



**LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY
AGENDA**

Regular Meeting of the Board of Directors
September 13, 2023 – 9:30 a.m.

To be held at:
ZONE 7 WATER AGENCY
100 North Canyons Parkway
Livermore, CA 94551

JOIN BY ZOOM

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/81404669563>

Or One tap mobile:

+16699006833,,81404669563# (San Jose, US)

Or Telephone 1-669-900-6833 Webinar ID: 814 0466 9563

Directors Participating Remotely:

Angela Ramirez Holmes Hendersonville Public Library, 140 Saundersville Road,
Hendersonville, Tennessee 37075

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available at the Zone 7 Administrative Building lot. If you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the Authority's Clerk at rperea@lagerlof.com. Notification at least 48 hours prior to the meeting will enable the Authority to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II}.

Members of the public may submit written comments to the Clerk by 4:00 p.m. on the day prior to the meeting for the Clerk to read into the record (subject to three-minute limitation). The meeting Chair will acknowledge such individual(s) at the appropriate time in the meeting prior to making their comment. Materials related to items on this Agenda are available for public review at: www.losvaquerosjpa.com/board-meetings. Each item on the Agenda shall be deemed to include any appropriate motion, resolution, or ordinance, to take action on any item. Members of the public will be disconnected from the meeting prior to any Closed Session, if applicable.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL OF DIRECTORS

Angela Ramirez Holmes, Chair, Zone 7 Water Agency
Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority
Ellen Wehr, Secretary, Grassland Water District
Paul Sethy, Treasurer, Alameda County Water District
Antonio Martinez, Director, Contra Costa Water District
Michael Tognolini, Director, East Bay Municipal Utility District
Dennis Herrera, Director, San Francisco Public Utilities Commission
Rebecca Eisenberg, Director, Santa Clara Valley Water District
TBD, Director – Ex Officio - Department of Water Resources

ALTERNATE DIRECTORS

Jonathan Wunderlich, Alternate Director, Alameda County Water District
Patt Young, Alternate Director, Contra Costa Water District
Lesa McIntosh, Alternate Director, East Bay Municipal Utility District
Ricardo Ortega, Alternate Director, Grassland Water District
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission
Jose Gutierrez, Alternate Director, San Luis & Delta-Mendota Water Authority
Richard Santos, Alternate Director, Santa Clara Valley Water District
Sandy Figuers, Alternate Director, Zone 7 Water Agency
TBD, Alternate Director – Ex Officio, Department of Water Resources

PUBLIC COMMENT ON NON-AGENDA ITEMS

Any member of the public wishing to address the Board of Directors regarding items not on the Agenda should do so at this time. The Board welcomes your comments and requests that speakers present their remarks within established time limits and on issues that directly affect the Authority or are within the jurisdiction of the Authority.

CONSENT CALENDAR

- 1.1 Approval of Minutes from August 9, 2023 Board of Directors Meeting**
- 1.2 Treasurer’s Report – Month Ended July 31, 2023**

ACTION ITEMS

None.

DISCUSSION ITEMS

- 2.1 Construction Cost Estimate Update**

2.2 Washington D.C. Engagement Trip and Related Meetings

2.3 Program Management Update

- **August Activities**
- **Fall ACWA Conference**
- **Outreach and Communications**

FUTURE AGENDA ITEMS

REPORTS

3.1 Directors

3.2 Executive Director

3.3 General Counsel

3.4 Committee Meeting Summaries

ADJOURNMENT

CONSENT CALENDAR

ITEM 1.1: APPROVAL OF MINUTES FROM AUGUST 9, 2023 BOARD OF DIRECTORS MEETING

RESPONSIBLE/LEAD STAFF MEMBER:

James Ciampa, General Counsel

RECOMMENDATION:

That the Authority's Board of Directors approve the attached minutes from the August 9, 2023 Board of Directors meeting.

DISCUSSION:

The Clerk, General Counsel and Executive Director have prepared the attached draft minutes from the August 9, 2023 Board of Directors meeting.

ALTERNATIVES:

Any suggested revisions to the draft August 9, 2023 Board meeting minutes will be considered.

FISCAL ANALYSIS:

Not applicable.

ENVIRONMENTAL REQUIREMENTS:

Not applicable.

EXHIBITS/ATTACHMENTS:

Draft minutes from August 9, 2023 Board of Directors meeting.



LOS VAQUEROS RESERVOIR JOINT POWERS AUTHORITY

MINUTES

Regular Meeting of the Board of Directors

Held at: **ZONE 7 WATER AGENCY**

100 North Canyons Parkway, Livermore, CA 94551

August 9, 2023 – 9:30 a.m.

Chair Angela Ramirez Holmes called the meeting to order at 9:33 a.m.

PLEDGE OF ALLEGIANCE – led by Chair Angela Ramirez Holmes

ROLL CALL OF DIRECTORS

Angela Ramirez Holmes, Chair, Zone 7 Water Agency

Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority

Ellen Wehr, Secretary, Grassland Water District

Paul Sethy, Treasurer, Alameda County Water District

Rebecca Eisenberg, Director, Santa Clara Valley Water District

Michael Tognolini, Director, East Bay Municipal Utility District

ALTERNATE DIRECTORS

*Antonio Martinez, Alternate Director, Contra Costa Water District

Richard Santos, Alternate Director, Santa Clara Valley Water District

Sandy Figuers, Alternate Director, Zone 7 Water Agency

*Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission

Ricardo Ortega, Alternate Director, Grassland Water District (by telephone)

*Participated in place of absent Director

ABSENT

Ernesto Avila, Director, Contra Costa Water District

Dennis Herrera, Director, San Francisco Public Utilities Commission

Jonathan Wunderlich, Alternate Director, Alameda County Water District

Lesa McIntosh, Alternate Director, East Bay Municipal Utility District

Jose Gutierrez, Alternate Director, San Luis & Delta-Mendota Water Authority

OTHERS PRESENT

Taryn Ravazzini, Executive Director
James Ciampa, Lagerlof, LLP, General Counsel
Chuck Gardner, Program Manager, Hallmark Group
Jessica Alwan, Program Manager, Hallmark Group
Maddy Benner, Hallmark Group
David Moore, Clean Energy Capital Securities, LLC
Maureen Martin, Contra Costa Water District
Rosemarie Perea, Board Clerk (by telephone)
MJ Brown, Assistant Board Clerk

Numerous others were present in person and by telephone.

PUBLIC COMMENT ON NON-AGENDA ITEMS

None

CONSENT CALENDAR

The Consent Calendar consisted of the following items:

1.1 Approval of Minutes from July 12, 2023 Board of Directors Meeting

1.2 Treasurer’s Report – Month Ended June 30, 2023

Upon motion by Alternate Director Ritchie, seconded by Alternate Director Martinez, the Consent Calendar was approved by the following roll call vote:

AYES: Angela Ramirez Holmes, Chair, Zone 7 Water Agency
Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority
Ellen Wehr, Secretary, Grassland Water District
Paul Sethy, Treasurer, Alameda County Water District
Michael Tognolini, Director, East Bay Municipal Utility District
Rebecca Eisenberg, Director, Santa Clara Valley Water District
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission
Antonio Martinez, Alternate Director, Contra Costa Water District

NOES: None

ABSENT: None

ABSTAIN: None

The motion passed with an 8-0 vote.

ACTION ITEMS

2.1 ACWA Board Officers' Election for President and Vice President

Executive Director Taryn Ravazzini provided background regarding the upcoming Association of California Water Agencies' election for President and Vice President. She stated the Board could authorize a vote for the suggested candidates for the President and Vice President positions, could authorize a vote for a different candidate or could abstain from voting.

Treasurer Sethy then moved, and Director Eisenberg seconded, that the Board authorize the Executive Director cast the Authority's vote for the ACWA preferred candidates, Cathy Green for ACWA President and Ernesto Avila for ACWA Vice President. The motion passed with the following roll call vote:

AYES: Angela Ramirez Holmes, Chair, Zone 7 Water Agency
Anthea Hansen, Vice Chair, San Luis & Delta-Mendota Water Authority
Ellen Wehr, Secretary, Grassland Water District
Paul SETHY, Treasurer, Alameda County Water District
Michael Tognolini, Director, East Bay Municipal Utility District
Rebecca Eisenberg, Director, Santa Clara Valley Water District
Steve Ritchie, Alternate Director, San Francisco Public Utilities Commission
Antonio Martinez, Alternate Director, Contra Costa Water District

NOES: None

ABSENT: None

ABSTAIN: None

The motion passed with an 8-0 vote.

DISCUSSION ITEMS

3.1 Program Management Update

- **Authority Auditor Services Procurement**
- **Agreement Schedule**
- **Construction Schedule**

Chuck Gardner, Program Manager with The Hallmark Group, presented a status update on the following program management items: (i) transition of administration from Contra Costa Water District (CCWD) to the Authority, including the transition of Board and committee meeting materials; (ii) business readiness, with the draft Request for Proposals (RFP) for Audit Services posted on August 4, August 25 response deadline and expected award at the September Board meeting, and the RFP for Bond Counsel services to be released in the coming weeks; (iii) project controls, including contract expenditure status, invoice processing and assumption of preparation of the Treasurer's Report; (iv) managing budget and schedule, with an updated construction schedule presented; (v) managing the Service Agreement development; and (vi) supporting communications, with preparation of the recent Press Release concerning the Bureau of Reclamation's additional \$10 million appropriation for the Project.

The Program Management team anticipates that regular updates to the Board will include status of the Project budget, schedule, contract authorizations, agreements, and additional topics, as needed.

Mr. Gardner stated that a \$44,000.00 reduction in the Clean Energy Capital invoice was negotiated. Mr. Gardner then reviewed the contract authorization matrix, which showed the current status of the Authority's existing and completed contracts, including amounts expended to date. Alternate Director Ritchie recommended changing the reference on the matrix from "Remaining Commitment" and Vice Chair Hansen suggested using "Remaining Contract Value" for that column. Director Eisenberg suggested the legal counsel line item have a definite number and General Counsel Ciampa suggested using the Fiscal Year 2024 budget figure moving forward. Chair Ramirez Holmes stated the remaining amount on the Khadam Consulting line item should be zero as that contract has been moved to the Program Management line item.

Mr. Gardner then reviewed the invoice review and approval procedure to be followed, which includes two reviews by the Program Management team and final review and approval by the Executive Director. Chair Ramirez Holmes clarified the process with respect to the Executive Director's invoices is different and noted General Counsel Ciampa and herself approve the Executive Director's invoices.

Mr. Gardner reviewed the current planning phase financing schedule and the various agreements into which the Authority must enter. With respect to the "Agreement Development Process," Chair Ramirez Holmes inquired about the delays for the various prerequisite agreements and stated the entity responsible for the agreement preparation should be listed on the schedule. She also expressed her frustration with the lack of progress on the CCWD Facilities Usage Agreement.

Director Tognolini stated it is important for the Contracts for Administration of Public Benefits (CAPBs) to be completed prior to the Service Agreement being completed so the members will know what impact the obligations under the CAPBs will have on members' expected Project benefits. Ms. Ravazzini responded the CAPBs will be developed in parallel with the Service Agreement. Secretary Wehr inquired about the status of the water rights petitions and Ms. Ravazzini stated the State Water Resources Control Board does not need to rule on those petitions prior to the Service Agreement being signed.

The revised construction schedule was then reviewed, and explanations for adjustments were provided. Discussion ensued with Maureen Martin and Chris Hentz of CCWD explaining the Division of Safety of Dams' requirement for the coffer dam in connection with the Reservoir Expansion. Mr. Hentz stated the coffer dam will isolate water upstream of the Los Vaqueros Dam to protect the work area during construction and also to provide stormwater protection. Chair Ramirez Holmes inquired about the status of the Project costs update. Mr. Gardner stated he hopes to have that information by the end of August. Vice Chair Hansen asked if the Transfer Bethany Pipeline costs will be separated and available in advance of other Project costs and Mr. Gardner stated that may be possible.

Director Eisenberg inquired whether CCWD had taken climate change and evaporation concerns into consideration in its design and planning. Ms. Martin explained CCWD is reviewing and updating data on an ongoing basis in connection with the design process. Ms. Martin also stated CCWD has determined an eight percent (8%) evaporation factor.

Mr. Gardner concluded by reviewing next steps for the Program Management team, including updating the baseline budget, assisting with the auditor selection recommendation, assisting with distribution of the Bond Counsel RFP, taking steps to streamline administrative activities, finalizing the Authority's cost report format and finalizing the Authority's progress and cost report for CCWD grant reimbursement.

Chair Ramirez Holmes asked for public comments from those present in the room and from those on the telephone. None were received.

3.2 California Water Commission (CWC) Water Storage Investment Program (WSIP) Process and Contract for Administration for Public Benefits (CAPB) Update

Executive Director Ravazzini provided an overview of the Project's background under the Water Storage Investment Program (WSIP), which provides the funding under the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (Proposition 1). The Project has received \$477 million in funding under Proposition 1, which includes \$18 million in inflation boosts and reallocation. Ms. Ravazzini stated final award of these funds requires completion of two separate Contracts for Administration of Public Benefits (CAPB), one between the Authority and the California Department of Fish and Wildlife (CDFW) for ecosystem benefits and the other between the Authority and the Department of Water Resources (DWR) for emergency response and recreational benefits. The CAPBs will become an exhibit to the final Funding Agreement with the California Water Commission (CWC).

The Authority is currently coordinating with CDFW and DWR to develop a proposed schedule for negotiating and drafting the CAPBs. The content of those agreements is included in the Proposition 1 implementing regulations. Ms. Ravazzini stated there are seven WSIP projects and the project proponents have been meeting for numerous years to work on template agreements. The Harvest Water conjunctive use project in Sacramento was the first WSIP project to have its hearing with the CWC. Ms. Ravazzini expects negotiations on the CAPBs to start in the next few months, with the CAPBs to be presented to the CWC in March 2024.

Alternative Director Ritchie expressed concern about the cost effectiveness of the Project in light of the eight percent (8%) evaporation rate being applied to a drought and storage project. He also inquired about the length of the term for the required public benefits under the CAPBs. Ms. Ravazzini stated that term will be negotiated. Lastly, Alternate Director Ritchie asked about the consequences if the required benefits are not provided. Ms. Ravazzini stated the adaptive management plan to be included in the CAPB will address that issue. General Counsel Ciampa further responded that issue will be negotiated, and the state was flexible in the Harvest Water CAPB.

Vice Chair Hansen stated it is important for the Service Agreement to include issues relating to the CAPBs and the ramifications of not meeting the specified public benefit requirements. Treasurer Sethy would like the Authority to ensure the ecosystem benefits are measurable and tangible. He also inquired about a further inflation boost, as one was not provided in the state's Fiscal Year 2024 budget.

Chair Ramirez Holmes asked for public comments from those present in the room and from those on the telephone. None were received.

3.3 Approach to Interim Financing

David Moore of Clean Energy Capital reviewed the options the Authority has with respect to interim financing, including a bank loan, medium-term notes or tax-exempt commercial paper. He explained each of those alternatives has different requirements. He stated the member agency finance staffs will be involved in the process of reviewing the options and providing input as to the preferred financing vehicle that will be brought to the Board for approval.

With respect to the engagement of Bond Counsel, that will be a competitive procurement and the selected Bond Counsel will report to the Authority's General Counsel. Also, the Finance Sub-Group will be further discussing whether the Authority will proceed with a Master Resolution to set forth the terms to apply to various financings of the Authority.

Treasurer Sethy suggested consulting with the Authority's bank, J.P. Morgan Chase, for input on the various financing options. Chair Ramirez Holmes stated her concern on the timing of the financing documents where costs are not known, and the allocation of costs is not certain. Mr. Moore stated the financing will be proceeding on a dual tract with the Service Agreement and if there is no Service Agreement, then the financing will not proceed.

Director Eisenberg stated it is important that the consequences of any breach or event of non-performance be identified and analyzed.

Mr. Moore then reviewed the interim financing milestones: (i) discussion of the preferred alternative at the September Finance Committee and action on the preferred alternative at the October Board meeting; (ii) appointment of the financial counterparty in November at the Finance Committee and Board action at the December Board meeting; and (iii) approval of the interim financing documents at the May Finance Committee meeting and June Board meeting.

Chair Ramirez Holmes asked for public comments from those present in the room and from those on the telephone. None were received.

FUTURE AGENDA ITEMS

None.

REPORTS

4.1 Directors –

Chair Ramirez Holmes apologized for the technical issues at the beginning of the meeting. She stated the Communications and Outreach Committee will be reviewing meeting technology options at its next meeting. Treasurer Sethy advised that Alameda County Water District unanimously approved a letter in support of the STREAM Act.

4.2 Executive Director

4.2.1 July Activities

4.2.2 Federal Relations Activities

Executive Director Ravazzini stated her written report is included in the meeting materials. She also reported on the \$10 million appropriation the Project received from the Bureau of Reclamation. She stated the third leadership workshop with the Bureau of Reclamation took place in late July and the engagement the regional leadership continues to go well. She stated she was invited to meet with representatives from the Bureau of Reclamation's Denver office on August 24 and scheduling coordination is ongoing. Also, members are continuing to proceed with approvals of the Multi-Party Cost Share Agreement Amendment No. 5.

Ms. Ravazzini introduced Sara Tucker of Natural Resource Results, LLC. Ms. Tucker advised the STREAM Act had a hearing in July and will be marked up in September. She stated \$134 million for storage projects is included in the pending appropriations bill. Also, a call was recently held with the members' federal lobbyists. Representative Harder's office was provided with amended language on his bill that CCWD and the Authority had agreed upon and the office accepted that language. Lastly, Ms. Tucker stated she is working on planning for the Authority's fall Washington, D.C. trip.

Ms. Ravazzini then concluded by reporting that to further enhance coordination with CCWD, she will be suggesting the Authority's executive team meet with CCWD's executive team on a monthly basis.

4.3 General Counsel

No report.

4.4 Committee Meeting Summaries

The following committee Meeting Summaries were included for the Board's review:

- Finance Committee Meeting Summary - July 11, 2023
- O&E Committee Meeting Summary – July 20, 2023
- Finance Committee Meeting Summary - July 27, 2023

The meeting was adjourned at 11:30 a.m.

Angela Ramirez Holmes, Chair

ATTEST:

Ellen Wehr, Secretary

ITEM 1.2: TREASURER’S REPORT – MONTH ENDED JULY 31, 2023

RESPONSIBLE/LEAD STAFF MEMBER:

Taryn Ravazzini, Executive Director

DISCUSSION:

Staff has prepared the Treasurer’s Report for July 2023. This report was reviewed by the Finance Committee at its August 24, 2023 meeting.

ALTERNATIVES:

For discussion purposes.

FISCAL ANALYSIS:

None.

ENVIRONMENTAL REQUIREMENTS:

Not applicable.

EXHIBITS/ATTACHMENTS:

Treasurer’s Report for Month Ended July 31, 2023.



TREASURER’S MONTHLY REPORT FOR THE PERIOD ENDED JULY 31, 2023

AUGUST 18, 2023

UPCOMING ACTIVITIES

August 24 at 1:00 p.m. – Finance Committee Meeting via Zoom

September 18 at 2:00 p.m. – Finance Committee Meeting via Zoom

FINANCE COMMITTEE

Chair: Anthea Hansen, SLDMWA

Vice-Chair: Paul Sethy, ACWD

Rebecca Eisenberg, SCVWD

Michael Tognolini, EBMUD

ACRONYM KEY

ACWD – Alameda County Water District

CCWD – Contra Costa Water District

CWC – California Water Commission

EBMUD – East Bay Municipal Utility District

LAP – Local Agency Partners

MPA – Multi-party Cost Share Agreement

SCVWD – Santa Clara Valley Water District (Valley Water)

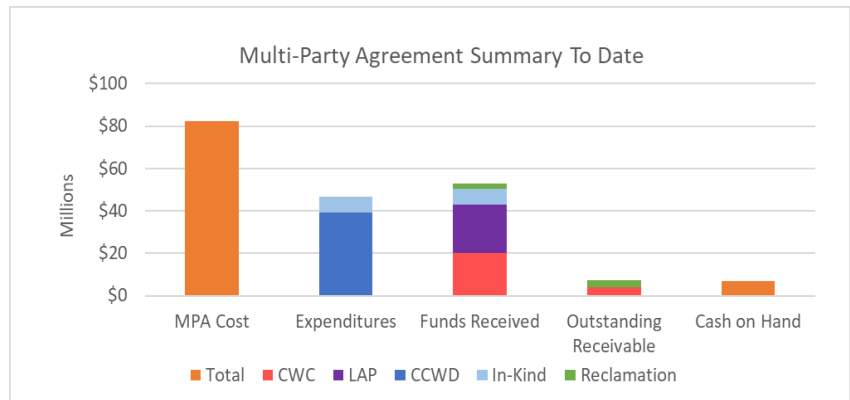
SLDMWA – San Luis & Delta-Mendota Water Authority

MULTI-PARTY AGREEMENT STATUS

Amendment No. 5 to the Multi-Party Cost Share Agreement (MPA) was previously executed by the JPA and CCWD and is being routed electronically to each JPA Member following their approval. The first invoice of \$619,500 per agency will be sent to JPA Member agencies in September 2023.

MPA EXPENDITURES

The following chart provides an overview of the MPA expenditures through July 31, 2023, in addition to in-kind services, funds received, outstanding receivable, and cash on hand. All LAPs remain in good standing and the Project cash on hand remains positive.



MPA Cost: \$84,610,865 (through Amendment No. 5)

Expenditures:
 CCWD: \$39,006,830
 LVRJPA: \$240,857 (Consultants and Legal)
 In-kind: \$7,678,868 (LAPs and Reclamation)
 Total: \$46,926,555

Funds Received:
 CWC: \$19,944,222
 Reclamation: \$2,420,227
 LAP: \$22,853,077 (cash contributions)
 In-kind: \$7,678,868 (LAPs and Reclamation)
 Total: \$52,896,394

Outstanding Receivables:
 CWC: \$4,071,603 (invoices and retention)
 Reclamation: \$3,025,702

Cash on Hand:
 CCWD: \$7,035,669
 LVRJPA: \$1,425,000

FEDERAL FUNDING STATUS

On July 27, 2023, the Bureau of Reclamation announced an additional allocation of \$10M to the project increasing Federal funding under the Bipartisan Infrastructure Law to a total of \$92M.

A total of \$82 million was allocated to the Project in the Bipartisan Infrastructure Law FY22 Spend Plan. The Authority was allocated \$18 million in FY23 from the Water Infrastructure Improvements for the Nation (WIIN) Act. Previous awards of Federal funding during FY21 and FY22 include \$10 million in pre-construction funding and \$54 million in construction funding. CCWD executed an assistance agreement with Reclamation for a total of \$7.2 million in federal funding for permitting, design, and other pre-construction activities and Reclamation has paid the first two invoices. Staff are working with Reclamation to develop an amendment to allocate approximately \$800,000 in additional pre-construction funding.

Future Federal funding requests include the remainder of the requested federal share of 21 percent of the total project cost (approximately \$39 million).

STATE FUNDING STATUS

The Project qualified for funding under the Water Storage Investment Program and received an adjusted Maximum Conditional Eligibility Determination of \$477,558,343 from the California Water Commission (CWC) on March 16, 2022. This amount reflects an additional inflation adjustment of 1.5 percent and an increase in over \$7 million from the previous award.

The Early Funding Agreement with the CWC provides for a cost share of 50 percent of eligible costs during pre-construction. An amendment was executed in November 2022 that extended the agreement through December 31, 2023 and added \$927,917 in additional early funding as a result of the inflation adjustments to the total award amount. The summary below reflects the Total Budget and other budget status information of the amended Early Funding Agreement.

Early Funding Agreement Summary to Date:

Total Budget:	\$47,755,834
Total Program Funding:	\$23,877,917 (50 percent cost share)
Total Billed To Date:	\$47,184,484 (99% spent to date)
Total Amount Remaining:	\$571,350
Total Retention To Date:	\$160,369
Outstanding Invoices:	\$4,071,603

DISCUSSION ITEMS

ITEM 2.1: CONSTRUCTION COST ESTIMATE UPDATE

RESPONSIBLE/LEAD STAFF MEMBER:

Chuck Gardner, LVR JPA Program Manager
Chris Hentz, CCWD LVE Project Engineering Manager

RECOMMENDATION:

None.

DISCUSSION:

The Phase 2 Los Vaqueros Reservoir Expansion Project June 2023 Project (LVE Project) Cost Update Basis of Estimate has been prepared by Contra Costa Water District and its capital programs team (GEI Consultants and Parsons). The estimate is consistent with the June 2023 project schedule and provides the most current anticipated costs to plan, design, manage, construct, and permit the facilities associated with the LVE Project.

Increases contrasted with previous cost estimates are noted to be driven by design refinements, escalation, increased construction management costs, construction services costs associated with the Marina relocation, increased staffing and labor costs, funding for water supply alternative conveyance, and inflation associated with LVE Project delays.

Chuck Gardner, Authority Program Manager, and Chris Hentz, CCWD LVE Project Engineering Manager, will provide an overview presentation of the cost update.

ALTERNATIVES:

None.

FISCAL ANALYSIS:

To be determined.

ENVIRONMENTAL REQUIREMENTS:

Not applicable.

EXHIBITS/ATTACHMENTS:

Construction Cost Estimate Overview Presentation.

The logo for the Los Vaqueros Reservoir Expansion Project is centered in the upper half of the image. It features the words "LOS VAQUEROS" in a bold, blue, sans-serif font. Below this, the words "RESERVOIR EXPANSION PROJECT" are written in a green, sans-serif font. To the right of the text is a vertical graphic element consisting of four stacked, trapezoidal shapes that resemble a dam or a reservoir cross-section, colored in shades of blue and green.

LOS VAQUEROS RESERVOIR EXPANSION PROJECT

The background of the slide is a scenic landscape. In the foreground, there are rolling green hills with a dirt road winding through them. In the middle ground, a large blue reservoir is visible, surrounded by a concrete dam structure. In the background, more rolling green hills are dotted with several white wind turbines under a clear sky.

Construction Cost Estimate Update
September 13, 2023



Overview

1. 2022 Cost Estimate Review
2. Sources of Increase
3. Next Steps

Table 6 – Estimated Cost at Completion – All Costs Comparison (Costs in \$1,000)¹

¹ All costs shown are multiples of \$1,000 and are rounded up to the nearest \$100,000.

² Program Reserves in 2022 include: Applied Program Contingency (\$47.121M); Capital Project Reserve (\$47.573M); Debt Service Reserve Fund (\$39.995M); and Administrative and Operating Fund Reserve (\$3.731M)

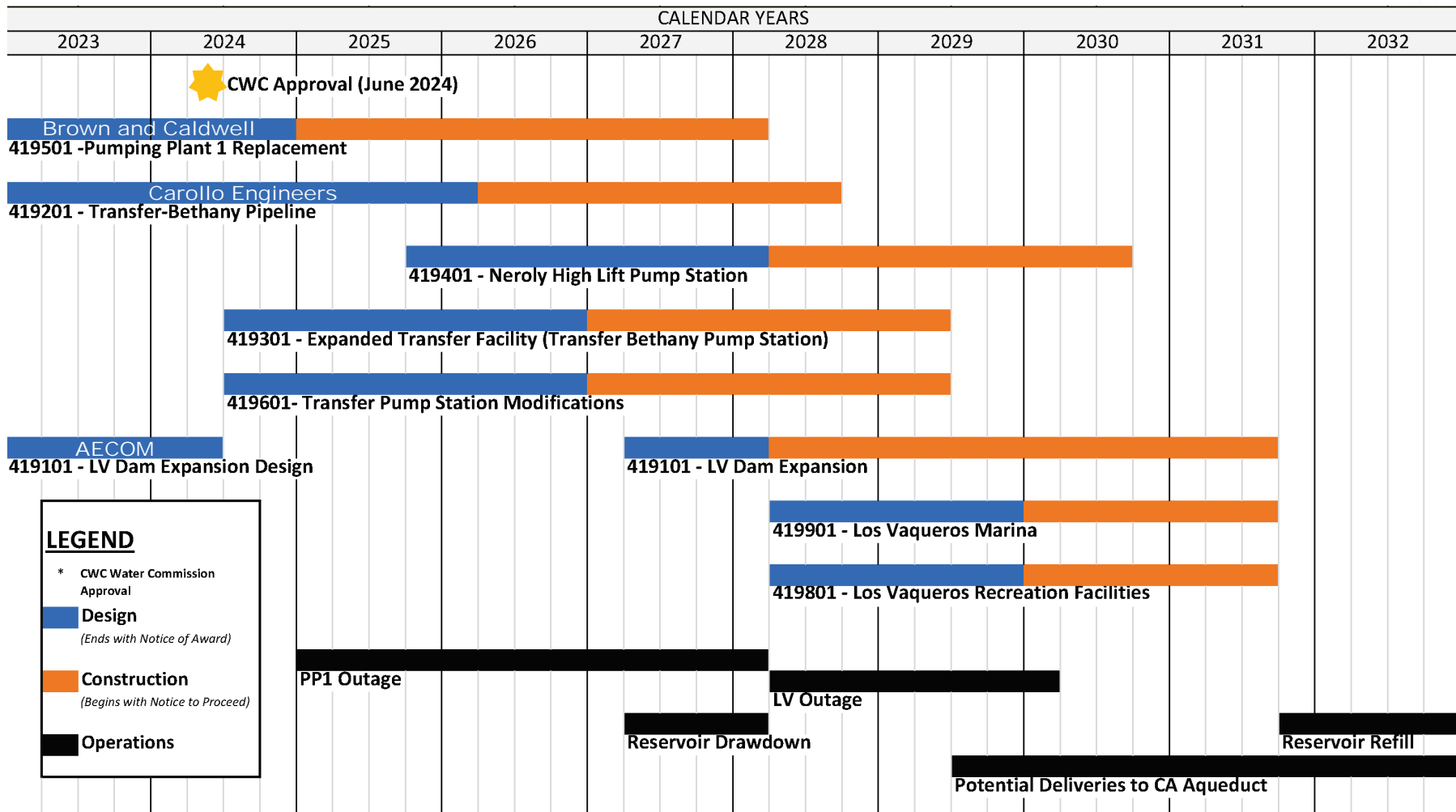
Project Element	June 2022 Capital Cost Estimate Cost at Completion	June 2023 Capital Cost Estimate Cost at Completion	Changes Between Updates	Percent Change (%)
Implementation Costs	\$88,600	\$89,700	\$1,100	1%
Los Vaqueros Dam Expansion	\$449,200	\$532,800	\$83,600	19%
Transfer Bethany Pipeline	\$219,400	\$264,600	\$45,200	21%
Expanded Transfer Facility	\$94,700	\$99,000	\$4,300	5%
Neroly High Lift Pump Station	\$68,900	\$77,400	\$8,500	12%
Pumping Plant No. 1 Replacement	\$94,100	\$112,200	\$18,100	19%
Transfer Pump Station Modifications	\$60,700	\$57,100	\$(3,600)	(6%)
Los Vaqueros Recreation Facilities	\$14,400	\$10,000	\$(4,400)	(31%)
Los Vaqueros Marina Relocation	\$84,700	\$100,500	\$15,800	19%
Program Reserves ²	\$138,400	\$100,000	\$(38,400)	(27%)
Total	\$1,313,000	\$1,443,300	\$130,300	10%
EBMUD Mokelumne Aqueduct	\$23,700			
JPA Costs				
Financing Cost	\$19,100			
JPA Admin Costs (Pre-Operations)	\$18,500			
Interest on LAP Contributions	\$2,300			
Program Total	\$1,376,600			

Sources of Increase

1. Cost estimates for the Dam Expansion, Transfer Bethany Pipeline, Pumping Plant 1, and Los Vaqueros Marina Relocation and Recreation Enhancements have been updated to reflect refined designs.
2. All Element costs have been escalated to reflect the LVE Project Summary Schedule.
3. Construction management services have been updated based on the latest Project understanding and estimated effort to manage and oversee the construction of each Element.
4. Updated construction services costs have been provided for the Los Vaqueros Marina Relocation. The updated costs for this project Element reflect the cost to construct the existing facilities at the higher elevation.
5. Staffing plans have been updated to reflect the LVE Project Summary Schedule and represent historical and future CCWD labor costs.
6. Funding for water supply alternative conveyance needs in the amount of \$2.9 million (including payment to EBMUD for use of their facilities) is added to the June 2023 Cost Update.

Construction Schedule Summary

July 13, 2023



LEGEND

- * CWC Water Commission Approval
- Design
(Ends with Notice of Award)
- Construction
(Begins with Notice to Proceed)
- Operations

Next Steps

- Convene Review and Refinement Workshops for Schedule and Cost Estimate
- Present Potential Recommendations at October Board Meeting
- Implement Actions as Directed by Board

ITEM 2.2: WASHINGTON D.C. ENGAGEMENT TRIP AND RELATED MEETINGS

RESPONSIBLE/LEAD STAFF MEMBER:

Taryn Ravazzini, Executive Director

DISCUSSION:

Since the Authority's successful introductory trip to Washington, D.C. in September 2022, the Project has been allocated \$110 million in combined federal funding from the Bipartisan Infrastructure Law and the WIIN Act. With continued interest in the Project from Members of Congress, it is important that the Authority engage in another trip to Washington D.C. to provide a status update for elected officials. Additionally, many elected officials have expressed frustration by the lack of progress on the Project – as demonstrated by the congressional letter sent to Reclamation in late 2022 following the Authority's visit. It is critical that the Authority share the progress that has been made over this past year and preserve positive relations with our federal partners and supporters in Congress.

The main objectives of meetings with the Authority's federal representatives are 1) to demonstrate to elected officials that the Authority is working towards resolution on outstanding issues that could impact federal investment, and 2) to strengthen support for ongoing and future federal funding. Keeping these offices informed with the latest information on the Project should ensure that the Project avoids any hurdles when congressional action is required on any aspect of the Project (predominately continuing to appropriate funding into the WIIN Act Storage Account). Additional meetings with Reclamation Commissioner Touton, US Environmental Protection Agency (regarding WIFIA), and potentially other Administration officials will allow the Authority to provide its perspective on where things stand relative to the Project and to ensure that the Project remains a priority for both funding and staff attention from the Administration.

Staff presented an approach and proposed schedule of the Authority's federal advocacy trip to the Outreach and Communications Committee at its August meeting. The approach includes the scheduling of meetings with Biden Administration officials and Congressional members on September 27 and 28, 2023, and will include Authority Member Agency federal advocates for the respective Congressional offices. See proposed meetings below. The Authority's federal advocates continue to coordinate with Member Agency federal advocates through monthly coordination meetings, the most recent on September 7, 2023. Key messaging continues to be developed and will be shared with Member Agencies in advance.

This item is to allow the Authority Board to have a general discussion regarding the proposed meetings in Washington D.C., to inform the key messaging and talking point development, and to provide staff with direction and feedback on the overall approach to the ongoing Federal outreach activities.

Proposed Meeting Slate

While no meetings have been requested to date, we propose the following as meeting targets for the trip:

1. Senator Feinstein
2. Senator Padilla
3. Congressman Huffman (D-CA-02)
4. Congressman Thompson (D-CA-04)
5. Congressman Garamendi (D-CA-08)
6. Congressman Harder (D-CA-09)
7. Congressman DeSaulnier (D-CA-10)
8. Congresswoman Pelosi (D-CA-11)
9. Congresswoman Lee (D-CA-12)
10. Congressman Duarte (R-CA-13)
11. Congressman Swalwell (D-CA-14)
12. Congresswoman Eshoo (D-CA-16)
13. Speaker McCarthy (R-CA-20)
14. Congressman Costa (D-CA-21)
15. Senate Energy and Natural Resources Committee (Majority & Minority)
16. House Natural Resources Committee (Majority & Minority)
17. Bureau of Reclamation Commissioner Touton
18. Environmental Protection Agency WIFIA Office

Participation from Member Agency Advocates

Having a local voice (or representative of a local voice) in the room typically makes meetings with Members of Congress more personal and fruitful. Because of this, the federal advocates of each of the Authority members will be invited to meetings with Members of Congress that represent the service areas of Authority members for those members not participating in the trip. For example:

1. Congressman Garamendi (D-CA-08)
 - a. Contra Costa Water District
 - b. East Bay Municipal Utility District
2. Congressman Harder (D-CA-09)
 - a. Contra Costa Water District
3. Congressman DeSaulnier (D-CA-10)
 - a. Contra Costa Water District
 - b. East Bay Municipal Utility District
4. Congresswoman Pelosi (D-CA-11)
 - a. San Francisco Public Utilities Commission
5. Congresswoman Lee (D-CA-12)
 - a. East Bay Municipal Utility District
6. Congresswoman Eshoo (D-CA-16)
 - a. Valley Water

ALTERNATIVES:

For discussion purposes.

FISCAL ANALYSIS:

Not applicable.

ENVIRONMENTAL REQUIREMENTS:

Not applicable.

EXHIBITS/ATTACHMENTS:

Federal Relations Reports from Natural Resource Results/Water and Power Law Group and Khadam Consulting.

FEDERAL RELATIONS UPDATES

WATER AND POWER LAW GROUP PC

BERKELEY · WASHINGTON, D.C.



To: Board of Directors, *Los Vaqueros Reservoir Joint Powers Authority*

From: Natural Resource Results and Water and Power Law Group

RE: Board Report – September 2023

WIIN Act Storage Account

Reclamation has transmitted its FY24 WIIN Act Storage Account allocations to Congress, but the recommendations have not been made public. Assuming Congress supports Reclamation’s proposal, which it always has with the exception of funding for Shasta, FY24 WIIN Act funding for LVE will likely be approved at the time Congress passes a Continuing Resolution.

As a reminder, the Bureau of Reclamation sends a list of proposed funding allocations for storage projects to Congress. This list shows Congress how Reclamation plans to allocate previously appropriated WIIN Act Storage Account funding. Reclamation cannot allocate that funding until Congress has “approved it” which it does by specifically referencing each of the projects in an appropriations bill.

Washington DC Trip

The JPA will be coming to Washington, D.C. for meetings on September 27th and 28th. The meeting targets are listed below:

1. Senator Feinstein
2. Senator Padilla
3. Congressman Huffman (D-CA-02)
4. Congressman Thompson (D-CA-04)
5. Congressman Garamendi (D-CA-08)
6. Congressman Harder (D-CA-09)
7. Congressman DeSaulnier (D-CA-10)
8. Congresswoman Pelosi (D-CA-11)
9. Congresswoman Lee (D-CA-12)
10. Congressman Duarte (R-CA-13)
11. Congressman Swalwell (D-CA-14)
12. Congresswoman Eshoo (D-CA-16)
13. Speaker McCarthy (R-CA-20)
14. Congressman Costa (D-CA-21)
15. Senate Energy and Natural Resources Committee (Majority & Minority)
16. House Natural Resources Committee (Majority & Minority)

17. Bureau of Reclamation Commissioner Touton
18. EPA WIFIA Office

Having a local voice (or representative of a local voice) in the room will make meetings with Members of Congress more personal and fruitful. Because of this, we plan to include the federal advocates of each of the Authority members in meetings with their Members of Congress. To prepare for this, talking points and leave behind materials will be shared with Authority members well in advance of the trip.

DOI Leadership Changes

Mike Brain is now the Acting Assistant Secretary for Water and Science after the departure of Tanya Trujillo. Mike was previously one of the Deputy Commissioners at the Bureau of Reclamation. Before joining the Biden Administration, Mike spent time on the House Appropriations Committee where he was responsible for the Bureau of Reclamation's budget, and he also worked on the House Transportation and Infrastructure Committee on the subcommittee with jurisdiction over EPA and the Army Corps of Engineers.

WOTUS

On Tuesday, August 29th, EPA and the Army Corps of Engineers announced their final WOTUS rule in the Federal Register. The amendment, referenced as the "Conforming Rule" by the Agencies, makes several targeted revisions to the January 2023 Rule:

- Redefining "adjacent" to simply mean "having a continuous surface connection."
- Striking all references to waters qualifying as jurisdictional on the basis of whether they "significantly affect the chemical, physical, or biological integrity of waters" and correspondingly removing the definition and qualifying criteria for "significantly affect." Collectively, these deletions remove all elements of the January 2023 Rule that relied on Justice Kennedy's *Rapanos* "significant nexus" test.
- Striking "interstate wetlands" from the defined list of WOTUS categories.

While the final amendment clearly reflects the *Sackett* majority's "continuous surface connection" test, the Agencies preserved the opportunity for protection of some water features.

First, the Agencies refrained from categorically stripping jurisdictional protections from certain stream features such as ephemeral and intermittent features. Instead, in the preamble to the Conforming Rule, the Agencies emphasize the *Rapanos* plurality position that "relatively permanent" waters do "not necessarily exclude streams, rivers, or lakes that might dry up in extraordinary circumstances, such as drought" or "*seasonal* [emphasis added] rivers, which contain continuous flow during some months of the year but no flow during dry months."

Second, the Agencies indicate that they plan to rely on guidance and regional specific tools within their authority to develop when implementing the Conforming Rule across the country. This regional approach leaves open the option for Corps Districts to develop varying interpretations of "continuous surface connection" and "relatively permanent" that reflect their

District's unique geography and weather events.

For the same reasons the Agencies cited when bypassing public notice and comment under the Administrative Procedure Act (APA), the Agencies also plan to have the Conforming Rule go into effect immediately upon publication in the Federal Register (expected September 1st). Because the January 2023 Rule is enjoined in roughly half the country, the Conforming Rule will only go into effect in those states where the Biden January 2023 Rule was effective. In the other states, litigation can now proceed on the merits with courts assessing whether the Biden Administration hit the mark in conforming their January 2023 Rule with *Sackett*. Litigants in these suits are likely to also bring new claims that the Biden Administration violated the APA, both by claiming a “good cause” exemption to bypass public notice and comment rulemaking when good cause exemptions are rarely upheld, and by proceeding with immediate implementation of the Conforming Rule.

The Agencies are planning an informational webinar on the Conforming Rule for September 12th at 3pm ET. You can register [here](#) (note that registration is limited but the webinar will be recorded).

August-September 2023 Engagement Activities with Reclamation – The JPA, CCWD staff, and consultants are continuing to engage with Reclamation to advance several required agreements, approvals, and permits for the project construction, including the following:

1) Federal benefits:

- Continue to develop an agreement for forbearance of portion of diversion capacity during Delta excess conditions through LVE facility as a contractual mechanism for the delivery of Refuge water supplies.
- Coordinating with Reclamation on the development of Refuge water acquisition agreement that defines the terms, point of delivery, O&M costs, and use of CVP power.
- A meeting is scheduled on 9/14 between south of Delta CVP members of the JPA and Reclamation to discuss the Federal participation in the Project related to CVP operational flexibility benefits.

2) WIIN 4007 Agreement, or “Federal Partnership Agreement”:

- Developed in coordination with Reclamation the details of required agreements to secure federal funding and other necessary approvals for LVE implementation.

3) Record of Decision and Federal Permitting:

- CCWD/JPA developed and shared a paper with Reclamation on a potential approach to secure ESA coverage for LVE operations based on existing Biological Opinions. This approach allows Reclamation to issue the ROD by the spring of 2024. Reclamation is in the process of reviewing the proposed approach working with its Solicitor office.
- CCWD and JPA staff prepare and submitted to Reclamation briefing memos on the existing NEPA coverage for (1) Transfer-Bethany pipeline alignment revisions and (2) delivery of CVP water supplies via the Transfer-Bethany pipeline.

4) Coordination with DWR:

- Reclamation and CCWD are coordinating a meeting with DWR leadership to (1) confirm its schedule to submit water right change application the SWP water rights, (2) initiate development of a coordinated operational agreement for LVE, (3) discuss potential use of SWP water for Refuge water supplies, in addition to CVP water rights, to increase reliability and flexibility.

Next leadership workshop between the JPA, CCWD, and Reclamation is planned for September 21, 2023.

ITEM 2.3: PROGRAM MANAGEMENT UPDATE

RESPONSIBLE/LEAD STAFF MEMBER:

Chuck Gardner, Program Manager

DISCUSSION:

Chuck Gardner, Program Manager, will present a status update on the transition of administration from CCWD to the Authority as well as ongoing program management activities. Monthly standing updates noted in the presentation include status of Authority contract authorizations, budget, schedule, and agreements. Procurement activities continue with Financial Statement Audit Services as well as Bond Counsel services recommendations which are underway. Continued progress toward drafting project agreements has been made and an updated schedule for completion of those agreements as related to project funding is included in the presentation.

As the Authority is now a member of the Association of California Water Agencies (ACWA), the Authority is looking into opportunities for participation on panels and providing project presentations during the fall conference. Additionally, staff is working to schedule a reception comparable to the successful event from the spring conference.

The communications team conducted a comprehensive communications audit, which included the Authority's current informational materials, website, newsletter, social media, media relations, branding and messaging. Results and recommendations from the audit were used to develop a draft outline for the strategic communications plan which was presented to the Communications and Outreach Committee in August.

The complete communications plan will be developed to align with and build on the overarching goals and priorities set forth by the Communications & Outreach Committee and approved by the Board of Directors. Plan elements will encompass target audiences, communications coordination process, message platform, strategies, tactics, outreach schedule, and methods for evaluation. An overview of upcoming activities is further detailed in the presentation.

Finally, a videographer has been selected for the production of a Project overview/virtual tour video, as required by the California Water Commission for any project receiving funding from the Proposition 1/Water Storage Investment Program (WSIP).

ALTERNATIVES:

For discussion purposes.

FISCAL ANALYSIS:

None.

ENVIRONMENTAL REQUIREMENTS:

Not applicable.

EXHIBITS/ATTACHMENTS:

September Program Management Update Presentation.

The logo for the Los Vaqueros Reservoir Expansion Project is centered in the upper half of the image. It features the words "LOS VAQUEROS" in a bold, blue, sans-serif font. Below this, "RESERVOIR EXPANSION PROJECT" is written in a green, sans-serif font. To the right of the text is a vertical graphic element consisting of four stacked, trapezoidal shapes that resemble a dam or a reservoir cross-section, colored in shades of blue and green.

LOS VAQUEROS RESERVOIR EXPANSION PROJECT

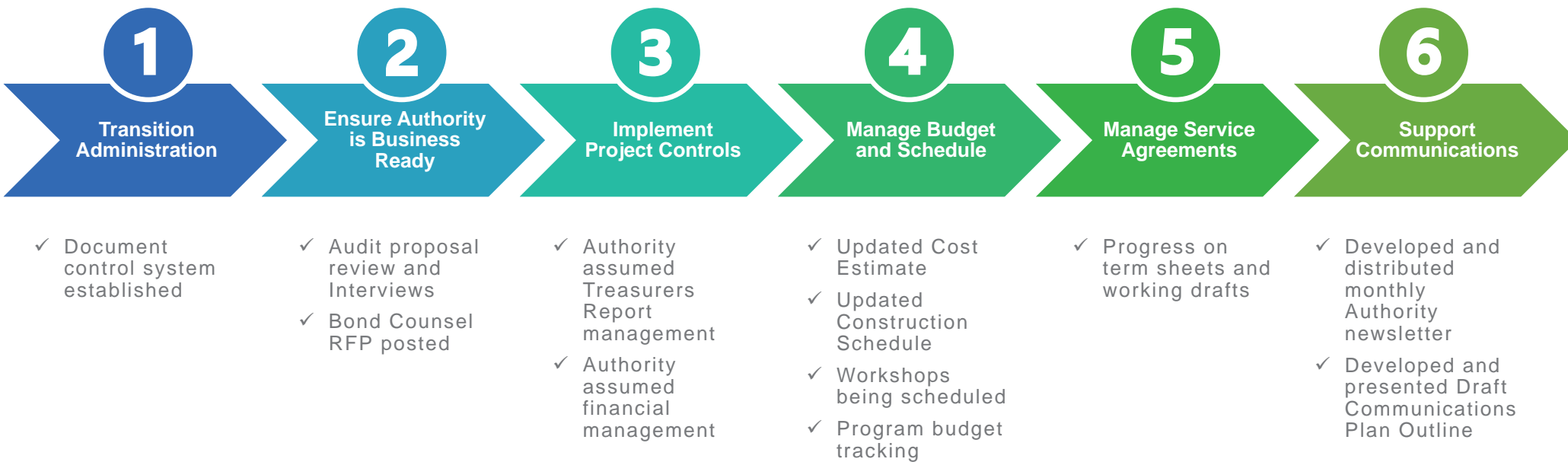
The background of the slide is a scenic landscape photograph. It shows a large, calm blue reservoir in the middle ground, surrounded by rolling green hills. In the distance, a line of white wind turbines is visible against a clear sky. The foreground shows a dirt road and some trees on a grassy slope.

LVE Program Management Update
September 13, 2023

Overview

1. Accomplishments
2. Authority Contract Authorizations
3. JPA Budget
4. JPA Schedule
5. Agreements
6. Procurement
7. Communications & Outreach
8. Next Steps

August Accomplishments



Authority Contract Authorizations



Los Vaqueros JPA Active Contracts and Progress Billings - July 2023

Contractor/Consultant/Vendor	Primary Responsibility	Contract Term	Max. Contract Value/NTE	Billed Through July 2023	Remaining Contract Value	% Term Expired	% Billed
CalMutuals - JPRIMA	JPA Insurance Policy	05/30/2023 - 04/01/2024	\$ 62,261.00	\$ 62,261.00	\$ -	20%	100%
Clean Energy Capital - CEC	Finance/Credit Support	08/25/2022 - 06/30/2024	\$ 1,090,515.00	\$ 659,466.04	\$ 431,048.96	50%	60%
Eide Bailly, LLP	Accounting Services	07/01/2023 - 06/30/2024	\$ 98,000.00	\$ 5,990.50	\$ 92,009.50	8%	6%
Hallmark Group	Project Management/Controls	05/22/2023 - 06/30/2024	\$ 1,251,440.00	\$ 223,744.06	\$ 1,027,695.94	19%	18%
Lagerlof, LLP	Legal	07/01/2023 - 06/30/2024	\$ 300,000.00	\$ 19,033.50	\$ 280,966.50	8%	6%
Natural Resource Results, LLC	Federal Relations/Lobbying	05/16/2023 - 06/30/2024	\$ 212,500.00	\$ 56,249.00	\$ 156,251.00	19%	26%
Regional Government Services - RGS*	Board Clerk/Administration	03/08/2023 - 06/30/2023	\$ 25,000.00	\$ 13,076.00	\$ 11,924.00	Month-to-Month	52%
S&P Global Ratings	Rating Evaluation	12/19/2022 - [Open]	\$ 55,000.00	\$ 50,000.00	\$ 5,000.00	Open	91%
T. Ravazzini Consulting	Executive Director	09/14/2022 - 06/30/2025	\$ 1,270,220.00	\$ 376,683.75	\$ 893,536.25	49%	30%
TBD**	JPA Financial Audit	TBD		TBD			

*Contract is month-to-month effective July 1, 2023.

**RFP for audit of FY23 issued August 4, 2023. Audit report due by June 2024.

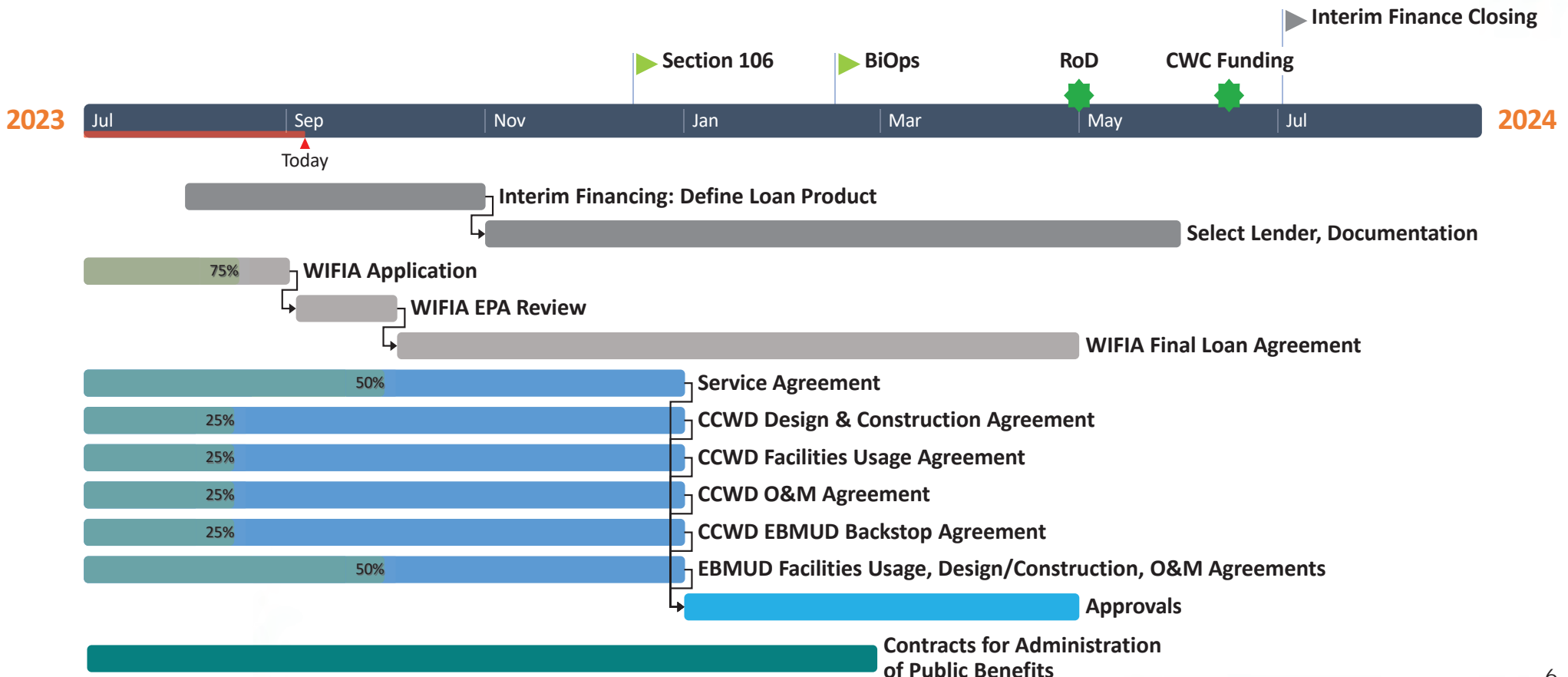
Authority Budget Report Month End July 31, 2023



Budget Cost Category	FY24 Budget	Monthly Budget (straight line)	Budget To Date	Actual Costs to Date	Budget Variance Over/(Under)
JPA Services					
Management	\$ 1,706,000	\$ 142,167	\$ 142,167	\$ 147,104	\$ 4,938
Administration	\$ 250,000	\$ 20,833	\$ 20,833	\$ 1,569	\$ (19,264)
Financial	\$ 720,000	\$ 60,000	\$ 60,000	\$ 54,623	\$ (5,377)
External Affairs/Agency Support	\$ 470,000	\$ 39,167	\$ 39,167	\$ 15,000	\$ (24,167)
Legal	\$ 505,000	\$ 42,083	\$ 42,083	\$ 19,034	\$ (23,050)
Total JPA Services	\$ 3,651,000	\$ 304,250	\$ 304,250	\$ 237,330	\$ (66,920)
CCWD Services					
Management	\$ 75,000	\$ 6,250	\$ 6,250	\$ -	\$ (6,250)
Environmental Planning/Design					
Dam Raise	\$ 1,324,400	\$ 110,367	\$ 110,367	\$ -	\$ (110,367)
Transfer Bethany Pipeline	\$ 2,564,800	\$ 213,733	\$ 213,733	\$ -	\$ (213,733)
Pumping Plant No. 1	\$ 1,260,800	\$ 105,067	\$ 105,067	\$ -	\$ (105,067)
Program (not facility specific)	\$ 2,475,333	\$ 206,278	\$ 206,278	\$ 1,322	\$ (204,956)
Legal	\$ 860,000	\$ 71,667	\$ 71,667	\$ -	\$ (71,667)
Fees	\$ 584,000	\$ 48,667	\$ 48,667	\$ -	\$ (48,667)
Total CCWD Services	\$ 9,144,333	\$ 762,028	\$ 762,028	\$ 1,322	\$ (760,706)
CCWD Labor					
Management	\$ 203,000	\$ 16,917	\$ 16,917	\$ 64,776	\$ 47,859
Environmental Planning/Design					
Dam Raise	\$ 427,100	\$ 35,592	\$ 35,592	\$ 16,038	\$ (19,554)
Transfer Bethany Pipeline	\$ 621,780	\$ 51,815	\$ 51,815	\$ 30,573	\$ (21,242)
Pumping Plant No 1	\$ 427,080	\$ 35,590	\$ 35,590	\$ 21,477	\$ (14,113)
Program (not facility specific)	\$ 2,423,500	\$ 201,958	\$ 201,958	\$ 145,769	\$ (56,189)
Total CCWD Labor	\$ 4,102,460	\$ 341,872	\$ 341,872	\$ 278,633	\$ (63,239)
Total CCWD	\$ 13,246,793	\$ 1,103,899	\$ 1,103,899	\$ 279,955	\$ (823,944)
Total (excluding contingency)	\$ 16,897,793	\$ 1,408,149	\$ 1,408,149	\$ 517,285	\$ (890,865)
Contingency	\$ 2,175,207	\$ 181,267	\$ 181,267	\$ -	\$ (181,267)
Total	\$ 19,073,000	\$ 1,589,417	\$ 1,589,417	\$ 517,285	\$ (1,072,132)

Planning Phase Funding Schedule

August 2023



Agreement Development Progress

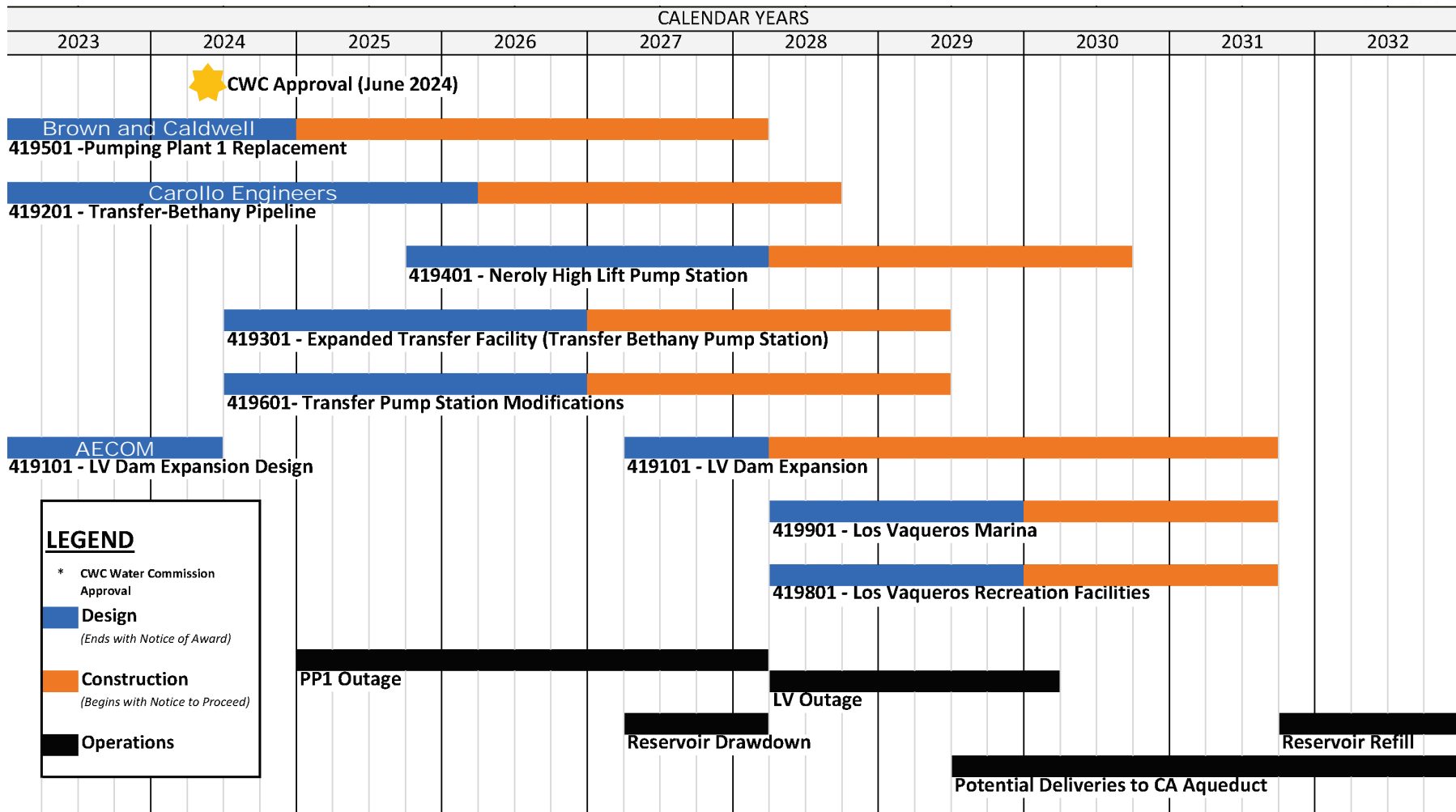
Agreement	Owner	Status	Ball In Court	Due Date
WIFIA Loan Agreement	M. Dutton (CCWD)	Application (Comments 8/16)	JPA	5/1/2024
Service Agreement	J. Ciampa (JPA Staff)	Working Draft	JPA	12/31/2023
CCWD Design and Construction Agreement	C. Hentz (CCWD)	Term sheet	CCWD	12/31/2023
CCWD Facilities Usage Agreement	J. Quimby (CCWD)	Term sheet	JPA	12/31/2023
CCWD O&M Agreement	J. Quimby (CCWD)	Term sheet (10/6)	CCWD	12/31/2023
EBMUD Facilities Usage, Design/Construction, O&M Agreements	G. Su (EBMUD)	Working Draft (8/8)	JPA	12/31/2023
Contracts for Administration of Public Benefits CDFW	Kristal Davis-Fadtke (CDFW)	Draft Adaptive Management Plan / Legal Review	CCWD	3/1/2024
EBMUD and CCWD Backstop Agreement	G. Su (EBMUD) M. Martin (CCWD)	Memo Developed (8/10)	CCWD	12/31/2023

Federal Agreement Development Progress

Agreement	Owner	Status	Ball In Court	Due Date
Operations	D. Sereno (CCWD)	Not started		4/1/2024
Partnership	T. Ravazzini (JPA Staff)	Not started		3/1/2024
Refuge Water Supply	E. Wehr (Grassland)	Not started		4/1/2024

Construction Schedule Summary

July 13, 2023



LEGEND

- * CWC Water Commission Approval
- Design
(Ends with Notice of Award)
- Construction
(Begins with Notice to Proceed)
- Operations

JPA Procurement Status

- **JPA Financial Statement Audit Services:** proposal review and interviews complete. Discussion at September Finance Committee. Recommendation to Board in October consistent with Audit Policy.
- **JPA Bond Counsel:** posted August 25th, proposals due September 15th. Recommendation to Board anticipated in October.

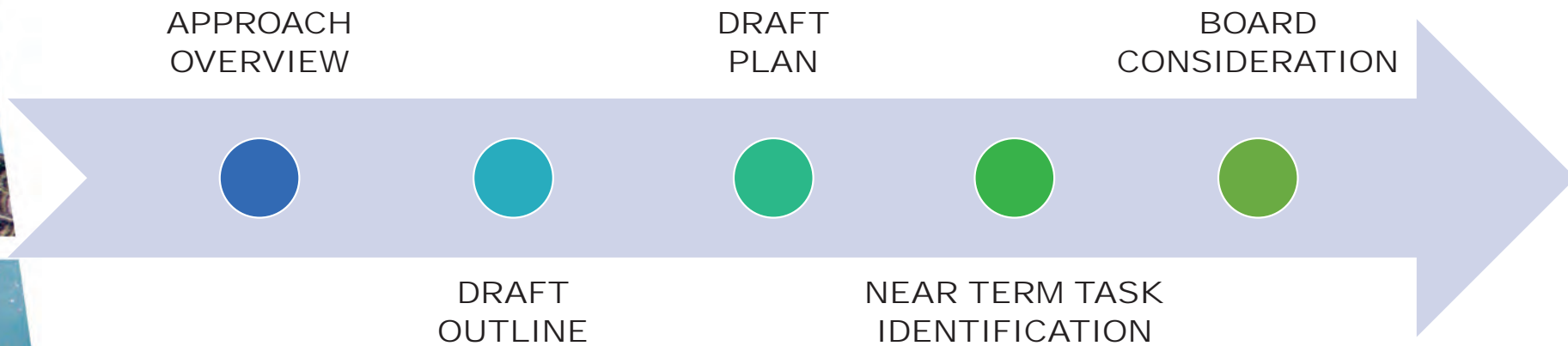


ACWA Fall Conference



- Outreach for panel participation and project presentations
- LVE Reception

JPA Communications



JPA Communications Activities

Approach



- JPA FY2023/2024 budget to prioritize agreement development and management transition from CCWD.
- Early Communications activities focus on offload of CCWD tasks, social media transition, quarterly news releases, monthly newsletter, refresh of informational material, and continued website management.
- Engage with C&O Committee to develop a coordinated Communications Plan.

Communications Activities

Approach

- Communications Plan to establish timing for additional communications activities and planning with JPA budget.



Communications Activities

Status



- ✓ JPA has assumed all initially scoped CCWD activities.
- ✓ Draft Communications Plan Outline presented to C&O Committee.
- Draft Communications Plan to be reviewed at October C&O Committee.
- Additional tasking identified for FY2023/2024 will be brought before the Board for consideration.

Next Steps

- Update Baseline Budget
- Auditor Recommendation
- Bond Counsel Recommendation
- Finalize Authority Cost Report format
- Finalize Authority progress and cost report for CCWD grant reimbursement
- Develop Draft Communications Plan

REPORTS

ITEM 3.1: DIRECTOR REPORTS

AD HOC COMMITTEE ON CCWD DESIGN AND CONSTRUCTION AGREEMENT

The Ad Hoc Committee was established to address issues relating to the CCWD Design and Construction Agreement. It has been meeting to review the draft term sheet CCWD provided. That committee consists of Director Steve Ritchie, Chair; Director Ellen Wehr and Alternate Director Sandy Figuers. The Committee met on August 17 and August 23 to discuss CCWD proposed revisions and to provide direction to Authority staff with respect to proposed changes to the draft term sheet. The draft term sheet has been revised and comments consolidated. Those comments were provided to CCWD on August 28th. The Executive Director and Program Manager have met with Chris Hentz, LVE Project Engineering Manager at CCWD, on August 31 to discuss those revisions and comments. Staff level coordination will continue while the Authority awaits a formal response from CCWD.

ITEM 3.2: EXECUTIVE DIRECTOR'S REPORT

The following highlights a few key activities which occurred last month.

Multi-Party Cost Share Agreement Amendment No. 5 (MPA) – The MPA Amendment No. 5 has been approved by all Member Agency Boards of Directors and fully executed. The first invoice was sent to appropriate member agencies on September 1, 2023.

ACWA Voting - At the direction of the Board's during the August session, the JPA voted for the preferred candidates: Cathy Greene for ACWA President, and Ernesto Avila for ACWA Vice President.

Presentation for USBR Denver Office in Oakley, CA – The Authority was pleased to coordinate an opportunity to meet with over 20 members of the US Bureau of Reclamation's Denver Office while they were touring Central Valley Project facilities on August 24, 2023. While standing on the 1,200-square-foot interactive scale map of the Delta at Big Break Shoreline Regional Park in Oakley, Secretary Ellen Wehr, Taryn Ravazzini, and Maureen Martin engaged in a joint presentation on LVE with an emphasis on the federal wildlife refuge benefits. (See photograph) Our partners with the California-Great Basin Region Office shared information with their colleagues on Delta hydrology and Central Valley Project operations. We fielded good questions from Reclamation staff and were introduced to those key policy analysts assigned to LVE who play an important role in Reclamation's process of delivering a Record of Decision and related agreements.



Meeting with CDFW and Reclamation – On August 1, 2023, the Authority and CCWD facilitated a meeting with Director Chuck Bonham of the California Department of Fish and Wildlife (CDFW) and Richard Welsh, Principal Deputy Regional Director, US Bureau of Reclamation to discuss wildlife refuge benefits. Discussion focused on the necessary agreements that could provide assurances for CDFW that the public benefit of water for wildlife refuges will be realized. All parties determined that no additional agreements need to be developed beyond those currently identified between Reclamation and the Authority, i.e. Partnership Agreement and Refuge Water Acquisition Agreement, allowing the parties to move forward with development of the contract for the administration of public benefits in a timely manner.

Contracts for Administration of Public Benefits Kick Off meetings – Authority staff held meetings with the CDFW and the Department of Water Resources (DWR) to initiate the formal development of the Proposition 1-required contracts for the administration of public benefits and establish schedules for negotiations. Policy and technical staff of the Authority and CCWD met

with DFW on August 21 for the ecosystem benefits CAPB and DWR on August 30, 2023, for emergency response and recreation benefits CAPB. Staff are working on developing initial adaptive management plan drafts for each CAPB. The Authority CAPB working group will be engaged in the fall once more work product is developed. Final draft CAPBs are expected by February of 2024 for review by the California Water Commission and opportunity for public comment prior to executing the CAPBs before the final funding award hearing.

Upcoming Community Presentations – Updates on the Los Vaqueros Reservoir Phase 2 Expansion Project were requested by and will be made to the Alameda County Special Districts Association (Sept. 13) and the Contra Costa Special District Association (Sept. 18).

EXHIBITS/ATTACHMENTS:

ACWA Voting Receipt.

Voting receipt - ACWA Board Officers' Election for President & Vice President

Receipt code: **8GVP**

Time of vote: **2023-08-14 08:15:43 America/Los_Angeles**

IP address: **98.255.139.122**

ACWA President: **Cathy Green (Election Committee's preferred candidate)**

ACWA Vice President: **Ernesto "Ernie" A. Avila (Election Committee's preferred candidate)**

Monthly List of Authority Contracts Entered into by Executive Director

August 2023

<u>Contracts</u>	<u>Amount</u>	<u>Purpose</u>
JComm, Inc.	\$22,000.00	LVE Project Videography for CWC
Total	\$22,000.00	

ITEM 3.4: COMMITTEE MEETING SUMMARIES

RESPONSIBLE/LEAD STAFF MEMBER:

Taryn Ravazzini, Executive Director

RECOMMENDATION:

None.

ALTERNATIVES:

Not applicable.

FISCAL ANALYSIS:

Not applicable.

ENVIRONMENTAL REQUIREMENTS:

Not applicable.

EXHIBITS/ATTACHMENTS:

- Operations & Engineering Committee Meeting Summary August 17, 2023
- Communications & Outreach Committee Meeting Summary August 23, 2023
- Finance Committee Meeting Summary August 24, 2023



SUMMARY OF REGULAR MEETING OF OPERATIONS AND ENGINEERING COMMITTEE

August 17, 2023 – 10:00 a.m.

Chair Jose Gutierrez and Committee Members Jonathan Wunderlich, Steve Ritchie and Antonio Martinez participated telephonically. Staff and 10 members of the public also participated in the meeting. The meeting was called to order at 10:01 a.m.

Chair Jose Gutierrez called for public comment on non-agenda items. None were received.

1.1 July 20, 2023 Operations and Engineering Committee Meeting Summary.

The summary from the July 20, 2023 Operations and Engineering Committee meeting was presented. The draft summary was accepted with no revisions and will be included in the next Board meeting packet.

Chair Jose Gutierrez called for public comments. None were received.

1.2 Construction Schedule Presentation

Executive Director Taryn Ravazzini provided information on the Los Vaqueros Reservoir Expansion Project Phase 2 (the “Project”). She stated the Project’s construction schedule has recently been updated to reflect the latest program milestones with sequencing that is intended to expedite construction while maintaining Contra Costa Water District’s (CCWD) operational needs. The updated project schedule will be further utilized as the basis of the 2023 Program Cost Estimate Update, which is expected to be provided in the next few days. Key factors that have impacted the overall schedule include extended planning efforts in connection with California Water Commission (CWC) funding, electrical component lead times for Contra Costa Canal Pumping Plant No. 1 Replacement, and updated Los Vaqueros Dam Expansion construction schedule to reflect the California Division of Safety of Dams (DSOD) coffer dam construction requirements.

Chris Hentz, CCWD Los Vaqueros Expansion Project Engineering Manager, provided an overview of the updates to the construction schedule and a review of Project facilities and construction sequencing. Assuming all agreements and funding are in place for the CWC final funding award in July 2024, construction would start in Fall 2024. He advised CCWD is

finalizing a technical memo to be provided to Executive Director Ravazzini within the next few days to update Project cost estimates.

Committee Member Ritchie asked whether the flow control stations are valves as opposed to pump stations and Mr. Hentz answered those facilities are valves. Chair Gutierrez asked about the critical path activities relating to the Transfer-Bethany Pipeline and Mr. Hentz responded that funding approvals and land acquisition must be accomplished before construction on that pipeline could start.

With respect to Pumping Plant 1, all approvals and funding must be in place before starting construction and the design is nearing 90% completion. Funding and bidding are anticipated in Fall 2024. Completion of construction of the Pumping Plant 1 replacement has been delayed by two additional years due to the funding delay and supply chain issues and is now anticipated to be completed in 2028.

With respect to the Los Vaqueros Dam Expansion, the technical design is complete and will be submitted for DSOD approval in September. DSOD approval is anticipated as early as December 2023. The proposed construction schedule has been moved back two years, due to the funding delay and the DSOD's requirement for the upstream coffer dam. Also, the length of time to complete the reservoir draw down will depend on various conditions, including hydrology and CCWD customer demands, at the time. Committee Member Ritchie asked about the status of the CCWD - East Bay Municipal Utility District backstop agreement and whether the Authority will be involved in the negotiations of that agreement. Executive Director Ravazzini stated the Authority is monitoring the development of that agreement and has an interest in the agreement because of the cost implications on its members. However, the agreement is between CCWD and EBMUD and the Authority will not be directly involved in those negotiations.

The Transfer-Bethany Pipeline (TBPL) is nearing 95% design for turn-in to the California Aqueduct. The construction schedule for that facility is dependent on the start of land acquisition activities which will begin once agreements and funding are in place. Chair Gutierrez asked in what phase the land acquisition will occur, and Mr. Hentz replied land acquisition will occur in the design phase. Committee Member Wunderlich asked when members may be able to take water through the TBPL. Mr. Hentz replied the TBPL could not be put to use until the Expanded Transfer Facility is completed and the reservoir is back in service. Committee Member Ritchie stated the schedule needs to reflect when the various facilities will be operational so the members can understand when they will begin to receive benefits from the Project. Mr. Hentz then concluded there is a one-year delay of construction on the TBPL.

The Expanded Transfer Facility and Transfer Pump Station modifications are co-located, and concurrent construction under a single construction contract is anticipated. There has been a one-year delay for start of construction on those facilities.

The Neroly High Lift Pump Station construction is dependent on the completion of the TBPL, Expanded Transfer Facility and Transfer Pump Station. Construction of that facility will result in some short-term shutdowns to some facilities, including the Contra Costa Canal and the Los Vaqueros Pipeline.

With respect to relocation of the Los Vaqueros Marina and recreational improvements, that work depends on the completion of the dam expansion in order to avoid conflicts with the dam expansion contractor.

Chair Jose Gutierrez asked whether adjustments in the schedule are reflected in member contributions. Executive Director Ravazzini advised that she is awaiting the updated cost estimates, but any current increases are addressed in the Fiscal Year 2024 budget.

Chair Jose Gutierrez called for public comments. None were received.

FUTURE AGENDA ITEMS:

- Updates on the construction schedule and cost estimates

The meeting was adjourned at 10:44 a.m.

James D. Ciampa

James D. Ciampa
General Counsel



**SUMMARY OF REGULAR MEETING OF
COMMUNICATIONS AND OUTREACH
COMMITTEE**

August 23, 2023 – 10:00 a.m.

The meeting was called to order at 10:00 a.m. Participating telephonically were:

Angela Ramirez Holmes Hendersonville Public Library, 140 Saundersville
Road, Hendersonville, Tennessee 37075

Ricardo Ortega 200 West Wilmott Avenue, Los Banos, California 93635

Staff and 12 others attended the meeting via Zoom.

Chair Angela Ramirez Holmes called for public comments on non-agenda items. None were received.

1.1 June 28, 2023 Communications and Outreach Committee Meeting Summary.

The summary from the June 28, 2023 Communications and Outreach Committee Meeting was presented and accepted without changes.

Chair Angela Ramirez Holmes called for public comments. None were received.

1.2 Draft Communications Plan Outline.

Executive Director Taryn Ravazzini introduced Jennifer Persike, JPA Strategic Outreach Lead, to review the Communications Plan outline included in the meeting materials. Ms. Persike advised the communications team conducted a comprehensive communications audit, which included review of the Authority’s current informational materials, website, newsletter, social media, media relations, branding and messaging. The results from that audit were used to develop the draft outline for the Communications Plan that is being presented.

The complete Communications Plan will be developed to align with and build on the overarching goals and priorities developed by the Communications and Outreach Committee and approved by the Board of Directors. Plan elements will tie communications efforts to key project milestones and will encompass target audiences, communications coordination process, message platform, strategies, tactics, outreach schedule, and methods for evaluation. Ms. Persike mentioned the communications team had convened a work group of the members’

communications representatives to provide input on the Communications Plan and particularly regarding the communications coordination process, which allocates responsibilities among the Authority, the Communications and Outreach Committee and the members' communications representatives.

Committee Member Ortega and Chair Ramirez Holmes both expressed concern that external communications were not a focus in FY24 and emphasized the need to prioritize those efforts. Chair Ramirez Holmes also asked about the transition of communications issues from CCWD to the Authority and stated the Communications Plan needs to address this transition and CCWD's continuing support more clearly. Maureen Martin of CCWD stated CCWD is continuing to support the Authority on communications issues and intends to continue to do so. Ms. Martin advised that CCWD can provide a list of milestones of communications which would offer more clarity on CCWD's efforts. Chair Ramirez Holmes noted she would like to know who is doing what and when and that CCWD's role should be clear to avoid any overlap and confused messages.

Chair Ramirez Holmes requested more clarity on the role of the communications representatives' meetings and how that group relates to the Committee and Board-level communications. Committee Member Ortega stated this Committee is the proper forum in which communications issues should be initially discussed and expressed a need for the Communications Plan to include a timeline with respect to ongoing tasks and future deliverables and identification of what actions are taking place in the next quarter.

Executive Director Ravazzini acknowledged the need for earlier and more external communications and that direction from the Committee is needed to assist in evaluating whether the communications component of the Program Management scope of work needs to be expanded in the current fiscal year.

With respect to the tactics section of the Communications Plan, the Committee stated the need for clarification on the use of "Phase 1" and "Phase 2" as to whether those terms are referring to Project phases or Communications Plan phases.

Executive Director Ravazzini noted next steps would be to compile the information the Committee has requested and present it at the Committee's October meeting, with the understanding that any change in the communications consulting scope of work would need to be taken to the full Board for approval.

Chair Angela Ramirez Holmes called for public comments. None were received.

1.3 2023 ACWA Fall Conference – Los Vaqueros JPA Presence.

Executive Director Ravazzini noted the Authority's activities at the 2023 ACWA Spring Conference were well received and included an open house event and meetings with general managers and other key stakeholders.

The 2023 ACWA Fall Conference will be held from November 28 through November 30 in Indian Wells. ACWA is using a new format for that conference. Ms. Ravazzini led the discussion

on potential opportunities for the Project's visibility at the Fall Conference, particularly under this new conference approach. The Committee's consensus was to proceed with another open house type of event. Chair Ramirez Holmes expressed that it would be beneficial to utilize Authority Board members to speak with those present at the open house event. With respect to timing, Executive Director Ravazzini suggested holding the event in the late afternoon on Tuesday, November 28, before the opening reception.

Chair Ramirez Holmes also mentioned there are potentially other opportunities to showcase the Project on panels or programs featuring infrastructure investments, the unique partnerships represented by the Authority and the investment in refuges. She suggested the Authority attempt to secure some speaker space on panels or at ACWA committee meetings.

Chair Angela Ramirez Holmes called for public comments. None were received.

1.4 D.C. Congressional Leadership Trip

Executive Director Ravazzini noted that since the Authority's introductory trip to Washington, D.C. in September 2022, the Project has been allocated \$110 million in combined federal funding from the Bipartisan Infrastructure Law and the WIIN Act. With continued interest in the Project from members of Congress, it is important for the Authority to provide a status update for elected officials. Additionally, many elected officials have expressed frustration by the lack of progress on the Project and it is critical that the Authority share the progress that has been made over this past year and preserve positive relations with federal partners and supporters in Congress.

Staff presented the proposed approach to another federal advocacy trip involving a smaller group, to include the Authority's Chair and Vice Chair, which is currently scheduled for September 27-28, 2023. The main objectives will be to demonstrate to elected officials that the Authority is working towards resolution on outstanding issues that could impact federal investment, and to strengthen support for ongoing and future federal funding, with an emphasis that the Authority is still \$39 million short of its federal funding target. Additional meetings with Reclamation Commissioner Touton and potentially other Administration officials will allow the Authority to provide its perspective on where things stand relative to the Project and to ensure that the Project remains a priority for both funding and staff attention from the relevant federal agencies.

Garrett Durst of Natural Resource Results, the Authority's federal advocacy consultant, stated it would be prudent to also meet with the U.S. EPA's WIFIA loan team. Executive Director Ravazzini asked Mr. Durst to discuss the ongoing collaboration with the members' respective federal advocates. Mr. Durst stated monthly meetings are being held with those advocates and the proposed 2023 trip dates have been shared with them.

Chair Ramirez Holmes noted it is important to include Secretary Ellen Wehr on this trip, as she can speak to the refuge issues. Committee Member Ortega noted it is critical to have someone representing the environmental aspect like Secretary Wehr and that it is important to share how far the Authority has come and keeping up the momentum is important. Chair Ramirez Holmes then pointed out several recommended changes to the handout materials included in the meeting packet, including adding a quick facts section, adding recognition of the Authority members participating as Project partners and investors, adding information concerning the Phase 2

expansion and replacing the “How it Works” section with a Project timeline.

Chair Angela Ramirez Holmes called for public comments. None were received.

1.5 Authority Board Meeting Public Access Options

Executive Director Ravazzini advised that since February 2023, the Authority’s Board of Directors has been meeting in person, with access for the public also being provided by a conference call telephone line. Authority staff have been working to improve public engagement.

In September, the Authority will initiate use of the Zoom platform that will allow for presentation slides to be seen as well as provide audio access. Staff discussed potential future approaches and sought feedback on how to improve public engagement for those meetings and associated timing for implementation. At the October Committee meeting, the Committee will be able to review how the September and October Board meetings were conducted and can discuss how to proceed with future meetings. Chair Ramirez Holmes stated Zone 7 Water Agency’s Board meetings are shown on local community television and she requested that staff obtain a quote from the entity that produces that broadcast. Committee Member Ortega stated more access is preferable and would allow for more flexibility for attendance in the event of unexpected circumstances. This item will be included on the agenda for the October Committee meeting.

Chair Angela Ramirez Holmes called for public comments. None were received.

1.6 Communications Team Updates

- **Authority Member Communication Representatives Coordination Workgroup**
- **Media Outreach Funding Press Release**
- **Project Overview Video for California Water Commission**

Lindsay Pangburn, JPA Public Engagement Lead, provided the following updates:

JPA Member Communication Representatives Coordination Workgroup

This workgroup was discussed in connection with the Communications Plan earlier in the meeting and no further discussion occurred.

Media Outreach – Funding Press Release

The Authority issued a news release on July 27, 2023 announcing the Authority’s receipt of \$10 million in federal funding from the U.S. Department of the Interior, Bureau of Reclamation. The news release resulted in media coverage in various local media outlets.

Committee Member Ortega inquired about the process for issuance of that press release. Executive Director Ravazzini stated she first informed the Board of that funding award prior to sending out the press release. The press release was drafted by the communications team, reviewed by Executive Director Ravazzini, and then sent to Chair Ramirez Holmes for her review and addition of a quote. The release was then finalized and distributed.

Project Overview Video for California Water Commission

A videographer has been secured for the production of a Project overview/virtual tour video, as

required by the California Water Commission for any project receiving funding from the Proposition 1/Water Storage Investment Program (WSIP). Jennifer Persike provided an overview of the video and its likely contents, which will focus on Project benefits. The video will be four to five minutes long and shorter outtakes will be available for other uses, such as social media, the Authority's website and at conferences. She will put together an outline and start working on it. Maureen Martin noted the video should include the Project's climate resiliency benefits.

Chair Angela Ramirez Holmes called for public comments. None were received.

FUTURE AGENDA ITEMS

None.

The meeting was then adjourned at 11:51 a.m.

James D. Ciampa

James D. Ciampa, General Counsel



SUMMARY OF REGULAR MEETING OF FINANCE COMMITTEE

August 24, 2023 – 1:00 p.m.

Participating Telephonically:

Chair Anthea Hansen – 17840 Ward Avenue, Patterson, California 95363

Vice Chair Paul Sethy – 46961 Zapotec Drive, Fremont, California 94539

Committee Member Rebecca Eisenberg – 2345 Waverly Drive, Palo Alto, California 94301

Committee Member Michael Tognolini – 375 Eleventh Street, Oakland, California 94607

Chair Hansen called the meeting to order at 1:01 p.m. Authority staff and approximately 12 members of the public attended the meeting.

Chair Hansen called for public comments on non-agenda items; none were received.

1.1 July 27, 2023 Finance Committee Meeting Summary. The draft summary of the July 27, 2023 Finance Committee meeting was presented for the Committee’s review and discussion. Vice Chair Sethy asked that a change be made on page 5, paragraph 1.3, third paragraph to delete the word “grant.” The draft summary was approved as revised by the Committee.

Chair Anthea Hansen called for public comments; none were received.

1.2 Draft Treasurer’s Report – Month Ended July 31, 2023. Jacqueline Harris, Program Controls Manager, presented the draft Treasurer’s Report for the month ended July 31, 2023. The Treasurer’s Report for the month ended July 31, 2023, was approved as presented.

Chair Anthea Hansen called for public comments; none were received.

1.3 Summary of Invoices – Month Ended July 31, 2023. Ms. Harris advised that at the request of the Authority’s Board of Directors, the Finance Committee will be provided a summary of the monthly invoices received and paid each month. The summary of invoices for July 2023 was presented for the Committee’s review and discussion.

Chair Anthea Hansen called for comments from members of the Committee and for public comments; none were received.

1.4 Procurement Updates. Jessica Alwan, Deputy Program Manager, advised that staff has been working to develop solicitations for audit services and for bond counsel. The Request for Proposals (RFP) for Audit Services was released on August 4 with proposals due on August 25. Staff anticipates bringing a recommendation and agreement for those services to the Board at its September meeting. The Bond Counsel RFP is in development and is anticipated to be released by the end of August.

Chair Anthea Hansen called for comments from members of the committee and for public comments; none were received.

1.5 September Finance Committee Reschedule Date. Executive Director Taryn Ravazzini discussed the need to reschedule the September Finance Committee meeting due to a scheduling conflict resulting from the planned Washington, D.C. federal advocacy trip. After a poll of Committee members' availability, September 18, 2023 at 2:00 pm has been determined to be an available date and time for that rescheduled meeting. Executive Director Ravazzini stated that meeting may be conducted as a joint meeting with the Operations and Engineering Committee, but that will be determined in the coming week. She will keep the Committee advised with any updates.

Chair Anthea Hansen called for comments from members of the Committee and for public comments; none were received.

FUTURE AGENDA ITEMS:

Vice Chair Sethy asked for confirmation that Executive Director Ravazzini would also be able to make a presentation to ACWD at their morning Board meeting on September 18 and she advised that she would be there to make the presentation. He also asked about a presentation on September 13 to the Contra Costa County and Alameda County Special Districts Associations. Executive Director Ravazzini advised that Jennifer Johnson, Permitting Lead, would make the September 13 presentation to those associations.

The meeting adjourned at 1:21 p.m.

James D. Ciampa

James D. Ciampa
General Counsel