

STATE OF CALIFORNIA
CALIFORNIA NATURAL RESOURCES AGENCY
CALIFORNIA WATER COMMISSION

RESOLUTION NUMBER: 2022-24

RESOLUTION TO ALLOW VIRTUAL SITE VISITS TO THE WATER
STORAGE INVESTMENT PROGRAM PROJECTS

WHEREAS, on November 4, 2014, California voters approved Proposition 1, the Water Quality, Supply, and Infrastructure Improvement Act of 2014 (“Proposition 1”);

WHEREAS, Proposition 1 contained Chapter 8, “Statewide Water System Operational Improvement and Drought Preparedness,” (“Chapter 8”) which appropriates \$2.7 billion to the California Water Commission (“Commission”) to invest in public benefits associated with water storage projects “that improve the operation of the state water system, are cost effective, and provide a net improvement in ecosystem and water quality conditions” (Water Code section 79750);

WHEREAS, during the discussion about adopting the regulations necessary to implement the Water Storage Investment Program (“WSIP”), Commissioners and potential applicants expressed a desire to potentially visit the locations of the projects that eventually received a Maximum Conditional Eligibility Determination pursuant to the regulations;

WHEREAS, on December 14, 2016, the Commission adopted regulations governing the quantification and management of public benefits associated with water storage projects that meet the criteria established for public investment governing the WSIP;

WHEREAS, to maintain a fair and impartial administration of the competitive process of the WSIP, the Commission adopted an *ex parte* policy governing the interactions between Commissioners and WSIP project applicants on June 17, 2017;

WHEREAS, the *ex parte* policy remains in place as the WSIP proceeds, and precludes individual Commissioners from visiting project applicants through the final award of funds from the WSIP;

WHEREAS, the *ex parte* policy also requires any visit to a potential project location be conducted as a public meeting pursuant to the requirements of the Bagley-Keene Open Meeting Act (Gov. Code § 11120 *et seq.*);

WHEREAS, staff presented considerations for project site visits at the Commission’s July 20, 2022 meeting, including timing of the visits, logistics, the *ex parte* policy, and other factors;

WHEREAS, at the Commission's September 21, 2022 meeting, staff presented to the Commission regarding project site visits and made a recommendation to undertake a virtual visit, which would entail staff working with the project applicants to create a presentation and overview of the project;

WHEREAS, Commission staff recommended the virtual visits occur between the time the project applicant requests a final award hearing and the final award hearing;

WHEREAS, the Commission unanimously adopted staff's recommended course of action related to project site visits;

WHEREAS, the Commission also requested the agencies administering the public benefits of a project be involved in the virtual site visit presentation;

NOW, THEREFORE, BE IT RESOLVED, that the Commission directs staff to work with project applicants to create a virtual site visit to be presented to the Commission at a meeting before the Commission considers the project applicant's final funding award;

BE IT FURTHER RESOLVED, that the *ex parte* policy remains in full force and effect and it is each project applicant's decision whether to create a virtual site visit to present to the Commission;

BE IT FURTHER RESOLVED, that staff will work with project applicants and agencies administering the public benefits of the projects to ensure each requested virtual visit addresses the public benefits (as defined in Chapter 8) for each project; and

BE IT FURTHER RESOLVED, that staff from agencies administering the contracts for public benefits will be invited to attend the meeting at which virtual site visits are presented.

Signed:



Matthew Swanson, Vice Chair
California Water Commission

9/30/2022

Date

Attest:



Laura Jensen, Assistant Executive Officer
California Water Commission

10/3/2022

Date