720</td>
<td>645,599</td>
<td>3,000,000</td>
<td>2,354,401</td>
<td></td>
</tr>
<tr>
<td>December</td>
<td>7,117</td>
<td>165,755</td>
<td>3,000,000</td>
<td>2,834,245</td>
<td></td>
</tr>
</tbody>
</table>
Structure of Proposed FKC Zone 3 Investor Funding

The capacity in the FKC below milepost 88 would be divided into 3 Zones.

Zone 1 is the conveyance capacity that currently exists without any correction or restoration action.

Zone 2 is the increased capacity attributed to the construction of the FKC Middle Reach Capacity Correction Project (Project), that is financed by Public funding, GSA Mitigation funding and FWA OM&R funding.

Zone 3 is defined as the increase in capacity on the FKC above Zones 1 & 2 that would be constructed as a part of the Project. The amount of Zone 3 capacity available would be dependent on the additional capacity that could be constructed with the funds derived from the investments in Zone 3.

Note: The applicable capacity in Zone 2 and Zone 3 would be periodically reviewed and recalculated as funding is received.

Zone 3 Investment Need Calculation:

\[
\text{Zone 2 Funding Available} - \text{Total Project Need} = \text{Zone 3 Funding Need}
\]

\[
\frac{\text{Zone 3 Funding}}{\text{Additional Capacity created (cfs)}} = \text{cost per cfs} =
\]

The proposed method of determining the cost to purchase Zone 3 capacity is as follows:

1. Once Zone 2 funding is known, a calculation will be made as to what additional capacity Zone 2 funding would add as a stand-alone improvement.
2. The difference between the total cost of the Project and Zone 2 funding would equate to the investment need and thus the opportunity for Zone 3 investments.

3. Completing the additional calculated capacity of Zone 3 would then be used to generate a cost per cfs (cubic feet per second) $/cfs for potential Zone 3 investments.

**Benefits of Zone 3 Investment:**

[FWA is continuing to refine its analysis of the proposed operation and resulting benefits of Zone 3 access. The description below is a preliminary overview.]

- The primary benefit for Investors in Zone 3 would be that they would have access to Zone 3 capacity consistent with their level of investment with no additional conveyance fee.
- This access could be transferred to other districts at the direction of the Investor.
- A Zone 3 conveyance charge would be collected from: (1) any non-Investor using Zone 3 and (2) any Investor who uses more capacity than its investment.
- [FWA is exploring ways to set the conveyance charge in a manner and for a length of time that incentivizes investment and will reduce the risk to Zone 3 Investors.]
- The revenues collected from conveyance charges would be used to offset the cost to Investors.
- Investors would also have access to any unused capacity in Zone 2 without any additional expense if their total use is capped at their cfs level of investment.

**Potential Investment Financing Structure:**

As investment participation in Zone 3 voluntary, the terms and conditions of any financing would be subject to a participation agreement between the investing Districts and FWA. In addition to standard financing provisions, FWA will analyze with the group of Zone 3 participants the benefit of credit structures to enhance the credit quality of the financing structure. This assumes that the Investors would prefer that FWA arrange the financing on their behalf. Each Investor could also invest in Zone 3 by providing construction funds directly to FWA.

Potential investment could include a “step-up” provision whereby Investors agree to cover a default by another Investor. The ratings benefit of a step-up could be limited if only a handful of highly rated contractors choose to be Zone 3 Investors and participate in FWA managed group financing. As such, whether Investors benefit from such a provision will depend, in part, on whether it results in a higher credit rating and corresponding lower interest rate. But – this
would be determined on the basis of the participating Investors and the optimal financing structure.
DATE: March 16, 2020
TO: Executive Committee
THROUGH: Douglas DeFlitch, Chief Operating Officer
FROM: Janet Atkinson and Bill Swanson
SUBJECT: Friant-Kern Canal Capacity Correction Project Update

SUMMARY:
The FKC Capacity Correction Project (Project) is to correct the conveyance capacity problems caused by subsidence and original Project design deficiency from MP 88 (Fifth Avenue Check) to MP121.5 (Lake Woollomes Check). The Board of Directors (BOD) selected the proposed alternative that consists of a parallel or realigned canal along with enlargement of certain segments of the existing canal (Canal Enlargement & Realignment – “CER”) at the April 25th BOD meeting for continued design development, environmental compliance and permitting. Current work items include 1) final design; 2) completion of the Feasibility Report; 3) environmental compliance/permitting activities; and 4) land acquisition program.

DISCUSSION/UPDATE: The following is a summary of the work completed since the last BOD update:

Reclamation Schedule Update and Coordination Meetings – Several working group meetings were conducted (Environmental, Right-of-Way, Design, and Project Management). Provided below is the current milestone implementation schedule.

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>NOI/NOP Published</td>
<td>December 2, 2019</td>
</tr>
<tr>
<td>Feasibility Report provided to OMB</td>
<td>January 28, 2020</td>
</tr>
<tr>
<td>30-Percent Design Report - Final</td>
<td>February 24, 2020</td>
</tr>
<tr>
<td>NOA/Draft EIS/EIR Published</td>
<td>May 01, 2020</td>
</tr>
<tr>
<td>Biological Opinion Issued</td>
<td>May 7, 2020</td>
</tr>
<tr>
<td>Project Section 106 Complete</td>
<td>May 28, 2020</td>
</tr>
<tr>
<td>100-Percent Bid Issue Design Completion</td>
<td>October 21, 2020</td>
</tr>
<tr>
<td>NOA/NOD/FEIS/EIR Published</td>
<td>September 11, 2020</td>
</tr>
</tbody>
</table>
NOD Published | September 25, 2020
---|---
ROD Approval/Signature | October 21, 2020
Award Construction Contract | December 21, 2020 (see below)

The above is a fairly aggressive schedule that the team is committed to meeting. It is anticipated that it will take several months after the ROD is published to finalize activities such as permit acquisition, right-of-way acquisition and funding program. It is estimated that a construction contract award would occur in the first half of FY 2021.

**Feasibility Report** - Reclamation submitted the Administrative Draft Feasibility Report to OMB on January 28th. This represents a significant milestone in the Project’s implementation schedule.

**Environmental Compliance, Cultural Resources and Permitting**. Following is a description of NEPA/CEQA compliance and Permitting activities for the Project.

- Submitted the 2nd Admin Draft EIS/EIR to Reclamation for review on February 28th. Review comments are due on March 13th.
- Conducted a check-in meeting with the United States Army Corps of Engineers (USACE) regarding permitting, their involvement as a cooperating agency, and status of wetland delineation review.
- The Biological Resource Assessment (BRA) – received comments from Reclamation and finalizing to incorporate comments received.
- Biological Assessment/Section 7 Consultation – Reclamation provided the Biological Assessment to USFWS in December, USFWS has prepared a first draft of the biological opinion that is under senior review within the agency.
- The preliminary draft cultural resources report (Section 106 report) was submitted to Reclamation on January 13th. Work is ongoing to complete report for draft submittal planned for early April.

**Engineering and Design**

- Submitted the Final 30-percent Design Report that incorporates comments received.
- Supported the Value Engineering Study conducted the week of March 2nd.
- Supported decision making on subsidence phasing criteria.
- Supported Tulare County coordination with FWA.
- Continued developing turnout drawings, check structures, conceptual construction staging area needs, and utility relocation concepts.
- Initiated electrical designs.
- Progressed the turnout delivery pool concept and division box concepts.
- Continued to update utility tracking logs, updated mapping files with utility information and coordinated with utility owners.
- Prepared response to CALTRANS letter regarding State Highway 190.
- All legal descriptions have been approved by Reclamation.
• Submitted the Draft Geotechnical Data Report for review.
• Continued preparation of the Road Crossing Siphons Report, and Geotechnical Interpretive Report.

**Land Acquisition**

• Worked on the action items established during the joint Friant, BOR, Stantec bi-weekly meeting.
• BRI submitted 47 statements of work (SOW) out of the 52 anticipated to be needed to the U.S. Department of Interior Appraisal and Valuation Services Office (AVSO). These SOWs are required for the initiation of the appraisal work.
• BOR has returned 35 Letters of Engagements which accounts for 47 out of the 52 parcels needed. These Letters of Engagements have been received, signed and accepted for work completed notices have been transmitted to BOR.
• BRI worked with the Survey team to order 47 out of 52 field surveys needed. The field survey gives the right of way boundaries, and the staking for each parcel shows the owners and the appraisal team an accurate accounting of improvements in the Right of Way area and is accounted for in the appraisal.
• A total of 35 Notice to Appraise have been sent out to the applicable property owners.
• A total of 36 appraisal inspections have been conducted.
• Five Preliminary Title Report Opinions have been submitted to BOR.
• BRI and FWA continue to develop purchase agreement template for the Project.
• A total of 31 site field inspections are completed on the ASTM 1527-13 Phase 1 Environmental Site Assessments (Phase 1 ESA).
• First Draft of the Relocation Impact Memo sent to BOR.
• 5 Williamson Act Notifications have been completed for review.
• BRI and FWA continued to develop purchase agreement template for the Project.
• BRI submitted draft Scope of Work for any parcels that will require an Environmental Site Assessment (Phase 2).

**Landowner Coordination and Right-of-Entry (ROE) Support**

• Continued to provide landowner coordination as needed.

**RECOMMENDED ACTION:**

None.

**SUGGESTED MOTION:**

None.
DATE: March 16, 2020

TO: Board of Directors

FROM Alex Biering, Government Affairs and Communications Manager
Johnny Amaral, Chief of External Affairs

SUBJECT: External Affairs Update

SUMMARY:
Update on State and Federal legislation and communications activities.

RECOMMENDED ACTION:
None; informational only.

SUGGESTED MOTION:
None; informational only.

DISCUSSION:
State Affairs

The California Assembly released its version of the 2020 climate resilience bond on March 11. AB 3256 (“Wildfire Prevention, Safe Drinking Water, Climate Resilience, Drought Preparation, and Flood Protection Bond Act of 2020”) includes $6.98 B in funding for projects and programs, with a large focus on wildfires and climate resilience. Of this amount, $1.355 B (Section 80240) is provided for “the protection of California’s water supplies from multiyear droughts, including flood risk from extreme events, and providing safe drinking water...” The $1.355 B is allocated as follows:

- $360 M for competitive grants or loans to “helps provide clean, safe, and reliable drinking water...”
- $395 M for competitive grants for projects that support sustainable groundwater, including “water efficiency, water infrastructure, flood control, and groundwater recharge.”
- $400 M for the “protection and restoration of rivers, lakes, and streams to improve climate resilience, water supplies, water quality, and other benefits...”
- $150 M for multi-benefit flood management projects.
- $50 M for improvements to the State-Federal flood control system.
FWA staff are still reviewing the proposed language and funding amounts to determine eligibility of key FWA priority investments. FWA staff are also having ongoing conversations with Assembly and Senate staff related to both bonds, and working with other agencies and groups (ACWA, Blueprint group) to advocate for FWA priorities on conveyance, SGMA, etc., to be included in the Governor’s draft bond.

Additionally, FWA staff are actively working with Senator Melissa Hurtado’s office to submit a budget request for funding for the Friant-Kern Canal repairs.

Federal Affairs

News reports as of March 12 indicate that the Capitol complex is shut down to all nonessential personnel until April 1 due to the threat of the spread of coronavirus. FWA directors and staff have planned a trip to Washington, DC, from March 30 through April 2, and are monitoring the situation to determine whether it should be postponed. Additionally, FWA staff continue to work to ensure funding requests for the Friant-Kern Canal will be submitted through the remainder of the appropriations season.

Communications and Recent News

The eWaterline was distributed to email list on March 6. If you aren’t getting these, or want to add others to the email list, please contact any member of the FWA team or email information@friantwater.org.

BUDGET IMPACT:

None.

ATTACHMENTS:

None.
DATE: March 16, 2020

TO: Friant Water Authority, Executive Committee

FROM Ian Buck-Macleod, Water Resources Manager

SUBJECT: 2020 CVP Allocation

SUMMARY:
On February 25 Reclamation announced the initial 2020 water supply allocation for Friant Division and CVP south-of-Delta contractors as follows:

- Friant Division Class 1: 20%
- Friant Division Class 2: 0%
- CVP SOD Ag: 15%
- CVP SOD M&I: Greater of 65% of contract or Public Health and Safety requirement
- Exchange Contractors and Refuge Level 2: 100%
- SJRRP: Critical-High Year allocation of 70,919 AF at Gravelly Ford

The DWR Bulletin 120 exceedance forecasts straddle a Shasta Critical (<3.2MAF inflow) and Non-Critical Year for the 90% and 50% Shasta inflow exceedance, respectively. Reclamation notified Exchange Contractors, Refuges, and Settlement Contractors this week that we could be trending to a Shasta Critical Year, however they currently do not intend to reduce the March allocation from 100% down to 75%. CVO is currently assessing if any change to the CVP SOD Ag allocation is required.

DISCUSSION:
Table 1 shows unimpaired inflow forecasts for Shasta and Millerton based on recent DWR and CNRFC forecasts. High pressure system from this weekend could bring up to 6 inches of precipitation in the Feather and American watersheds, and 2 inches in the upper Sacramento. National Weather Service March outlook shows normal temperatures throughout California, normal precipitation for the Northern California, and slightly above normal precipitation for Central and Southern California
Table 1. Unimpaired Inflow Forecasts for WY 2020

<table>
<thead>
<tr>
<th>Item</th>
<th>90%</th>
<th>50%</th>
<th>10%</th>
</tr>
</thead>
<tbody>
<tr>
<td>CNRFC Shasta Unimpaired Inflow (TAF)&lt;sup&gt;1&lt;/sup&gt;</td>
<td>3090</td>
<td>3370</td>
<td>4470</td>
</tr>
<tr>
<td>DWR Shasta Unimpaired Inflow (TAF)&lt;sup&gt;2&lt;/sup&gt;</td>
<td>3110</td>
<td>3585</td>
<td>3995</td>
</tr>
</tbody>
</table>

Notes:
<sup>1</sup> As of March 12
<sup>2</sup> March 1 Bulletin 120

The DWR Bulletin 120 exceedance forecasts straddle a Shasta Critical (<3.2MAF inflow) and Non-Critical Year for the 90% and 50% Shasta inflow exceedance, respectively. Reclamation notified Exchange Contractors, Refuges, and Settlement Contractors this week that we could be trending to a Shasta Critical Year, however they currently do not intend to reduce the March allocation from 100% down to 75%. This is generally consistent with the forecasting guidance in the late 1990’s when this occurred. They will await the April forecasts to determine if a change in allocation is required.

CVO is currently assessing if any change to the CVP SOD Ag allocation is required. Preliminary analysis is showing San Luis Reservoir will go negative if the CVP SOD Ag allocation is maintained, Exchange Contractors allocation at 75%, and the Sacramento River Index remains Dry. If the Sacramento River Index drops to a Critical year, D-1641 requirements are less stringent and would not lead to an overdrawn San Luis. Currently, the 90% exceedance is a Critical year, whereas 75% and 50% are a Dry year. A final determination for the Sacramento River Index as it relates to D-1641 requirements is not made till May and it is based on the 50% exceedance. CVO is currently assessing its ability to pull more on NOD reservoirs to meet Delta inflow requirements, balance temperature requirements, and provide more exports prior to making any allocation reductions.
DATE: March 16, 2020

TO: Executive Committee

FROM: Austin Ewell

SUBJECT: Water Blueprint for the SJV

SUMMARY:
The Water Blueprint for the San Joaquin Valley (Group) will hold its next Large Group meeting on March 19th. The Group is made up of approximately 70 participants that include directors of Farm Bureaus, Water Authorities, Districts, Growers, Trade Associations, Fresno State, GSAs and white land interests. The Group is continuing to develop a comprehensive and collaborative plan that the San Joaquin Valley (broad coalition) can support and advocate for that focuses on solutions in coordination with key stakeholders. The Group is working with state representatives to include the Blueprint into the Governor’s Water Resiliency Plan (WRP). The Group is awaiting responses from its submitted comments on the Governor’s Water Resiliency Portfolio Draft from February 7th.

The Project Manager (Tal Eslick) has prepared an annual summary that has been sent to participants that highlights the completion of Phase 1 of the Socio Economic Report and other milestones this past year. The Steering Committee for Phase II will be reengaged in the coming weeks. The Group and the following committees listed are pursuing the goals of Blueprint, including funding opportunities and working in conjunction with other stakeholders.

Socio-Economic Impact Analysis Phase I completed: A rollout has begun and we are sharing the highlights of the report including up to 1,000,000 acres may be fallowed in the San Joaquin Valley over a period of 2-3 decades as a result of reduced ground and surface water availability. Approximately $1 billion of tax revenue will be lost in the SJV. Roughly 20% of farms will be eliminated in the SJV. The revenue loss associated with this fallowing would be up to $7.2 billion per year, and the lost net income to farmers would be up to $1.9 billion per year.

Project Implementation Status: The next phases of activities will require Planning and Engineering services to support the development, evaluation, and selection of activities that will be pursued with the support of the Blueprint entity, including: Implementation of SGMA in the San Joaquin Valley, Development of a water supply plan to minimize loss of working lands, degradation of groundwater quality, loss or jobs, and other regional economic impacts, Development of an environmental plan to manage land use changes for agricultural lands that unavoidably must come out of production, and Develop safe, clean affordable water supplies for disadvantages communities.

Water Resiliency Portfolio: We are awaiting responses from the Governor’s office on the comments that were submitted. Overall the Blueprint requested focus on addressing SGMA in the Valley and planning for the impacts associated with land conversion. There remains a focus on reiterating the need for the Blueprint and real solutions to the crisis before us as highlighted by the Economic Report.
The Committees are working on the following matters:

1) Regional Representation & Technical Support: The committee is engaging technical experts Stantec and MBK to provide project and cost estimates. Technical Committee continues to meet and discuss the project list and related matters. The Group is looking to circulate a solicitation to GSAs for their involvement. Blueprint is looking for additional technical funding sources through BOR and DWR.

2) Engagement and Outreach (i.e. Disadvantaged Communities, Environmental Organizations & Urbans). The committee is continuing to set up meetings with eNGOs, State and Federal Representatives and Brattle Group to go over the Socio-economic Study. It continues to meet with organizations and entities to educate them and pursue their engagement in the Blueprint. Self-Help has identified a possible pilot project to work on together in line with the Blueprint.

3) Funding, Finance & Governance: Blueprint is circulating 2020 invoices and an annual summary of the progress and milestones accomplished since its formation last year. An updated draft budget has been prepared for 2020 to reflect the governance structure, project management, the economic report as well as related services.

4) Advocacy & Public Relations: A communications plan is being implemented and the members are meeting regularly with advocacy assets to discuss priorities, which include the WRP, Governor’s budget, Bonds and additional support. Blueprint and Committee members have met with elected in Sacramento and key Administration officials about the details and implementation of the Blueprint. It is looking for possible bond or budget funding opportunities. It will continue to work with other key stakeholders and the administration to fold the Water Blueprint into the governor’s Water Resiliency Plan and possible Bonds and funding.

RECOMMENDED ACTION:

There is no recommended action at this time. The Board gave initial direction to pursue this collective effort and report back on its status.

BUDGET IMPACT:

None

ATTACHMENTS:

None
DATE:            March 16, 2020
TO:              Executive Committee
FROM:            Don Davis, General Counsel
SUBJECT:         Brown Act flexibility under Governor’s Executive Order and discussion regarding procedural options in response to threat of COVID-19

SUMMARY:

March 4, 2020, the Governor proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19. Among the directives was a suspension of Brown Act meeting requirements to allow greater flexibility for meetings by teleconferencing or video.

DISCUSSION:

The Executive Committee will discuss the temporary changes to Brown Act meeting requirements and provide direction to staff as to any desired options.
EXECUTIVE ORDER N-25-20

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection are needed; and

WHEREAS state and local public health officials may, as they deem necessary in the interest of public health, issue guidance limiting or recommending limitations upon attendance at public assemblies, conferences, or other mass events, which could cause the cancellation of such gatherings through no fault or responsibility of the parties involved, thereby constituting a force majeure; and

WHEREAS the Department of Public Health is maintaining up-to-date guidance relating to COVID-19, available to the public at http://cdph.ca.gov/covid19; and

WHEREAS the State of California and local governments, in collaboration with the Federal government, continue sustained efforts to minimize the spread and mitigate the effects of COVID-19; and

WHEREAS there is a need to secure numerous facilities to accommodate quarantine, isolation, or medical treatment of individuals testing positive for or exposed to COVID-19; and

WHEREAS, many individuals who have developmental disabilities and receive services through regional centers funded by the Department of Developmental Services also have chronic medical conditions that make them more susceptible to serious symptoms of COVID-19, and it is critical that they continue to receive their services while also protecting their own health and the general public health; and

WHEREAS individuals exposed to COVID-19 may be temporarily unable to report to work due to illness caused by COVID-19 or quarantines related to COVID-19 and individuals directly affected by COVID-19 may experience potential loss of income, health care and medical coverage, and ability to pay for housing and basic needs, thereby placing increased demands on already strained regional and local health and safety resources such as shelters and food banks; and

WHEREAS in the interest of public health and safety, it is necessary to exercise my authority under the Emergency Services Act, specifically Government Code section 8572, to ensure adequate facilities exist to address the impacts of COVID-19; and
WHEREAS under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this order would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571 and 8572, do hereby issue the following order to become effective immediately:

IT IS HEREBY ORDERED THAT:

1. All residents are to heed any orders and guidance of state and local public health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19.

2. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 2627(b)(1) for disability insurance applicants who are unemployed and disabled as a result of the COVID-19, and who are otherwise eligible for disability insurance benefits.

3. For the period that began January 24, 2020 through the duration of this emergency, the Employment Development Department shall have the discretion to waive the one-week waiting period in Unemployment Insurance Code section 1253(d) for unemployment insurance applicants who are unemployed as a result of the COVID-19, and who are otherwise eligible for unemployment insurance benefits.

4. Notwithstanding Health and Safety Code section 1797.172(b), during the course of this emergency, the Director of the Emergency Medical Services Authority shall have the authority to implement additions to local optional scopes of practice without first consulting with a committee of local EMS medical directors named by the EMS Medical Directors Association of California.

5. In order to quickly provide relief from interest and penalties, the provisions of the Revenue and Taxation Code that apply to the taxes and fees administered by the Department of Tax and Fee Administration, requiring the filing of a statement under penalty of perjury setting forth the facts for a claim for relief, are suspended for a period of 60 days after the date of this Order for any individuals or businesses who are unable to file a timely tax return or make a timely payment as a result of complying with a state or local public health official's imposition or recommendation of social distancing measures related to COVID-19.

6. The Franchise Tax Board, the Board of Equalization, the Department of Tax and Fee Administration, and the Office of Tax Appeals shall use their administrative powers where appropriate to provide those individuals and businesses impacted by complying with a state or local public health official's imposition or recommendation of social
distancing measures related to COVID-19 with the extensions for filing, payment, audits, billing, notices, assessments, claims for refund, and relief from subsequent penalties and interest.

7. The Governor’s Office of Emergency Services shall ensure adequate state staffing during this emergency. Consistent with applicable federal law, work hour limitations for retired annuitants, permanent and intermittent personnel, and state management and senior supervisors, are suspended. Furthermore, reinstatement and work hour limitations in Government Code sections 21220, 21224(a), and 7522.56(b), (d), (f), and (g), and the time limitations in Government Code section 19888.1 and California Code of Regulations, title 2, sections 300-303 are suspended. The Director of the California Department of Human Resources must be notified of any individual employed pursuant to these waivers.

8. The California Health and Human Services Agency and the Office of Emergency Services shall identify, and shall otherwise be prepared to make available—including through the execution of any necessary contracts or other agreements and, if necessary, through the exercise of the State’s power to commandeer property—hotels and other places of temporary residence, medical facilities, and other facilities that are suitable for use as places of temporary residence or medical facilities as necessary for quarantining, isolating, or treating individuals who test positive for COVID-19 or who have had a high-risk exposure and are thought to be in the incubation period.

9. The certification and licensure requirements of California Code of Regulations, Title 17, section 1079 and Business and Professions Code section 1206.5 are suspended as to all persons who meet the requirements under the Clinical Laboratory Improvement Amendments of section 353 of the Public Health Service Act for high complexity testing and who are performing analysis of samples to test for SARS-CoV-2, the virus that causes COVID-19, in any certified public health laboratory or licensed clinical laboratory.

10. To ensure that individuals with developmental disabilities continue to receive the services and supports mandated by their individual program plans threatened by disruptions caused by COVID-19, the Director of the Department of Developmental Services may issue directives waiving any provision or requirement of the Lanterman Developmental Disabilities Services Act, the California Early Intervention Services Act, and the accompanying regulations of Title 17, Division 2 of the California Code of Regulations. A directive may delegate to the regional centers any authority granted to the Department by law where the Director believes such delegation is necessary to ensure services to individuals with developmental disabilities. The Director shall describe the need justifying the waiver granted in each directive and articulate how the waiver is necessary to protect the public health or safety from the threat of COVID-19 or necessary to ensure that services to individuals with developmental disabilities are not disrupted. Any waiver granted by a directive shall expire 30 days from the date of its issuance. The Director may grant one or more 30-day extensions if the waiver continues to be necessary.
to protect health or safety or to ensure delivery of services. The Director shall rescind a waiver once it is no longer necessary to protect public health or safety or ensure delivery of services. Any waivers and extensions granted pursuant to this paragraph shall be posted on the Department’s website.

11. Notwithstanding any other provision of state or local law, including the Bagley-Keene Act or the Brown Act, a local legislative body or state body is authorized to hold public meetings via teleconferencing and to make public meetings accessible telephonically or otherwise electronically to all members of the public seeking to attend and to address the local legislative body or state body, during the period in which state or local public officials impose or recommend measures to promote social distancing, including but not limited to limitations on public events. All requirements in both the Bagley-Keene Act and the Brown Act expressly or impliedly requiring the physical presence of members, the clerk or other personnel of the body, or of the public as a condition of participation in or quorum for a public meeting are hereby waived.

In particular, any otherwise-applicable requirements that

(i) state and local bodies notice each teleconference location from which a member will be participating in a public meeting;
(ii) each teleconference location be accessible to the public;
(iii) members of the public may address the body at each teleconference conference location;
(iv) state and local bodies post agendas at all teleconference locations;
(v) at least one member of the state body be physically present at the location specified in the notice of the meeting; and
(v) during teleconference meetings, a least a quorum of the members of the local body participate from locations within the boundaries of the territory over which the local body exercises jurisdiction

are hereby suspended, on the conditions that:

(i) each state or local body must give advance notice of each public meeting, according to the timeframe otherwise prescribed by the Bagley-Keene Act or the Brown Act, and using the means otherwise prescribed by the Bagley-Keene Act or the Brown Act, as applicable; and
(ii) consistent with the notice requirement in paragraph (i), each state or local body must notice at least one publicly accessible location from which members of the public shall have the right to observe and offer public comment at the public meeting, consistent with the public’s rights of access and public comment otherwise provided for by the Bagley-Keene Act and the Brown Act, as applicable (including, but not limited to, the requirement that such rights of access and public comment be made available in a manner consistent with the Americans with Disabilities Act).
In addition to the mandatory conditions set forth above, all state and local bodies are urged to use sound discretion and to make reasonable efforts to adhere as closely as reasonably possible to the provisions of the Bagley-Keene Act and the Brown Act, and other applicable local laws regulating the conduct of public meetings, in order to maximize transparency and provide the public access to their meetings.

**IT IS FURTHER ORDERED** that as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 12th day of March 2020.

GAYN NEWSOM
Governor of California

**ATTEST:**

ALEX PADILLA
Secretary of State