



**PROJECT AGREEMENT 23 COMMITTEE**  
Santa Ana River Conservation and Conjunctive Use Program (SARCCUP)  
**REGULAR MEETING MINUTES**  
February 2, 2021

**COMMITTEE MEMBERS PRESENT**

Brenda Dennstedt, Chair, Western Municipal Water District Governing Board  
Jasmin A. Hall, Vice Chair, Inland Empire Utilities Agency Governing Board  
Paul D. Jones, Eastern Municipal Water District General Manager  
Michael Markus, Orange County Water District General Manager

**ALTERNATE COMMITTEE MEMBERS PRESENT [Non-Voting]**

Shivaji Deshmukh, Alternate, Inland Empire Utilities Agency General Manager

**COMMITTEE MEMBERS ABSENT**

Susan Lien Longville, San Bernardino Valley Municipal Water District Governing Board

**MEMBER AGENCY STAFF PRESENT**

**Eastern Municipal Water District**

Brian Powell  
Leighanne Kirk

**San Bernardino Valley Municipal Water District**

Bob Tincher  
Chris Jones  
Matthew Howard

**Inland Empire Utilities Agency**

Shivaji Deshmukh  
Joshua Aguilar

**Western Municipal Water District**

Craig Miller  
Ryan Shaw  
Jason Pivovaroff

**Orange County Water District**

Adam Hutchinson

**Santa Ana Watershed Project Authority**

Rich Haller  
Karen Williams  
Mark Norton  
Dean Unger  
Kelly Berry

**OTHERS PRESENT**

Andrew D. Turner, Lagerlof, LLP; Brian Dietrick, Woodard & Curran; Gil Botello, Board Member, San Bernardino Valley Municipal Water District

**1. CALL TO ORDER**

The regular meeting of the PA 23 Committee was called to order at 8:34 a.m. by Vice Chair Dennstedt. Pursuant to the provisions of Governor Newsom's Executive Order N-29-30, this meeting was conducted virtually. All votes taken during this meeting were conducted via oral roll call.

**2. PUBLIC COMMENTS**

There were no public comments; there were no public comments received via email.

**3. ELECTION OF COMMITTEE CHAIR AND VICE CHAIR (PA23#2021.1)**

Rich Haller provided a brief report and stated nominations should be made for both the Chair and Vice Chair. The PA 23 Committee took the following separate actions on Agenda Item No. 3.

SBVMWD Board Member Botello nominated Susan Longville as Chair; there was no second. It was noted for the record that SAWPA did not receive notification from SBVMWD that Board Member Botello was appointed Alternate Committee Member to the PA 23 Committee.

Committee Member Marcus nominated Brenda Dennstedt to serve as Chair of the PA 23 Committee, which was seconded by Committee Member Jones.

**MOVED**, appoint Brenda Dennstedt Chair of the PA 23 Committee.

Result:	<b>Adopted by Roll Call Vote (Unanimously)</b>
Motion/Second:	Marcus/Jones
Ayes	Dennstedt, Hall, Jones, Markus
Nays:	None
Abstentions:	None
Absent:	Longville

Committee Member Marcus nominated Jasmin A. Hall to serve as Vice Chair of the PA 23 Committee, which was seconded by Committee Member Jones.

**MOVED**, appoint Jasmin A. Hall Vice Chair of the PA 23 Committee.

Result:	<b>Adopted by Roll Call Vote (Unanimously)</b>
Motion/Second:	Marcus/Jones
Ayes	Dennstedt, Hall, Jones, Markus
Nays:	None
Abstentions:	None
Absent:	Longville

**4. APPROVAL OF MEETING MINUTES: October 6, 2020**

**MOVED**, approve the October 6, 2020 meeting minutes.

Result:	<b>Adopted by Roll Call Vote (Unanimously)</b>
Motion/Second:	Jones/Marcus
Ayes	Dennstedt, Hall, Jones, Markus
Nays:	None
Abstentions:	None
Absent:	Longville

## 5. COMMITTEE DISCUSSION ITEMS

### A. SARCCUP Project Updates

The SARCCUP Project Updates and PowerPoint presentation contained in the agenda packet on pages 15 – 40 were presented by representatives from Eastern Municipal Water District (Leighanne Kirk), Western Municipal Water District (Jason Pivovarov), San Bernardino Valley Municipal Water Department (Chris Jones), and SAWPA (Mark Norton). There was no discussion.

This item was for informational purposes; no action was taken on Agenda Item No. 5.A.

### B. SARCCUP Detailed Schedule

Brian Dietrick, Woodard & Curran, reviewed the SARCCUP detailed schedule contained in the agenda packet on pages 40 – 49. There was no discussion.

This item was for informational purposes; no action was taken on Agenda Item No. 5.B.

### C. SARCCUP Grant Payment Updates

Mark Norton provided a PowerPoint presentation contained in the agenda packet on pages 51 – 54.

This item was for informational purposes; no action was taken on Agenda Item No. 5.C.

### D. Metropolitan Water District of Southern California (MWDSC) Agreements | Update

Committee Member Jones provided a status update on the agreements with MWDSC. The program framework provides that when SBVMWD has excess state water project water, pursuant to an agreement between MWDSC and SBVMWD (Cooperating Operating Agreement) it sells that water to MWDSC. MWDSC then makes 50% of that water available to the SARCCUP program in the Santa Ana River Watershed, and the other 50% MWDSC makes available for the balance of its service area.

The second agreement is the SARCCUP/MWDSC agreement, which is between EMWD, WMWD, IEUA, OCWD, and MWDOC and provides (1) the means of acquisition of the water from MWDSC for use in the banking program, and (2) the ability for the MWDSC member agencies to qualify their water for what is known as “extraordinary local supply” under an MWDSC allocation plan. This agreement was held up due to a request from MWDOC for access to a portion of the SARCCUP water. MWDOC is not one of the water banking facility owners, but because OCWD is not a member agency of MWDSC, they need to acquire any water from the program through the MWDSC member agency in Orange County, which is MWDOC. There have been several months of negotiation with MWDOC to resolve this issue; very recently MWDSC, MWDOC, and the SARCCUP agencies have come to agreement on a framework and term sheet that meets MWDOC’s needs. That framework and term sheet are being incorporated into a side agreement between MWDOC, OCWD, IEUA, EMWD, and WMWD to provide for their ability to acquire water for the South County agencies. Importantly, there are several components in this side agreement that are also going to be reflected in the SARCCUP/MWDSC agreement, one being that the SARCCUP water banking facility owners make all purchasing decisions. So, if water is made available by SBVMWD to MWDOC, half that water will be available to SARCCUP and SARCCUP can decide which banking facility it is put into, how much of that water SARCCUP takes, and if there is any excess water. The side agreement is being drafted by legal counsel and is

anticipated to be shared with the parties by next week. The SARCCUP/MWDSC agreement has been marked up based on the negotiations with MWDOC and has been provided to MWDSC; their senior executive staff and legal team are reviewing, and comments are expected shortly. The side agreement with MWDOC and changes to the SARCCUP/MWDSC agreement have no bearing on the agreement between MWDSC and SBVMWD (Cooperating Operating Agreement). Finalized draft agreements are anticipated in March with consideration by the MWDSC board in March or April.

Bob Tincher, SBVMWD, provided a status report on the Cooperating Operating Agreement.

This item was for informational purposes; no action was taken on Agenda Item No. 5.D.

**E. Update On Sub-Agreement Amendments Between SAWPA and SAWPA Member Agencies**

Mark Norton provided an oral status report on the Sub-Agreement Amendments between SAWPA and SAWPA Member Agencies.

This item was for informational purposes; no action was taken on Agenda Item No. 5.E.

**6. COMMITTEE MEMBER REQUESTS FOR FUTURE AGENDA ITEMS**

There were no requests for future agenda items.

**7. ADJOURNMENT**

There being no further business for review, Chair Dennstedt adjourned the meeting at 9:18 a.m.

**Approved at a Regular Meeting of the Project Agreement 23 Committee on Tuesday,  
April 6, 2021.**

  
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Brenda Dennstedt, Chair

Attest:

  
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Sara Villa, Acting Clerk of the Board