



**REGULAR MEETING OF THE BOARD OF DIRECTORS  
PICO WATER DISTRICT**

4843 S. Church Street  
Pico Rivera, California, 90660

**6:00 PM Wednesday, November 3, 2021**

**AGENDA**

Pursuant to the provisions of Government Code Section 54953(e), as amended by AB 361, any Board member and any member of the public who desires to participate in the open session items of this meeting may do so by accessing the Zoom link below to join by webcam or teleconference.

Any member of the public wishing to make any comments to the Board may do so through that Zoom link. The meeting Chair will acknowledge such individual(s) at the appropriate time in the meeting prior to making his or her comment. Members of the public wishing to make a comment are asked to state their name for the record and will be provided three (3) minutes to comment, the Board secretary will alert those commenting when they only have 30 seconds remaining. All members of the public will be disconnected from the Zoom link immediately before the Board of Directors adjourns into Closed Session.

**Join Zoom Meeting**

<https://us06web.zoom.us/j/9521779948?pwd=dGNxcXh3YitEc2NlVVdrUzVvNm4rZz09>

Join by Telephone: +1 669 900 6833

Meeting ID: 952 177 9948 Passcode: 421745

1. **ROLL CALL.**
2. **PLEDGE OF ALLEGIENCE.**

**3. INVOCATION.**

**4. TIME RESERVED FOR PUBLIC COMMENTS.**

*Members of the public shall be allowed three minutes to address the Board on any matter on the agenda and/or within the jurisdiction of the District, which is not on the Agenda. All comments should be addressed to the presiding officer of the meeting. Additional public comments shall be allowed when a listed agenda item is being considered, but such comments made at that time must be confined to the subject that is being discussed at the time such comments are made. Members of the public are asked to state their name for the record. Due to all Board Meetings being run as Zoom Meetings all participants will be placed on mute at the start of the meeting and when the meeting is open for public comment the participant will be asked to raise their hand through the button on the video conference screen if participating by video conference or by pressing \*9 on their phone if participating by teleconference.*

**5. ADOPTION OF AGENDA.**

**6. APPROVAL OF CONSENT CALENDAR.**

(All matters on the Consent Calendar are to be approved on one motion, unless a Board Member requests a separate action on a specific item).

- A. Consider October 20, 2021 Regular Board Meeting Minutes.
- B. Consider the accounts now due and payable, and receive and file bills approved by the General Manager.

**7. ACTION/DISCUSSION ITEMS.**

- A. Consider Action to Ratify the correction of Resolution Numbering for Resolutions 217-R, 218-R and 219-R. *Recommended action – that the Board approve Resolution numbering ratification.*

**8. REPORTS.**

- A. General Manager.
- B. Legal Counsel.

**9. INFORMATIONAL ITEMS**

A. Final Legislative Report for 2021 Legislative Year.

**10. DIRECTOR'S REQUEST OF FUTURE AGENDA ITEMS.**

**11. BOARD MEMBER COMMENTS.**

A. Report on Meetings Attended/Comments.

**12. ADJOURNMENT.**

**AGENDA POSTED ON:** October 28, 2021

**Next regularly scheduled meeting:** November 17, 2021

***NOTE: To comply with the Americans with Disabilities Act, if you need special assistance to participate in any Board meeting, please contact the District office at (562) 692-3756 at least 48 hours prior to a Board meeting to inform the District of your needs and to determine if accommodation is feasible.***

***Materials related to an item on this agenda submitted after distribution of the agenda packet are available for public review at the District office, located at 4843 S. Church Street, Pico Rivera, California.***

## **CONSENT ITEMS**

**REGULAR MEETING OF THE BOARD OF DIRECTORS  
PICO WATER DISTRICT  
4843 S. Church Street  
Pico Rivera, California, 90660**

**6:00 P.M. Wednesday, November 3, 2021**

**AGENDA**

**6. APPROVAL OF CONSENT CALENDAR.**

(All matters on the Consent Calendar are to be approved on one motion, unless a Board Member requests a separate action on a specific item).

- A. Consider October 20, 2021 Regular Board Meeting Minutes.
- B. Consider the accounts now due and payable, and receive and file bills approved by the General Manager.

MINUTES OF A REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
OF THE PICO WATER DISTRICT

A Regular meeting of the Board of Directors of the Pico Water District was held in the District's Boardroom located at 4843 South Church Street, Pico Rivera, California, on Wednesday, October 20, 2021 at 6:03 p.m.

The District's Secretary/General Manager, Mr. Mark J. Grajeda proceeded with the roll call of the attending Board members. Present from the beginning of the meeting were President David R. Gonzales. Director Robert Martinez and Vice President Victor Caballero participated telephonically, in adherence to social distancing. Director Raymond Rodriguez and Mr. Jim Ciampa, Legal Counsel for the District participated electronically. Director Pete Ramirez joined the meeting at approximately 6:05 p.m.

Director Caballero led everyone in the Pledge of Allegiance.

Director Martinez gave the invocation.

President Gonzales proceeded to the next item on the Agenda, Public Comments. There were none.

President Gonzales proceeded to the adoption of the Agenda. Director Martinez made the motion to approve the agenda and Director Ramirez seconded the motion. The General Manager announced the motion passed by a roll-call vote, 5 – 0.

President Gonzales proceeded to the approval of the Consent Calendar. Director Rodriguez made the motion to approve the Consent Calendar and President Gonzales seconded the motion. The General Manager announced the motion passed by roll-call vote, 5 – 0.

President Gonzales opened the Public Hearing regarding Adoption of the 2020 Urban Water Management Plan (UWMP) & Water Shortage Contingency Plan (WSCP) at 6:07 p.m. The General Manager introduced Jeff Helsley, Engineering Manager and Stan Chen, Project Manager of Stetson Engineers, Inc. who will discuss and answer questions regarding the preparation of the District's 2020 UWMP & WSCP. Mr. Helsley reviewed the requirements for the UWMP, the components of the UWMP and key findings of the UWMP. SB X7-7, passed by the legislature in 2009, set conservation guidelines for water districts and the District was in compliance with those guidelines. With regard to the WSCP, although it is covered in the UWMP, the District is required to act on it and approve it separately from the UWMP. It outlines the measures the District will take in times of drought. A question-and-answer session followed.

President Gonzales closed the Public Hearing at 6:40 p.m.

President Gonzales proceeded to the next item on the Agenda, consider Approving Resolution 217-R adopting the Pico Water District 2020 Urban Water Management Plan. Director Ramirez made the motion to approve and President Gonzales seconded the motion. The General Manager announced that the motion passed by roll call vote, 5 – 0.

President Gonzales proceeded to the next item on the Agenda, consider approving Resolution No. 218-R adopting the Pico water District Water Shortage Contingency Plan. Director Ramirez made the motion to approve and Director Martinez seconded the motion. The General Manager announced that the motion passed by roll call vote, 5 – 0.

The General Manager thanked Mr. Helsley and Mr. Chen for their work.

President Gonzales proceeded to the next item on the Agenda, consider approving Resolution No. 219-R Proclaiming a State of Emergency persists, ratifying the proclamation of a State of Emergency by Governor Gavin Newsom, and authorizing remote teleconference meetings. Legal Counsel stated that AB 361 was signed by the Governor as an urgency measure and took effect October 1, 2021. It requires the Board to adopt a resolution within 30 days after a Board meeting and again every 30 days thereafter making certain findings regarding the need for teleconferencing to protect the public health and safety. Director Ramirez made the motion to approve and Director Martinez seconded the motion. The General Manager announced that the motion passed by roll call vote, 5 – 0.

President Gonzales proceeded to the next item on the Agenda, General Manager Comments. The General Manager reported that on October 18, 2021 staff sent out an RFP for the wastewater discharge line for Well 8 and should have back for the Board to consider at the second meeting in November; on October 19, 2021 an RFP went out for the site work to install the concrete pads needed to place the new treatment vessels at Wells 5A, 8 and 11 and is scheduled to be returned November 17, 2021 and would be presented at a Special Meeting being scheduled for November 23, 2021 at 5:30 PM.

President Gonzales proceeded to the next item on the Agenda, Legal Counsel Comments. Legal Counsel stated that the Public Water Agencies Group has hired Alex Statin, from Irvine Ranch Water District, as the Emergency Preparedness Coordinator to replace Mike Holmes beginning November 1, 2021.

President Gonzales proceeded to the next item on the Agenda, Director's Request of Future Agenda Items. There were none.

President Gonzales proceeded to the next item on the Agenda, Board Member Comments. The General Manager asked if any Board Members are interested in attending the ACWA Conference at the end of November in Pasadena to please let him know.

There being no further business to come before the Board, the Board meeting adjourned at 6:55 p.m.

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David R. Gonzales, President

Attest:

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Mark J. Grajeda, Secretary

(Seal)







Pico Water District, CA

# Open Payable Report

As Of 10/28/2021

Summarized by Payable Account

Payable Number	Description	Post Date	Payable Amount	Discount Amount	Shipping Amount	Tax Amount	Net Amount
<b>Payable Account: 10-000-2000 - Accounts Payable</b>							
<b>Vendor: 1026</b> <a href="#">S26660234.002</a>	<b>BELL PIPE &amp; SUPPLY CO</b> JAN 2020 - RETURN OF PRODUCT	01/31/2020	-74.10	0.00	0.00	0.00	-74.10
							<b>Payable Count: (1)</b>
							<b>-74.10</b>
<b>Vendor: 1051</b> <a href="#">CVCS341529</a>	<b>CHEVROLET OF MONTEBELLO</b> Unit #59 - Routine Oil & Filter Change	10/26/2021	63.59	0.00	0.00	0.00	63.59
							<b>Payable Count: (1)</b>
							<b>63.59</b>
<b>Vendor: 1105</b> <a href="#">001Y3802</a>	<b>HARRINGTON INDUSTRIAL PLASTICS LLC</b> Misc. Well Maint. - NaOCI Parts for Repairs	10/13/2021	173.76	0.00	0.00	0.00	173.76
							<b>Payable Count: (1)</b>
							<b>173.76</b>
<b>Vendor: 1111</b> <a href="#">3592628</a> <a href="#">2592692</a> <a href="#">8105491</a> <a href="#">8562235</a> <a href="#">CM0000006</a> <a href="#">9083351</a>	<b>HOME DEPOT CREDIT SERVICE</b> Misc. Well Maint. - Well Supplies for Clean Up Yard Maint. - Supplies for Cleaning Crew Well #11 - Material for Irrigation Meter Repair-PVC Parts for Irrigation Line HookUp NOV 2019 CREDIT MEMO FOR RETURN THAT WAS PAID Field Supplies-Batteries,SawBlades,& Bottle Water	11/26/2019 11/27/2019 12/11/2019 12/11/2019 12/31/2019 10/20/2021	15.84 79.55 19.84 48.27 -80.75 168.58	0.00 0.00 0.00 0.00 0.00 0.00	0.00 0.00 0.00 0.00 0.00 0.00	0.00 0.00 0.00 0.00 0.00 0.00	15.84 79.55 19.84 48.27 -80.75 168.58
							<b>Payable Count: (6)</b>
							<b>251.33</b>
<b>Vendor: 1135</b> <a href="#">36695</a> <a href="#">36696</a>	<b>LAGERLOF, LLP</b> SEP 2021 - LEGAL FEES BRD MATTERS SEP 2021 - LEGAL FEES GENERAL MATTERS	09/30/2021 09/30/2021	1,178.00 3,999.00	0.00 0.00	0.00 0.00	0.00 0.00	1,178.00 3,999.00
							<b>Payable Count: (2)</b>
							<b>5,177.00</b>
<b>Vendor: 1398</b> <a href="#">INV - 000401</a>	<b>PRES TECH EQUIPMENT COMPANY</b> Equipment Repairs-Valve Machine,Vacuum,&PSI Washer	10/13/2021	5,358.87	0.00	0.00	0.00	5,358.87
							<b>Payable Count: (1)</b>
							<b>5,358.87</b>
<b>Vendor: 1194</b> <a href="#">S1181864.001</a> <a href="#">S100181960.001</a> <a href="#">S100182353.001</a>	<b>S &amp; J SUPPLY CO., INC.</b> Mainline / Service Repair Material Well 4A Maint. - 3" Valve for Replacement Service Repair - PVC Parts	10/12/2021 10/12/2021 10/19/2021	1,569.76 594.22 862.26	0.00 0.00 0.00	0.00 0.00 0.00	0.00 0.00 0.00	1,569.76 594.22 862.26
							<b>Payable Count: (3)</b>
							<b>3,026.24</b>
<b>Vendor: 1202</b> <a href="#">696765</a> <a href="#">708693</a> <a href="#">858530</a> <a href="#">60855926</a> <a href="#">652362</a>	<b>SHELL</b> Misc. Fuel Exp. - Diesel Fuel Unit #50 Misc. Fuel Exp. - Compressor Misc. Fuel Exp. - Diesel Fuel - Backhoe SEPT 2019 - FUEL CHARGES Fuel Exp. - Diesel Fuel for Backhoe	09/09/2019 09/10/2019 09/26/2019 09/30/2019 11/27/2019	81.18 53.36 87.82 115.89 89.52	0.00 0.00 0.00 0.00 0.00	0.00 0.00 0.00 0.00 0.00	0.00 0.00 0.00 0.00 0.00	81.18 53.36 87.82 115.89 89.52
							<b>Payable Count: (5)</b>
							<b>427.77</b>
<b>Vendor: 1212</b> <a href="#">775955323-217</a>	<b>SPRINT</b> OCT 2021 - ON-CALL PHONE CHRGS	10/28/2021	52.75	0.00	0.00	0.00	52.75
							<b>Payable Count: (1)</b>
							<b>52.75</b>
<b>Vendor: 1224</b> <a href="#">INV0001185</a>	<b>TED K YU</b> OCT 2021 - DENTAL SVCS COLIN, JOEL 10/20/2021	10/28/2021	140.00	0.00	0.00	0.00	140.00
							<b>Payable Count: (1)</b>
							<b>140.00</b>
<b>Vendor: 1251</b> <a href="#">5556951</a>	<b>WATERLINE TECHNOLOGIES, INC</b> Chemicals - NaOCI for Well Disinfectant	10/20/2021	653.00	0.00	0.00	0.00	653.00
							<b>Payable Count: (1)</b>
							<b>653.00</b>
<b>Vendor: 1256</b> <a href="#">1219068-00</a>	<b>WESTERN WATER WORKS</b> Service Line Repair - PVC Sch 80 Parts	10/19/2021	45.09	0.00	0.00	0.00	45.09
							<b>Payable Count: (1)</b>
							<b>45.09</b>
<b>Payable Account 10-000-2000</b>							<b>Payable Count: (24)</b>
							<b>Total: 15,295.30</b>

**Payable Account Summary**

Account	Count	Amount
10-000-2000 - Accounts Payable	24	15,295.30
<b>Report Total:</b>	<b>24</b>	<b>15,295.30</b>

**Payable Fund Summary**

Fund	Count	Amount
10 - General Operating	24	15,295.30
<b>Report Total:</b>	<b>24</b>	<b>15,295.30</b>

**OCTOBER 1, 2021 –  
OCTOBER 31, 2021  
BILLS APPROVED BY THE  
GENERAL MANAGER**

**11-03-2021**



Pico Water District, CA

# Check Report

By Check Number

Date Range: 10/01/2021 - 10/31/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
<b>Bank Code: AP-ACCOUNTS PAYABLE</b>						
1389	TAIT & ASSOCIATES	10/22/2021	Regular	0.00	-6,502.50	61470
1378	AKM CONSULTING ENGINEERS, INC.	10/06/2021	Regular	0.00	7,994.00	61746
1375	AUTOMATED WATER TREATMENT	10/06/2021	Regular	0.00	3,810.24	61747
1046	CENTRAL BASIN MUNICIPAL WATER DISTRICT	10/06/2021	Regular	0.00	5,734.57	61748
1053	CINTAS #053	10/06/2021	Regular	0.00	438.25	61749
1071	DE LAGE LANDEN FINANCIAL	10/06/2021	Regular	0.00	349.14	61750
1080	EDISON COMPANY	10/06/2021	Regular	0.00	4,626.66	61751
1090	FRONTIER COMMUNICATIONS	10/06/2021	Regular	0.00	418.70	61752
1105	HARRINGTON INDUSTRIAL PLASTICS LLC	10/06/2021	Regular	0.00	2,578.79	61753
1113	HUMBERTO CRUZ MASONRY	10/06/2021	Regular	0.00	850.00	61754
1117	INFOSEND	10/06/2021	Regular	0.00	1,376.38	61755
1129	JOEL COLIN	10/06/2021	Regular	0.00	152.66	61756
1135	LAGERLOF, LLP	10/06/2021	Regular	0.00	4,061.00	61757
1183	QUILL CORPORATION	10/06/2021	Regular	0.00	155.75	61758
1207	SOUTH COAST A.Q.M.D.	10/06/2021	Regular	0.00	7.13	61759
1245	VERIZON WIRELESS	10/06/2021	Regular	0.00	86.16	61760
1250	WATER REPLENISHMENT DISTRICT OF	10/06/2021	Regular	0.00	109,268.02	61761
1251	WATERLINE TECHNOLOGIES, INC	10/06/2021	Regular	0.00	953.00	61762
1252	WECK LABORATORIES, INC.	10/06/2021	Regular	0.00	3,609.00	61763
1256	WESTERN WATER WORKS	10/06/2021	Regular	0.00	5,085.85	61764
1386	OFFICE TEAM	10/06/2021	Regular	0.00	2,810.71	61765
1163	PAC COMM TECHNOLOGIES, INC.	10/06/2021	Regular	0.00	590.00	61766
1391	AQUEOUS VETS	10/14/2021	Regular	0.00	390,580.78	61767
	NASA SERVICES	10/14/2021	Regular	0.00	209.96	61768
	UNDERGROUND SERVICE ALERT	10/14/2021	Regular	0.00	169.83	61769
1378	AKM CONSULTING ENGINEERS, INC.	10/14/2021	Regular	0.00	2,889.00	61770
1080	EDISON COMPANY	10/14/2021	Regular	0.00	1,377.59	61771
1209	SOUTHERN CALIFORNIA GAS COMPANY	10/14/2021	Regular	0.00	25.11	61772
1212	SPRINT	10/14/2021	Regular	0.00	52.76	61773
1215	STETSON ENGINEERS, INC.	10/14/2021	Regular	0.00	13,460.00	61774
1178	ADT COMMERCIAL	10/22/2021	Regular	0.00	620.19	61775
1017	AT & T	10/22/2021	Regular	0.00	135.04	61776
1080	EDISON COMPANY	10/22/2021	Regular	0.00	12,171.20	61777
1113	HUMBERTO CRUZ MASONRY	10/22/2021	Regular	0.00	450.00	61778
1117	INFOSEND	10/22/2021	Regular	0.00	286.22	61779
1211	SPECTRUM	10/22/2021	Regular	0.00	313.94	61780
1234	TYLER TECHNOLOGIES	10/22/2021	Regular	0.00	20,397.60	61781
1249	VOTACALL, INC.	10/22/2021	Regular	0.00	144.43	61782
1008	ACWA/JPIA	10/28/2021	Regular	0.00	19,907.80	61783
1007	ACWA-JOINT POWERS INSURANCE AUTHORITY	10/28/2021	Regular	0.00	4,500.16	61784
1019	AUTOZONE, INC.	10/28/2021	Regular	0.00	76.36	61785
1365	CRAIG D. CHENG, DDS INC.	10/28/2021	Regular	0.00	989.00	61786
1069	CV STRATEGIES	10/28/2021	Regular	0.00	1,593.75	61787
1099	GOLDEN METERS SERVICE, INC.	10/28/2021	Regular	0.00	3,200.00	61788
1111	HOME DEPOT CREDIT SERVICE	10/28/2021	Regular	0.00	616.86	61789
1117	INFOSEND	10/28/2021	Regular	0.00	1,870.82	61790
1127	JEFFREY W JOE, DDS INC	10/28/2021	Regular	0.00	291.00	61791
1167	PETER TRAN, DDS INC	10/28/2021	Regular	0.00	765.00	61792
1368	PUBLIC WATER AGENCIES GROUP	10/28/2021	Regular	0.00	1,838.75	61793
1184	QUINN COMPANY	10/28/2021	Regular	0.00	1,378.10	61794
1211	SPECTRUM	10/28/2021	Regular	0.00	74.14	61795
	THE JANKOVICH COMPANY	10/28/2021	Regular	0.00	2,385.05	61796
	WECK LABORATORIES, INC.	10/28/2021	Regular	0.00	6,533.00	61797
1048	CENTRAL VOICE	10/28/2021	Regular	0.00	418.40	61798

Check Report

Date Range: 10/01/2021 - 10/31/2021

Vendor Number	Vendor Name	Payment Date	Payment Type	Discount Amount	Payment Amount	Number
1069	CV STRATEGIES	10/28/2021	Regular	0.00	500.00	61799
1269	EIDE BAILLY LLP	10/28/2021	Regular	0.00	5,574.30	61800
1386	ENVIRONMENT CONTROL GREATER ORANGE C	10/28/2021	Regular	0.00	1,688.00	61801
	OFFICE TEAM	10/28/2021	Regular	0.00	996.71	61802

Bank Code AP Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	119	57	0.00	653,436.86
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	-6,502.50
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>119</b>	<b>58</b>	<b>0.00</b>	<b>646,934.36</b>

### All Bank Codes Check Summary

Payment Type	Payable Count	Payment Count	Discount	Payment
Regular Checks	119	57	0.00	653,436.86
Manual Checks	0	0	0.00	0.00
Voided Checks	0	1	0.00	-6,502.50
Bank Drafts	0	0	0.00	0.00
EFT's	0	0	0.00	0.00
	<b>119</b>	<b>58</b>	<b>0.00</b>	<b>646,934.36</b>

### Fund Summary

Fund	Name	Period	Amount
10	General Operating	10/2021	646,934.36
			<b>646,934.36</b>

**ACTION/DISCUSSION  
ITEMS**



**REGULAR MEETING OF THE BOARD OF DIRECTORS  
PICO WATER DISTRICT  
4843 S. Church Street  
Pico Rivera, California, 90660**

**6:00 PM Wednesday, November 3, 2021**

**AGENDA**

**7. ACTION/DISCUSSION ITEMS.**

- A. Consider Action to Ratify the correction of Resolution Numbering for Resolutions 217-R, 218-R and 219-R. *Recommended action – that the Board approve Resolution numbering ratification.*

## *STAFF REPORT*

**To:** Honorable Board of Directors  
**From:** Mark Grajeda, General Manager  
**Meeting Date:** November 3, 2021

**Subject:** Action/Discussion Item 7A – Consider Action to Ratify the correction of Resolution Numbering for Resolutions 217-R, 218-R and 219-R

### **RECOMMENED MOTION**

That the Board approve ratification of Resolution 218-R a resolution to adopt the 2020 Urban Water Management Plan; Resolution 219-R a resolution to adopt a new Water Shortage Contingency Plan; and Resolution 220-R a resolution proclaiming a state of emergency persists and following the direction of Governor Gavin Newsom authorizing remote teleconference meetings of the Board of Directors for October 20, 2021 to November 19, 2021.

### **FISCAL IMPACT**

No fiscal impact.

### **SUMMARY**

At the Regular Board Meeting held on October 20, 2021, the Board was asked to consider three resolutions, Resolution 217-R a resolution to adopt the 2020 Urban Water Management Plan; Resolution 218-R a resolution to adopt a new Water Shortage Contingency Plan; and Resolution 219-R a resolution proclaiming a state of emergency persists and following the direction of Governor Gavin Newsom, authorizing remote teleconference meetings of the Board of Directors for October 20, 2021 to November 19, 2021. The resolution numbering was based on a belief that the last resolution number used was 216-R and not 217-R. At the time the Board was asked to consider all three resolutions beginning with 217-R, staff did not take into consideration that the number 217-R was already assigned to a resolution confirming the financial capability of the District to pay for any costs not covered by the Agreement with the Water Replenishment District as it relates to the PFAS Remediation Funding Program.

Staff is now asking the Board to ratify the correction of the numbering for the three resolutions as Resolution 218-R a resolution to adopt the 2020 Urban Water Management Plan; Resolution 219-R a resolution to adopt a new Water Shortage Contingency Plan; and Resolution 220-R a resolution proclaiming a state of emergency persists and following the direction of Governor Gavin Newsom authorizing remote teleconference meetings of the Board of Directors for October 20, 2021 to November 19, 2021.



**RESOLUTION NO. 218-R**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE PICO WATER DISTRICT  
ADOPTING THE 2020 URBAN WATER MANAGEMENT PLAN**

**WHEREAS**, The California Urban Water Management Planning Act, (Wat. Code§ 10610, et seq. (the Act)), mandates that every urban supplier of water providing water for municipal purposes to more than 3,000 customers or supplying more than 3,000-acre feet of water annually, prepare, and adopt an Urban Water Management Plan (Plan); and

**WHEREAS**, the Act generally requires that said Plan be updated and adopted at least once every five years on or before July 1, in years ending in six and one; and

**WHEREAS**, pursuant to recent amendments to the Act, urban water suppliers are required to update and electronically submit their 2020 Plans to the California Department of Water Resources (DWR) by July 1, 2021; and

**WHEREAS**, pursuant to Water Conservation Act of 2009, also referred to as SB X7-7 (Wat. Code§ 10608 et seq.), an "urban retail water supplier" is defined as a water supplier that directly provides potable water to more than 3,000 end users or that supplies more than 3,000-acre feet of potable water annually at retail, and an "urban wholesale water supplier" is defined as a water supplier that provides more than 3,000-acre feet of water annually at wholesale for potable water purposes; and

**WHEREAS**, PICO WATER DISTRICT meets the definition of an urban retail water supplier for purposes of the Act and SB X7-7; and

**WHEREAS**, PICO WATER DISTRICT has prepared a 2020 Plan in accordance with the Act and SB X7-7, and in accordance with applicable legal requirements, has undertaken certain coordination, notice, public involvement, public comment, and other procedures in relation to its 2020 Plan; and

**WHEREAS**, in accordance with the Act and SB X7-7, PICO WATER DISTRICT has prepared its 2020 Plan with its own staff, with the assistance of consulting professionals, and in cooperation with other governmental agencies, and has utilized and relied upon industry standards and the expertise of industry professionals in preparing its 2020 Plan, and has also utilized DWR's Urban Water Management Plan Guidebook 2020, including its related appendices, in preparing its 2020 Plan; and

**WHEREAS**, in accordance with applicable law, including Water Code sections 10608.26 and 10642, and Government Code section 6066, a Notice of a Public Hearing regarding PICO WATER DISTRICT'S 2020 Plan was published within the jurisdiction of PICO WATER DISTRICT on October 7, 2021 and October 13, 2021; and

**WHEREAS**, in accordance with applicable law, including but not limited to Water Code sections 10608.26 and 10642, a public hearing was held on October 20, 2021 at 6:00 p.m., or soon thereafter, through remote video conference via Zoom and/or teleconference at (669) 900 - 6833, Meeting ID 952 177 9948, Meeting Passcode 421745, in order to provide members of the public and other interested entities with the opportunity to be heard in connection with proposed adoption of the 2020 Plan and issues related thereto; and

**WHEREAS**, the PICO WATER DISTRICT BOARD OF DIRECTORS has reviewed and considered the purposes and requirements of the Act and SB X7-7, the contents of the 2020 Plan, and the documentation contained in the administrative record in support of the 2020 Plan, and has determined that the factual analyses and conclusions set forth in the 2020 Plan are legally sufficient; and

**WHEREAS**, the PICO WATER DISTRICT BOARD OF DIRECTORS desires to adopt the 2020 Plan on October 20, 2021 in order to comply with the Act and SB X7-7; and

**WHEREAS**, Section 10652 of the California Water Code provides that the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code) (CEQA) does not apply to the preparation and adoption of the 2020 Plan pursuant to this part.

**NOW THEREFORE BE IT RESOLVED**, the BOARD OF DIRECTORS of the PICO WATER DISTRICT hereby resolves as follows:

1. The PICO WATER DISTRICT'S 2020 Plan is hereby adopted and ordered filed with the Secretary of the Board of Directors.
2. The GENERAL MANAGER is hereby authorized and directed to include a copy of this Resolution in PICO WATER DISTRICT'S 2020 Plan.
3. The GENERAL MANAGER is hereby authorized and directed, in accordance with Water Code sections 10621(d) and 10644(a)(1)-(2), to electronically submit a copy of the 2020 Plan to the DWR no later than October 31, 2021.
4. The GENERAL MANAGER is hereby authorized and directed, in accordance with Water Code section 10645, to make the 2020 Plan available for public review at the PICO WATER DISTRICT'S offices during normal business hours or on the PICO WATER DISTRICT'S website no later than thirty (30) days after filing a copy of the Plan with DWR.
5. The GENERAL MANAGER is hereby authorized and directed to implement the 2020 Plan in accordance with the Act and SB X7-7 and to provide recommendations to the BOARD OF DIRECTORS regarding the necessary budgets, procedures, rules, regulations, or further actions to carry out the effective and equitable implementation of the 2020 Plan.

**PASSED AND ADOPTED** by the Board of Directors of Pico Water District this 20th day of October, 2021, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
David R. Gonzales  
Board President

ATTEST:

\_\_\_\_\_  
Mark J. Grajeda  
Board Secretary





**RESOLUTION NO. 219-R**

**RESOLUTION OF THE BOARD OF DIRECTORS  
OF THE PICO WATER DISTRICT  
ADOPTING A WATER SHORTAGE CONTINGENCY  
PLAN (WSCP)**

**WHEREAS**, The California Urban Water Management Planning Act, (Wat. Code §10610, et seq. (the Act)), mandates that every urban supplier of water providing water to more than 3,000 customers or supplying more than 3,000-acre feet of water annually, prepare and adopt, in accordance with prescribed requirements, a Water Shortage Contingency Plan (WSCP) as part of its Urban Water Management Plan (Plan); and

**WHEREAS**, the Act specifies the requirements and procedures for adopting such WSCPs; and

**WHEREAS**, pursuant to recent amendments to the Act, urban water suppliers are required to adopt and electronically submit their WSCPs to the California Department of Water Resources (DWR) by July 1, 2021; and

**WHEREAS**, pursuant to the Act, "urban water supplier" means a supplier, either publicly or privately owned, providing water either directly or indirectly to more than 3,000 customers or supplying more than 3,000 acre-feet of water annually. An urban water supplier includes a supplier or contractor for water, regardless of the basis of right, which distributes or sells for ultimate resale to customers; and

**WHEREAS**, PICO WATER DISTRICT meets the definition of an urban water supplier for purposes of the Act and is required to prepare and adopt a WSCP as part of its 2020 Plan; and

**WHEREAS**, PICO WATER DISTRICT has prepared a WSCP in accordance with the Act, and in accordance with applicable legal requirements, has undertaken certain coordination, notice, public involvement, public comment, and other procedures in relation to its WSCP; and

**WHEREAS**, in accordance with the Act, PICO WATER DISTRICT has prepared its WSCP with its own staff, with the assistance of consulting professionals, and in cooperation with other governmental agencies, and has utilized and relied upon industry standards and the expertise of industry professionals in preparing its WSCP, and has also utilized DWR's Urban Water Management Plan Guidebook 2020, including its related appendices, in preparing its WSCP; and

**WHEREAS**, in accordance with applicable law, including Water Code section 10642, and Government Code section 6066, a Notice of a Public Hearing regarding PICO WATER DISTRICT'S WSCP was published within the jurisdiction of PICO WATER DISTRICT on October 7, 2021 and October 13, 2021; and

**WHEREAS**, in accordance with applicable law, including but not limited to Water Code section 10642, a public hearing was held on October 20, 2021 at 6:00 p.m., or soon thereafter, through remote video conference via Zoom and/or teleconference at (669) 900 - 6833, Meeting ID 952 177 9948, Meeting Passcode 421745 in order to provide members of the public and other interested entities with the opportunity to be heard in connection with proposed adoption of the WSCP and issues related thereto; and

**WHEREAS**, the PICO WATER DISTRICT has reviewed and considered the purposes and requirements of the Act, the contents of the WSCP, and the documentation contained in the administrative record in support of the WSCP, and has determined that the factual analyses and conclusions set forth in the WSCP are legally sufficient;

**NOW THEREFORE BE IT RESOLVED**, the BOARD OF DIRECTORS of the PICO WATER DISTRICT hereby resolves as follows:

1. The Water Shortage Contingency Plan (WSCP) is hereby adopted and ordered filed with the Secretary of the BOARD OF DIRECTORS and shall be incorporated into PICO WATER DISTRICT'S 2020 Urban Water Management Plan (UWMP);
2. The GENERAL MANAGER is hereby authorized and directed, in accordance with Water Code sections 10621(d) and 10644(a)(1)-(2), to electronically submit a copy of the WSCP, as part of its 2020 UWMP, to DWR no later than October 31, 2021;
3. The GENERAL MANAGER is hereby authorized and directed, in accordance with Water Code section 10645, to make the WSCP available for public review at PICO WATER DISTRICT'S offices during normal business hours or on its website at [www.Picowaterdistrict.net](http://www.Picowaterdistrict.net) no later than thirty (30) days after filing a copy of the WSCP, as part of its 2020 UWMP, with DWR;
4. The GENERAL MANAGER is hereby authorized and directed to implement the WSCP in accordance with the Act and to provide recommendations to the BOARD OF DIRECTORS regarding the necessary budgets, procedures, rules, regulations, or further actions to carry out the effective and equitable implementation of the WSCP.

**PASSED AND ADOPTED** by the Board of Directors of Pico Water District this 20th day of October, 2021, by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:



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David R. Gonzales  
Board President

ATTEST:

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Mark J. Grajeda, Board Secretary





RESOLUTION NO. 220-R

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE PICO WATER DISTRICT  
PROCLAIMING A STATE OF EMERGENCY PERSISTS, RATIFYING THE  
PROCLAMATION OF A STATE OF EMERGENCY BY GOVERNOR GAVIN NEWSOM,  
AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE BOARD OF  
DIRECTORS OF PICO WATER DISTRICT FOR THE PERIOD OCTOBER 20, 2021 TO  
NOVEMBER 19, 2021  
PURSUANT TO BROWN ACT PROVISIONS.

**WHEREAS**, the Pico Water District (the “District”) is committed to preserving and nurturing public access and participation in meetings of its Board of Directors; and

**WHEREAS**, all meetings of the District’s Board of Directors and its standing committees are open and public, as required by the Ralph M. Brown Act (California Government Code Sections 54950 – 54963), so that any member of the public may attend, participate, and watch those bodies conduct their business; and

**WHEREAS**, the Brown Act, in Government Code Section 54953(e), makes provision for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code Section 54953(b)(3), subject to the existence of certain conditions; and

**WHEREAS**, a required condition for application of Section 54953(e) is that a state of emergency is declared by the Governor pursuant to Government Code Section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code Section 8558; and

**WHEREAS**, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the District’s boundaries, caused by natural, technological or human-caused disasters; and

**WHEREAS**, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, such conditions now exist in the District, specifically, COVID-19, and its Delta variant, which remain highly contagious and, therefore, a threat to the health, safety and

well-being of the District's employees, directors, vendors, contractors, customers and residents;  
and

**WHEREAS**, orders from the Los Angeles County Department of Public Health and regulations from the State of California impose limitations on gatherings and provide guidance on best practices with respect to actions to reduce the spread of COVID-19; and

**WHEREAS**, the District's Board of Directors does hereby find that a state of emergency exists within the District's service area as a result of the continuing presence of COVID-19 and resulting local, state and federal orders and guidance, which has caused, and will continue to cause, conditions of peril to the safety of persons within the District that are likely to be beyond the control of services, personnel, equipment, and facilities of the District, and the Board of Directors desires to affirm a local emergency exists and ratify the proclamation of state of emergency by the Governor of the State of California; and

**WHEREAS**, as a consequence of the local emergency, the Board of Directors does hereby find that the District's Board of Directors and all standing committees shall conduct their meetings without compliance with paragraph (3) of subdivision (b) of Government Code Section 54953, as authorized by subdivision (e) of Section 54953, and that such legislative bodies shall continue to comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of Section 54953; and

**WHEREAS**, the District will continue to provide proper notice to the public regarding all District Board of Directors' and standing committee meetings, in accordance with Government Code Section 54953(e)(2)(A) and shall provide notice to the public of how they may access any such meeting via call-in number and/or internet link.

**NOW, THEREFORE, THE BOARD OF DIRECTORS OF PICO WATER DISTRICT DOES HEREBY RESOLVE AS FOLLOWS:**

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Proclamation Regarding Local Emergency. The Board of Directors hereby considers the conditions of the state of emergency in the District and proclaims that a local emergency now exists throughout the District, and that conducting District Board of Directors and standing committee meetings virtually will minimize the possible spread COVID-19 and any variant thereof.

Section 3. Ratification of Governor's Proclamation of a State of Emergency. The Board hereby ratifies the Governor of the State of California's Proclamation of State of Emergency regarding COVID-19, dated March 4, 2020.

Section 4. Remote Teleconference Meetings. The District's General Manager, or his delegate, and the Board of Directors and standing committees of the District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this

Resolution including, continuing to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) the expiration of thirty (30) days from the date this Resolution was adopted, as set forth below, or (ii) such time as the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Board of Directors and standing committees of the District may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

**PASSED AND ADOPTED** by the Board of Directors of Pico Water District this 20th day of October, 2021, by the following vote:

AYES:

NAYS:

ABSTAINS:

ABSENT:

By: \_\_\_\_\_  
David R. Gonzales, President

Attest:

\_\_\_\_\_  
Mark J. Grajeda, Secretary

# **INFORMATIONAL ITEMS**

**REGULAR MEETING OF THE BOARD OF DIRECTORS  
PICO WATER DISTRICT  
4843 S. Church Street  
Pico Rivera, California, 90660**

**6:00 P.M. Wednesday, November 3, 2021**

**AGENDA**

**9. INFORMATIONAL ITEMS.**

- A. Final Legislative Report for 2021 Legislative Year.



MEMORANDUM

To: Public Water Agencies Group  
From: James Ciampa  
Re: Final Legislative Report for 2021 Legislative Year  
Date: October 20, 2021

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Below is the updated and final legislative summary of bills of interest to the Group for the 2021-22 Legislative Session, which includes the actions taken on bills by Governor Newsom. Status updates are highlighted in yellow. Bills that have been signed into law are highlighted in green and bills that were vetoed are highlighted in red font.

**ASSEMBLY BILLS**

**ACA 1 (Aguiar-Curry) – Infrastructure – Voter Approval:** This proposed constitutional amendment would reduce the voter approval threshold from 2/3rds to 55% for local agency (including special districts) special taxes (and other taxes a city or county may impose) to be used to repay bonded indebtedness to fund affordable housing, permanent supportive housing or public infrastructure, including water and water quality projects. The proposal includes the following prohibition applicable to special districts: “A special district, other than a board of education or school district, shall not incur any indebtedness or liability exceeding any applicable statutory limit, as prescribed by the statutes governing the special district as they currently read or may thereafter be amended by the Legislature.” **The item has been referred to the Assembly Local Government and Appropriations Committees.**

**AB 20 (Lee) – Political Reform Act:** This bill would add to the Political Reform Act the Clean Money Act of 2021, which would prohibit a candidate for elective office from receiving a contribution from a business entity, and a business entity from making a contribution to a candidate for elective office. By the March 1 amendments, the bill was renamed as the Corporate Free-Elections Act. **The bill is pending in the Assembly Elections Committee and is likely dead.**



only if approved by a concurrent resolution of the Legislature. **The bill is pending in the Assembly Emergency Management Committee and is likely dead.**

**AB 123 (L. Gonzalez) – Paid Family Leave:** This bill would revise the formula for determining benefits available for paid family leave, for periods commencing after January 1, 2022, by redefining the weekly benefit amount to be equal to 90% of the wages paid to an individual for employment by employers during the quarter of the individual's disability base period in which these wages were highest, divided by 13, but not exceeding the maximum workers' compensation temporary disability weekly benefit amount established by the Department of Industrial Relations. By comparison, the benefits that would be payable prior to January 1, 2022 are determined on a sliding scale set forth in Unemployment Insurance Code Section 2655, with the top level of benefits (applicable to wages exceeding \$1,749.20 in a quarter) is at 55% of the wages paid. **The bill was vetoed by Governor Newsom. In his veto message, he stated the bill would result in significant new costs to the state and to employees.**

**AB 230 (Voepel) – Employment – Flexible Work Schedules:** This bill would enact the Workplace Flexibility Act of 2021, which would permit an **individual** non-exempt employee to request an employee-selected flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek, and would allow an employer to implement this schedule without the obligation to pay overtime compensation for those additional hours. Current law only allows such flexible work schedules for units of employees. **The bill is pending in the Assembly Labor and Employment Committee and is likely dead.**

**AB 237 (Gray) – Public Employment – Unfair Practices – Health Protection:** This bill, the Public Employee Health Protection Act, would make it an unfair practice for a covered employer (i.e., any public employer that offers health care or other medical coverage for non-occupational injuries or illness to its employees), to fail or refuse to maintain or pay for continued health care or other medical coverage for an enrolled employee or their enrolled dependents, for the duration of the enrolled employee's participation in an authorized strike, at the level and under the conditions that coverage would have been provided if the employee had continued to work in their position for the duration of the strike. The bill would require the restoration of health or other medical care premiums, contributions, or out-of-pocket expenses actually paid by the employee or their dependents as a result of the employer's violation of this provision, or because the employer failed to ensure continued coverage during a strike, and would require other equitable adjustments to ensure that the employee and their dependents are made whole. **The bill passed the Senate Labor, Public Employment and Retirement and Judiciary Committees and is now pending on the Senate floor.**

**AB 339 (Lee) – Brown Act:** This bill would require **all** local agency meetings to include an opportunity for all persons to attend via a call-in option or an internet-based service option that provides closed captioning services and requires both a call-in and an internet-based service option to be provided to the public. The bill would require, even in the case of a declared state or local emergency, teleconferenced meetings to include **an in-person public comment opportunity**. The bill would require all meetings to provide the public with an opportunity to address the legislative body remotely via call-in or internet-based service, and would require

instructions on how to attend the meeting to be posted at the time notice of the meeting is publicized.

The bill would also require the legislative bodies of the local agency to employ a sufficient amount of qualified bilingual persons to provide translation during the meeting in the language of a non-English-speaking person, in jurisdictions which govern a substantial number of non-English-speaking people. The bill would define “non-English-speaking people” as members of a group who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise 5 percent or more of the people served by the agency.

Existing law, the Dymally-Alatorre Bilingual Services Act, requires any materials explaining services available to the public to be translated into any non-English language spoken by a substantial number of the public, as defined in that act, served by the agency, and requires every state and local agency serving a substantial number of non-English-speaking people to employ a sufficient number of qualified bilingual persons in public contact positions or as interpreters to ensure provision of information and services in the language of the non-English-speaking person. This bill would require legislative bodies of local agencies to translate agendas and instructions for accessing the meeting to be translated into all languages for which 5% of the population in the area governed by the local agency are speakers.

The bill was significantly amended on April 15 and now would require all local agency board meetings to include an opportunity for members of the public to attend via a telephonic option and an internet-based option. The bill would require all meetings to include an in-person public comment opportunity, except during a declared state or local emergency. The bill would require all meetings to provide the public with an opportunity to comment on proposed legislation in person and remotely via telephonic and internet-based options, and would specify requirements for public comment registration. The bill would also require the legislative body of the local agency to provide interpretation services as may be requested, and to have a system to process requests for interpretation services and publicize that system online. This bill would require legislative bodies of local agencies to make available instructions on joining the meeting to all non-English-speaking persons upon request, and to publish the instructions in the two most spoken languages other than English within the local agency’s jurisdiction.

In a victory for special districts, the bill was significantly amended on May 4 and now only applies to cities and counties with populations over 250,000 people. In addition, the May 4 amendments deleted the mandatory translation requirements. The June 25 amendments to the bill require any telephonic or internet-based system used to provide for two-way communication. **The bill was vetoed by Governor Newsom. In his veto message, he expressed concerns about setting a precedent in tying access to public meetings to population, which can create confusion for the public.**

**AB 343 (Fong) – Public Records Act – Ombudsman:** This bill would establish, within the California State Auditor’s Office, the California Public Records Act Ombudsperson. The bill would require the California State Auditor to appoint the ombudsperson, who would be required to receive and investigate requests to state agencies for review, determine whether the denials of

original requests complied with the California Public Records Act, and issue written opinions of its determination. The bill would require the ombudsperson to create a process to that effect. The bill also would authorize the ombudsperson to provide written information, guidance, and advice to both public agencies and members of the public regarding the California Public Records Act.

**The bill is now pending in the Senate Judiciary and Governmental Organization Committees and is likely dead.**

**AB 361 (R. Rivas) – Brown Act:** This bill would authorize a local agency to use teleconferencing for its board meeting without complying with the teleconferencing requirements imposed by the Brown Act in any of the following circumstances: (i) the board holds the meeting to proclaim or ratify a local emergency; (ii) the board holds a meeting during a proclaimed state of emergency or declared local emergency, and state or local officials have imposed or recommended measures to promote social distancing; or (iii) the board holds a meeting during a declared local emergency and determines by majority vote that, as a result of the emergency, meeting in person would present imminent risks to the health or safety of the attendees. The bill would require a board that holds a teleconferenced meeting under these conditions to do all of the following: (a) provide notice of the meeting and post agendas as otherwise required; (b) allow members of the public to access the meeting and the agenda shall provide an opportunity for the public to address the board directly; and (c) the teleconference meeting must be conducted in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body. This bill would provide flexibility to public agencies for any future unforeseen state of emergency, and would allow public agencies to continue to provide these essential services without jeopardizing the health of those attending.

The bill was amended on April 6 to require a public agency to provide telephonic or internet-based options for members of the public to provide comments. The bill also would require the legislative body to take no further action on agenda items when there is a disruption which prevents the public agency from broadcasting the meeting, or in the event of a disruption within the local agency's control which prevents members of the public from submitting public comments, until public access is restored. The bill would specify that actions taken during the disruption are subject to being challenged. The bill would prohibit the legislative body from requiring public comments to be submitted in advance of the meeting and would specify that the legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time. When there is a continuing state of emergency, local emergency, or when state or local officials have imposed or recommended measures to promote social distancing, the bill would require a legislative body to make specified findings not later than 30 days after the first teleconferenced meeting pursuant to these provisions, and to make those findings every 30 days thereafter, in order to continue to meet under the abbreviated teleconferencing procedures.

The June 25 amendments deleted application of the bill in any local emergency, so that the bill will only apply for state-declared emergencies. Also, the June 25 amendments added a sunset date of December 31, 2023. As amended, the bill would also prohibit the legislative body from closing the public comment period and the opportunity to register to provide public comment, until the public comment period has elapsed or until a reasonable amount of time has elapsed. **An urgency measure was added to the bill so it would take effect immediately, and**

it was signed into law by Governor Newsom on September 16, who then issued an Executive Order to delay its effectiveness until October 1.

**AB 377 (R. Rivas) – Water Quality – Impaired Waters:** This bill would set forth the goal that all California surface waters shall be fishable, swimmable, and drinkable by January 1, 2050. The bill contains a wide variety of restrictions on the State Water Board and Regional Water Quality Control Boards in their ability to regulate various discharges. The bill is silent on whether discharges from water purveyors may be exempt, but the initial broad language in the bill would include those discharges. The bill has generated significant opposition among statewide associations, including ACWA, the League of California Cities, California Association of Sanitary Agencies and other associations, who have determined the bill to be impractical, incredibly expensive and likely impossible to implement. Those entities have reached a consensus that the bill is not fixable and needs to be killed.

The bill has been subsequently amended three times and some of the most problematic provisions have been deleted. However, the bill's primary problem, in taking local control over discharge management away from the Regional Boards remains in the bill. The bill now would require, by January 1, 2023, that the State Water Board and Regional Water Quality Control Boards prioritize enforcement of all water quality standard violations that are causing or contributing to an exceedance of a water quality standard in a surface water of the state. The bill would require the State Water Board and Regional Boards, by January 1, 2025, to evaluate and report to the Legislature a plan to bring all water segments into attainment by January 1, 2050. The bill would require that report to be updated every five years. The bill would make moneys in the Waterway Recovery Account available for the State Water Board to expend, upon appropriation by the Legislature, to bring impaired water segments into attainment in accordance with the plan.

The bill still retains significant enforcement (i.e., penalty) provisions that will significantly increase compliance costs with little or no benefit to the environment in comparison with the current statutory scheme. For example, the bill requires an enforcement action taken under the bill to result in sufficient penalties to ensure the person subject to the enforcement action is no longer causing or contributing to a water quality exceedance. However, the imposition of penalties does not alone ensure water quality improvements.

As mentioned above, the bill continues to take discretion and flexibility away from the Regional Boards, such as precluding Regional Boards from extending an existing compliance period. Also, the bill makes no consideration of compliance costs for permittees and does not consider new or emerging contaminants. ACWA and the statewide coalition continue to have significant concerns with the bill and continue to oppose it. **The bill was held in the Assembly Appropriations Committee and is likely dead.**

**AB 385 (Flora) – Labor Code Private Attorneys General Act:** This bill would prohibit an employee from pursuing a Private Attorneys General Act action for wage claims that accrued after March 4, 2020 if an arbitration agreement exists with the employer and the employer and employee(s) have knowingly waived their rights to enforce the arbitration agreement. **The bill**

**has been referred to the Assembly Labor and Employment and Judiciary Committees and is likely dead.**

**AB 418 (Valladares) – Emergency Services Grant Program:** This bill would create the Community Power Resiliency Program (Program), administered by Cal OES, to support local government efforts to deploy energy resiliency projects to maintain energy services during deenergization events by electrical corporations or publicly owned electric utilities. This bill includes intent language for the Legislature to enact future legislation to transfer \$100,000,000 to Cal OES to support the Program. If \$100,000,000 is appropriated, \$30,000,000 would be allocated to special districts, and if the Legislature appropriates only \$50,000,000, then \$13,000,000 would go to special districts. Monies provided to special districts would then be allocated on a competitive basis, with the maximum grant amount being \$300,000 to ensure that critical facilities can continue to function during deenergization events.

The April 8 and April 19 amendments clarified the permissible use of monies to be provided under the Program, which is to support local governments' efforts to improve energy resiliency in response to power outage events.

The May 24 amendments deleted the specific dollar thresholds to be allocated to cities, counties, special districts and tribes and now merely states, in general, the Legislature's intent to allocate monies for the bill's purpose, to be allocated among those eligible recipients on a competitive basis for cities, special districts and tribes and non-competitive basis for counties.

**The bill was vetoed by Governor Newsom, who stated the bill would add financial pressure on the state's general fund by codifying a grant program.**

**AB 473 & 474 (Chau) – Public Records Act:** AB 473 is a non-substantive bill that would recodify and reorganize the Public Records Act. AB 474 would change various statutory references to conform to the recodified Public Records Act. **Both bills were signed into law on October 7.**

**AB 513 (Bigelow) – Employment – Telecommuting:** This bill would authorize an employee working from home or any other remote location [added by March 17 amendments] to receive legally required notices and postings electronically and to sign certain documents electronically. The bill would also require that an employee who works from home or from any other remote location shall have any wages due at the time of separation of employment to be mailed to the employee; and those wages will be deemed to have been paid on the date that the wages are mailed to the employee. **The bill is pending in the Assembly Labor and Employment Committee and is likely dead.**

**AB 588 (E. Garcia) – Safe Drinking Water Act Compliance:** This bill would require the State Water Board to approve a compliance period of between 30 days and three years for every new maximum contaminant level it sets, and would set forth the factors the State Water Board must consider in setting the compliance period. The bill would also require the State Board to identify actions needed to assist small water systems to achieve compliance with the MCL within the compliance period. **The bill is pending in the Assembly Environmental Safety & Toxic Materials Committee and is a two-year bill.**

**AB 602 (Grayson) – Development Fees – Impact Fee Nexus Study:** As amended on April 6, this bill, among other things, would require, on and after January 1, 2022, a city, county or special district that conducts an impact fee nexus study to follow specific standards and practices, including, but not limited to (1) prior to the adoption of a development fee or exaction, an impact fee nexus study must be adopted, (2) the impact fee nexus study must identify the existing level of service for each public facility, must identify the proposed new level of service and must include an explanation of why the new level of service is necessary, and (3) the study must either calculate a fee levied or imposed on a housing development project proportionately to the square footage of the proposed units, or make specified findings explaining why square footage is not an appropriate metric to calculate the fees. The bill would also require the public agency to post a written fee schedule or a link directly to the written fee schedule on its internet website. The bill would require the Department of Housing and Community Development, on or before January 1, 2024, to create an impact fee nexus study template that may be used by local jurisdictions.

AB 602 has a variety of problems as it applies to water entity connection fees and capacity charges, which are not calculated based on square footage. Also, those fees and charges are not calculated on a development-by-development basis.

The July 5 amendments specified that certain provisions of the bill do not apply to fees or charges subject to Government Code Section 66013, which includes connection fees and capacity charges. Those amendments led ACWA to change its position from “oppose unless amended” to “watch.” **The bill was signed into law on September 28.**

**AB 622 (Friedman) – Microfiber Filtration:** This bill would require, on or before January 1, 2024, that all washing machines sold as new in California contain a microfiber filtration system with a mesh size of 100 microns or smaller. **The bill is pending in the Assembly Environmental Safety and Toxic Materials Committee and is likely dead.**

**AB 654 (Reyes) – COVID-19 Exposure Notification:** This bill would require the State Department of Public Health to make workplace and industry information received from local public health departments available on its internet website in a manner that, among other things, allows the public to track the number of COVID-19 cases and outbreaks by both workplace and industry. The bill was amended on May 24 to add provisions to exempt residential care facilities and health care facilities from the bill’s COVID-19 reporting requirements. **The bill has not passed from the Assembly and is likely dead or will be a two-year bill.**

**AB 703 (B. Rubio) - Brown Act:** This bill, sponsored by Three Valleys Municipal Water District would remove the existing Brown Act requirements regarding teleconferencing (such as having to post an agenda at each teleconference location and have each location accessible to the public) and would allow for teleconferencing subject to existing provisions regarding the posting of notice of an agenda and the ability of the public to observe the meeting and provide public comment. The bill would require that, in each instance in which notice of the time of the teleconferenced meeting is otherwise given or the agenda for the meeting is otherwise posted, the local agency must also give notice of the means by which members of the public may observe

the meeting and offer public comment and that the legislative body have and implement a procedure for receiving and swiftly resolving requests for reasonable accommodation for individuals with disabilities, consistent with the federal Americans with Disabilities Act. The bill would declare the Legislature's intent, consistent with the Governor's Executive Order N-29-20, to improve and enhance public access to local agency meetings into the future, and considering the digital age, by allowing broader access through teleconferencing options. **The bill is pending in the Assembly Local Government Committee, and is now a two-year bill.**

**AB 754 (Mathis) – SGMA – Groundwater Sustainability Plans:** As amended on April 15, this bill would authorize the Department of Water Resources to extend the deadline for a high- or medium-priority basin not subject to critical overdraft to be managed under a groundwater sustainability plan or coordinated plans by up to 180 days after January 31, 2022, upon request for such an extension by a local agency or groundwater sustainability agency in the basin. The bill would require such a request to be submitted by January 3, 2022, and to be responded to by DWR by January 10, 2022. **The bill remains pending in the Senate Natural Resources and Water Committee and is likely dead.**

**AB 757 (Davies) – COVID-19:** As applicable to mutual water companies, as private employers, this bill would authorize a private employer to request documentation of a positive COVID-19 test or diagnosis (i.e., either documentation of the positive test result or written documentation from the employee's health care provider) if an employee reports that the employee has been diagnosed or tested positive for COVID-19 and is unable to work and the employer determines that an employee may be subject to a 14-day exclusion from the workplace as required under certain law or regulations. The bill would require an employer, in requesting documentation pursuant to the bill and in receiving information in response to that request, to comply with existing privacy protections. **The bill is pending in the Assembly Labor and Employment Committee and is likely dead.**

**AB 814 (Levine) – COVID-19 – Contact Tracing:** This bill would prohibit data collected, received, or prepared for purposes of COVID-19 contact tracing from being used, maintained, or disclosed for any purpose other than facilitating contact tracing efforts. The bill would prohibit an officer, deputy, employee, or agent of a law enforcement agency from engaging in contact tracing, except for contact tracing of employees of that agency. The bill would require all data collected, received, or prepared for purposes of contact tracing to be deleted within 60 days, except if that data must be retained to comply with a state or federal workplace safety law. The April 21 amendments added an exclusion from the prohibition for health care providers that maintain confidential patient information under HIPAA. The July 8 amendments would limit the circumstances under which a receiving agency could disclose contact tracing data for study purposes to the University of California or a non-profit organization. **The bill was held in the Senate Appropriations Committee and is a two-year bill.**

**AB 819 (Levine) – CEQA – Electronic Filing and Posting:** This bill would require a lead agency under CEQA to post (i) a notice of completion of an environmental impact report, (ii) a negative declaration, or (iii) a mitigated negative declaration on its internet website. The bill would also require a draft environmental impact report, proposed negative declaration, or proposed mitigated negative declaration that is to be submitted to the State Clearinghouse to be

submitted in electronic form and to be posted on the lead agency's website. The bill would also a notice of determination or notice of exemption to be filed electronically by the local agency if that option is offered by the county clerk. The April 5 amendments would require various CEQA notices to be provided by e-mail and posted on the lead agency's website, instead of being mailed. It was amended on May 28 in the Senate to require the public review period for a draft EIR to be at least 45 days if the EIR is for a proposed project where a state agency is the lead agency, a responsible agency, or a trustee agency; a state agency otherwise has jurisdiction with respect to the project; or the proposed project is of sufficient statewide, regional, or areawide environmental significance. The bill would also instead require a public review period of at least 30 days if the proposed negative declaration or proposed mitigated negative declaration is for a proposed project where a state agency is the lead agency, a responsible agency, or a trustee agency; a state agency otherwise has jurisdiction with respect to the project; or the proposed project is of sufficient statewide, regional, or areawide environmental significance. **The bill was signed into law on July 16.**

**AB 850 (Gallagher) – Sale of Water Utility Property – El Monte and Montebello:** Existing law, until January 1, 2022, authorizes the City of El Monte, the City of Montebello, and the City of Willows to sell their respective water utilities to consolidate with another public water system, subject to additional requirements, including, among other things, that the receiving water system's service area borders the service area of the subsumed water system. This bill would extend the authorization to consolidate water systems until January 1, 2024. The bill would also remove the requirement that the receiving water system's service area border the service area of the subsumed water system. The March 22 amendments reinstated that requirement into the bill. As amended on August 18, the requirement that the potentially subsumed public water system be wholly within the boundaries of the city was deleted. **The bill was signed into law on October 8.**

**AB 930 (Levine) – Dig Alert – Recovery of Attorneys' Fees:** This bill would require a court to award attorney's fees and costs, including expert witness fees, to a prevailing party in a civil action or arbitration for property damage necessitating repair or replacement of all or a portion of the subsurface installation that results from the excavation and arising between an operator of a subsurface installation and an excavator. The bill would also authorize a court or arbitrator to consider offers of settlement exchanged between the parties for purposes of determining an attorney's fees and costs, including expert witness fees, award. The March 24 amendments restated the attorneys' fees provision by inserting a provision that would require a court or arbitrator to award reasonable attorney's costs and fees, including expert witness fees, to a prevailing excavator if the court or arbitrator determines the excavator is not liable for damages to a subsurface installation because of inaccurate field marking, or if the excavator makes an offer to settle the matter that is not accepted and the plaintiff fails to obtain a more favorable judgment or award. **The bill was signed into law on October 8.**

**AB 995 (L. Gonzalez) – Paid Sick Leave – Accrual of Days:** The existing Paid Sick Leave Law authorizes an employer to use a different accrual method as long as an employee has no less than 24 hours of accrued sick leave or paid time off by the 120th calendar day of employment or each calendar year, or in each 12-month period. Existing law also provides that an employer may satisfy the accrual requirements by providing not less than 24 hours or 3 days of paid sick



leave that is available to the employee to use by the completion of the employee's 120th calendar day of employment. Under that existing law, an employer has no obligation under these provisions to allow an employee's total accrual of paid sick leave to exceed 48 hours or 6 days, provided that an employee's rights to accrue and use paid sick leave are not otherwise limited, as specified. Under existing law, sick leave carries over to the following year of employment, but an employer is permitted to limit the use of the carryover amount, in each year of employment, calendar year, or 12-month period, to 24 hours or 3 days.

This bill would modify the employer's alternate sick leave accrual method to require that an employee have no less than 40 hours of accrued sick leave or paid time off by the 200th calendar day of employment or each calendar year, or in each 12-month period. The bill would modify that satisfaction provision to authorize an employer to satisfy accrual requirements by providing not less than 40 hours or 5 days (instead of 24 hours or 3 days) of paid sick leave that is available to the employee to use by the completion of the employee's 200th calendar day of employment. The bill would also provide that an employer is under no obligation to allow an employee's total accrual of paid sick leave to exceed 80 hours or 10 days (up from 48 hours or 6 days). The bill would raise the employer's authorized limitation on the employee's use of carryover sick leave to 40 hours or 5 days (instead of 24 hours or 3 days). **The bill was placed in the Assembly inactive file on June 3.**

**AB 1028 (Seyarto and Bigelow) – Telework:** This bill would permit an individual non-exempt employee to request an employee-selected remote work flexible work schedule providing for workdays up to 10 hours per day within a 40-hour workweek and would allow an employer to implement this schedule without the obligation to pay overtime compensation for those additional hours in a workday. The authorization would apply only if an employee is working remotely and not under the physical control of the employer. The bill would except split shift premiums from application to the work of employees who are working an employee-selected remote work flexible work schedule.

This bill would authorize any non-exempt employee working from home who is not under the physical control of the employer to choose when to take any meal or rest period during the workday, if the employer has not already scheduled a meal or rest period within the requirements of the law. The bill would require an employer to notify the employee of this right one time, when the employee begins working from home and if the employer fails to provide this notification, to pay only one additional hour of pay for each day that the employer fails to provide this notice. This bill would prohibit an employee from recovering civil penalties from an employer under the Labor Code Private Attorneys General Act for violations of provisions requiring the employer to provide meal and rest breaks if the employee engaged in remote work. Among other things, the bill would require the alleged violations to have occurred between March 19, 2020, and the earlier of January 1, 2022, or when the declared COVID-19 state of emergency issued by the Governor ends. **The bill is pending in the Assembly Labor and Employment and Judiciary Committees and is likely dead.**

**AB 1041 (Wicks) – Paid Family Leave:** For purposes of the California Family Rights Act and Paid Sick Leave Law, this bill would expand the population that an employee can take leave or paid sick leave to care for to include any other individual related by blood or whose close

association with the employee is the equivalent of a family relationship. The April 22 amendments revised the bill to provide that an employee can take leave to care for a “designated person.” The bill would define “designated person” to mean a person identified by the employee at the time the employee requests the family care and medical leave. The bill would authorize an employer to limit designation of a person to one designated person per 12-month period. **The bill was placed in the Senate inactive file on September 9.**

**AB 1071 (Rodriguez) – Office of Emergency Services – Tabletop Exercises:** This bill would require the Office of Emergency Services to biennially convene key personnel and agencies that have emergency management roles and responsibilities, including agencies in the water sector, to participate in tabletop exercises in which the participant’s emergency preparedness plans are discussed and evaluated under various simulated catastrophic disaster situations. The bill would require those tabletop exercises to be designed to enhance the capabilities of the participants to do various things, including to engage the communities that they each serve in the development of executable approaches to meet defined disaster response objectives. The March 25 amendments would require OES to use federal preparedness grant funding to offset the state, local, and tribal government costs associated with participation in the tabletop exercises to the greatest extent possible. **The bill was held in the Senate Appropriations Committee.**

**AB 1099 (R. Rivas) – Bond and Fund Expenditures – Environmental Equity:** This bill, which was amended from its original declaratory language, would require a minimum of 40% of all state level funding be allocated to disproportionately affected communities. In doing so, the bill would mirror the intent pronounced by the Biden Administration. Such a requirement would not allow for flexibility in future bond and funding initiatives. **The bill is pending in the Assembly Natural Resources Committee and is likely dead.**

**AB 1110 (R. Rivas) – Zero Emission Vehicles – State Fleet Program:** The bill would create a program to be administered by the newly created Office of Clean Fleet Accelerator and a related ombudsperson to provide for the bulk purchase of zero-emission fleet vehicles by public agencies, including special districts, through a master service agreement or leverage procurement agreement. The bill also would provide public agencies with technical assistance pertaining to such purchases. Purchases under the program would be eligible for financing under the Climate Catalyst Revolving Fund Loan Program. The July 7 amendments added a January 1, 2027 repeal date. **The bill was placed in the Assembly inactive file on September 9.**

**AB 1119 (Wicks) – Employment Discrimination:** This bill would add “family responsibilities,” defined to mean the obligations of an employee to provide direct and ongoing care for a minor child or a care recipient, to the list of protected classes and as a factor to be considered in the interactive process in accommodating a person with a disability where a school or place of care is closed. The April 21 amendments would make it an unlawful practice for an employer to fail to make reasonable accommodation and to fail to engage in a timely, good faith interactive process regarding reasonable accommodations for an employee’s known family responsibilities. **The bill has passed the Assembly Labor and Employment and Judiciary Committees, but did not pass out of the Assembly Appropriations Committee. It is likely dead.**

**AB 1123 (Rodriguez) – Emergency – Requirements Imposed on Governor:** This bill would impose various requirement on the Governor where a state emergency has been declared, including immediately notifying in writing the Speaker of the Assembly and the President pro Tempore of the Senate and providing them and certain legislative committees monthly reports on various emergency-related issues. This bill would require the Office of Emergency Services, during a state of emergency, to provide certain legislative committees an update every 60 days on the goals and objectives of the emergency response. The bill would also require the Governor to immediately notify in writing certain legislative committees of any expenditure of state or federal emergency response funds, and would require the State Auditor, upon appropriation by the Legislature, to conduct annual performance audits of any expenditure of state or federal disaster emergency response funds. **The bill was placed in the Assembly inactive file on June 3.**

**AB 1179 (Carrillo) – Paid Backup Child Care:** This bill would require employers with 1,000 or more employees, the state, political subdivisions of the state and municipalities to provide an employee, on or after January 1, 2022, who works in California for the same employer for 30 or more days within a year from the commencement of employment, with up to 60 hours of paid backup childcare benefits, to be accrued and used as provided in the bill (i.e., to accrue at not less than one hour for every 34 hours worked and calculated at the employee’s regular rate of pay in the workweek in which the benefits are used). The employer shall provide payment for backup childcare no later than the payday for the next regular payroll period after the backup childcare was used. The bill would define “backup childcare” as childcare provided by a qualified backup childcare provider to the employee’s child when the employee’s regular childcare provider cannot be utilized, and “paid backup childcare” as an employee benefit consisting of the employer paying for a qualified backup childcare provider to provide backup childcare for an employee’s child that is compensated at the state minimum wage or the federal minimum wage, whichever is higher. **The bill passed the Assembly Labor and Employment Committee, but was held in the Assembly Appropriations Committee and is likely dead.**

**AB 1195 (C. Garcia) – Southern Los Angeles County Regional Water Agency:** This bill would create a new regional water agency for the Central and West Basins. The bill would require the agency to be the region’s leader in interagency collaboration on water resource issues and to be governed by a 5-member board of locally elected officials, with one member appointed by each of: (i) the Governor; (ii) the Los Angeles County Board of Supervisors; (iii) the Gateway Cities Council of Governments; (iv) the South Bay Cities Council of Governments; and (v) the San Gabriel Valley Council of Governments. The bill would authorize the agency to serve the water needs of its region through specified activities, including, among others, operating public water systems or other water infrastructure and integrating (i.e., consolidating) other water systems in the region into its operations, as set forth in the bill. The bill would authorize the agency to finance its operations through specified means, including, among others, collecting water rates, charges, fees, or established parcel charges previously charged by a water system for which the agency has assumed control. The bill is short on details regarding how the agency will actually operate and how it will specifically finance its activities. It is sure to be a very controversial bill and will generate a lot of opposition.

AB 1195 was amended on April 6 and would include oversight by an appointed commissioner of the Water Replenishment District, Central Basin Municipal Water District and other water suppliers in the Central and West Basins. An appointed technical panel would support the commissioner. The bill also includes a provision that would prohibit, once an operator of a public water system exercises water rights for the benefit of the public water system, any surface water rights or groundwater rights from being severed or otherwise separated from the public water system.

The bill was further amended on May 24. With respect to water rights, the bill now would prohibit a public water system from transferring or abandoning a water right held by a public water system except upon approval of the State Water Board. Interestingly, the bill does not limit that prohibition to circumstances involving a failing system. The amendments also specify that the administrator/commissioner is to be appointed from among the State Water Board staff in Los Angeles County, and carve out the West Basin area from receiving any funding from that administrator/commissioner under the SAFER Program. The amendments also revise the composition of the technical advisory board, by specifying one member to be from the L.A. County Department of Public Works and one member to be from WRD, but leaving a blank for any other members. The May 24 amendments also delete direct oversight of Central Basin Municipal Water District, but authorizes the administrator/commissioner to order an audit or financial review of CBMWD or any other public water system that receives state funding. Lastly, the amendments establish a pilot program until January 1, 2027 under which the administrator/commissioner would submit a plan for any consolidations or dissolutions, including of mutual water companies, to L.A. County LAFCO, which would be required to hold at least two public hearings and then approve or deny that plan. **The bill remains in the Senate Environmental Quality; Natural Resources and Water; and Governance and Finance Committees and is a two-year bill.**

**AB 1200 (Ting) – PFAS – Food Packaging and Cookware:** As amended, beginning on January 1, 2023, this bill would prohibit any person from distributing, selling, or offering for sale in the state any food packaging that contains intentionally added PFAS chemical. The bill would require a manufacturer to use the least toxic alternative when replacing PFAS chemicals. Beginning January 1, 2024, the bill would require a manufacturer of cookware sold in the state that contains one or more intentionally added chemicals present on a designated list (which includes PFAS) to include a statement on the product label in both English and Spanish, regarding the presence of those chemicals of concern in the cookware. The bill would require, beginning January 1, 2023, a manufacturer of such cookware to post on the internet website for the cookware a list of chemicals in the cookware that are present on the designated list, among other information. The June 14 amendments added labeling requirements and clarified the dates on which the requirements would be applicable, as highlighted below. The bill would prohibit ~~beginning January 1, 2024,~~ a manufacturer from making a claim, either on the cookware package (effective January 1, 2023) or internet website (effective January 1, 2024) for the cookware, that the cookware is free of any specific chemical if the chemical belongs to a chemical group or class identified on the designated list, unless no individual chemical from that chemical group or class is intentionally added to the cookware. The bill would prohibit a person from selling, offering for sale, or distributing in California a cookware product that does not comply with the

bill's provisions. ACWA has taken a **favor** position on this bill. **The bill was signed into law on October 5.**

**AB 1250 (Calderon) – Consolidation of Water Systems:** This bill, the Consolidation for Safe Drinking Water Act of 2021, would authorize a water or sewer corporation to file an application and obtain approval from the Public Utilities Commission to consolidate with a public water system or state small water system. The bill would require the commission to approve or deny the application within 8 months. For a consolidation valued at \$5,000,000 or less, the bill would authorize the water or sewer corporation to instead file an advice letter and obtain approval from the PUC through a resolution authorizing the corporation to consolidate with a public water system or state small water system. The bill would authorize the PUC's executive director or the director of the division of the PUC having regulatory jurisdiction over the corporation to approve an uncontested advice letter, and would require the PUC to approve or deny an advice letter within 120 days.

As amended on May 24, the bill would establish the Consolidation for Safe Drinking Water Fund, with all moneys available, upon appropriation, to the PUC in order to process the applications and cover any associated regulatory costs. The bill would require a water or sewer system corporation to pay a fee of \$10,000 when filing a consolidation application and would require the fee to be deposited into that fund. The bill was further amended on July 5 to limit its application to small community water systems or a small water system that is failing or at risk of failing. **The bill was signed into law on October 8.**

**AB 1256 (Quirk) – Employment – Positive Cannabis Test:** This bill would prohibit an employer from discriminating against a person in hiring, termination, or any term or condition of employment because a drug screening test has found the person to have THC in their urine. The bill would exempt from its provisions an employer that is required to conduct testing for THC by federal law or regulations, or that would lose a monetary or licensing-related benefit for failing to conduct THC testing. The bill would also exempt employment in the building and construction trades. The April 12 amendments replace THC with "nonpsychoactive cannabis metabolites," which, according to the added legislative findings in the bill, have no correlation to an employee being high or impaired. **The bill is pending in the Assembly Labor and Employment and Judiciary Committees and is likely dead.**

**AB 1313 (Bigelow) – COVID-19 – Immunity from Liability:** This bill would exempt a business (the bill's definition of "business" does not include public agencies) from liability for an injury or illness to a person due to COVID-19 based on a claim that the person contracted COVID-19 while at that business, or due to the actions of that business, if the business has substantially complied with all applicable state and local health laws, regulations, and protocols. The bill would not permit this exception to apply if the injury or illness resulted from a grossly negligent act or omission, willful or wanton misconduct, or unlawful discrimination by the business or an employee of the business. The bill would declare that it is to take effect immediately as an urgency statute. **The bill is pending in the Assembly Judiciary Committee and is likely dead.**

**AB 1403 (Levine) – Emergency – Public Safety Power Shutoff:** This bill would add a deenergization event, defined as a planned power outage, to the conditions constituting a state of emergency. ~~and a local emergency~~ The June 9 amendments provide that the bill only applies to a state-declared emergency. ACWA has taken a **favor** position on this bill. **The bill was vetoed by Governor Newsom, who stated it was unnecessary because an existing statute provides broad emergency authority when disaster conditions are met. Interestingly, Governor Newsom signed SB 52 into law, which had a similar effect to this bill.**

**AB 1434 (Friedman) – Water Conservation – Indoor Residential Water Use Standards:** Existing law, until January 1, 2025, establishes 55 gallons per capita per day as the standard for indoor residential water use, which will decrease to 52.5 gallons per capita per day starting on January 1, 2025 and to 50 gallons per capita per day starting on January 1, 2030. This bill would establish, beginning January 1, 2023, until January 1, 2025, the standard for indoor residential water use as 48 gallons per capita per day. The bill would establish, beginning January 1, 2025, the standard as 44 gallons per capita per day and, beginning January 1, 2030, 40 gallons per capita per day. The bill would eliminate the requirement that the Department of Water Resources, in coordination with the State Water Board, conduct necessary studies and investigations and jointly recommend to the Legislature a standard for indoor residential water use. The April 19 amendments added back into the bill the current requirement for DWR, in coordination with the State Water Board, to conduct necessary studies to make a recommendation to the Legislature for indoor water use standards. ACWA has taken an **oppose** position on this bill. **The bill passed the Assembly Water, Parks and Wildlife Committee by an 8-6 vote, but did not advance out of the Appropriations Committee and is likely dead.**

**AB 1500 (E. Garcia) - Safe Drinking Water, Wildfire Prevention, Drought Preparation, Flood Protection, Extreme Heat Mitigation, and Workforce Development Bond Act of 2022:** This bill would provide \$6.7 billion in funding for various water, wildfire protection, climate resiliency and other projects. \$1.6 billion would be allocated for the delivery of safe drinking water, drought preparation and response, and flood protection. The April 14 amendments increase the amount of the proposed bond to \$6,955,000,000 and changed the election date from the November 2022 election to the June 2022 election. **The bill has passed the Assembly Water, Parks and Wildlife, Natural Resources and Appropriations Committees and is still pending on the Assembly floor.**

## **SENATE BILLS:**

**SB 45 (Portantino) – Wildfire, Climate Resilience & Water Bond:** SB 45 would put forth a \$5.51 billion bond at the November 2022 general election to finance projects for a wildfire prevention, safe drinking water, drought preparation, and flood protection program. \$1,470,000 would be allocated to water supply and water quality projects, including SGMA implementation, groundwater planning and recycled water projects. The April 8 amendments increase the amount of the proposed bond to \$5,595,000,000. **The bill was placed in the Senate inactive file on June 1.**

**SB 46 (Stern) – ~~Employment – COVID-19 Contact Tracing:~~** ~~This bill would state the intent of the Legislature to enact legislation that would require an employer to develop and implement contact tracing and safety policies for its employees, including requiring notice to the employer when an employee receives a positive COVID-19 test.~~ **American Rescue Plan:** The bill was gutted and amended on March 10 and now would require, to the extent authorized by federal law, that a state agency that receives and disburses American Rescue Plan funds or other federal recovery funds to consider projects’ potential impact on various goals, including, among other things, restoring frontline communities and rapidly accelerating achievement of environmental justice and climate goals, including climate, environmental, biodiversity protection and stimulating growth. The bill would require state agencies to document how proposed projects meet or align with the goals and require the Labor and Workforce Development Agency to establish an internet website where the public can track the expenditure of federal ARP funds by the state and how funded projects meet the goals. **The bill is pending in the Senate Governmental Organization and Labor, Public Employment and Retirement Committees and is likely dead, as these funding issues are being addressed in connection with the State Budget.**

**SB 52 (Dodd) – Local Emergency – Planned Power Outage:** Existing law defines the terms “state of emergency” and “local emergency” to mean a duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property caused by, among other things, a sudden and severe energy shortage. Existing law defines a “sudden and severe energy shortage” as a rapid, unforeseen shortage of energy, resulting from, but not limited to, events such as an embargo, sabotage, or natural disasters, and that has statewide, regional, or local impact. As amended on April 12, the bill would define a “deenergization event,” to mean a planned power outage, and would make a deenergization event a condition that constitutes a local emergency. **The bill was signed into law on October 6.**

**SB 209 (Dahle) – Emergency Declaration:** Existing law gives the governor the authority to declare a state of emergency. This bill would require a state of emergency to terminate seven days after the Governor’s proclamation of the state of emergency unless the Legislature extends it by a concurrent resolution. As amended on March 4, the seven-day period was changed to 45 days. **The bill is pending in the Senate Governmental Organization Committee and is likely dead.**

**SB 222 (Dodd) – Low-Income Rate Assistance Program:** This bill would establish the Water Affordability Assistance Fund (the “Fund”) in the State Treasury. The Fund would provide water affordability assistance for both drinking water and wastewater services to low-income ratepayers and ratepayers experiencing economic hardship. Money in the Fund would be made available upon appropriation by the Legislature to the State Water Board for the following six purposes: A) direct water bill assistance; B) water bill credits to renters, individuals, or households that pay other amounts, fees, or charges related to residential water and wastewater service; C) water crisis assistance; D) affordability assistance to low-income households served by domestic wells; E) water efficiency measures for low-income households; and F) short-term assistance to public water systems to administer program components, including startup costs. SB 222 would define “low-income” as a household income, or a community annual median household income, that is equal to or no greater than 200 percent of the federal poverty level.

The bill would require the State Water Board to appoint an advisory panel and to adopt annual expenditure plans.

Although the bill intends to address a serious statewide problem, there are concerns with it. It does not include a funding source(s) or the amount of funding, which makes it difficult to evaluate the impacts on public water agencies. The AB 401 Report that led to the bill estimated the cost of the program at \$606.2 million per year, but that did not include wastewater services or assistance for low-income households served by domestic wells. There also are concerns with which state agency is best-suited to administer the program, which may be an agency other than the State Water Board. Also, the bill would have over three thousand public water systems distribute a significant part of the benefit (i.e., “direct water bill assistance”), and there was never consensus on that process in the AB 401 Report’s stakeholder process. The Legislature will need to determine whether an existing benefit distribution mechanism is a better option. In other words, have one agency distribute the money instead of 3,000 agencies, or perhaps run the program through the Franchise Tax Board via a state income tax credit.

The bill was amended on April 5 and April 20. Among the changes made are that the implementing agency was changed from the State Water Board to the Department of Community Services and Development; new purposes were added for technical assistance for small water systems and contracting with a third-party fund administrator; the third-party administrator could make direct payments to water systems; added recipient eligibility verification requirements; and gave the State Water Board various consultative roles with respect to the program, including collection of water system rate data. The April 5 amendments deleted the prior proposal for the State Board to evaluate whether tiered water rates are a solution for affordability challenges, and removed the merger of the water rate affordability fund with the SAFER Program Fund.

The bill was further amended on May 3 to delete the water system rate and boundary data requirements, and on May 24 to make operation of the bill contingent on appropriations in the State Budget Act or in another statute.

However, SB 222 still does not include a funding source, which makes it difficult to consider the bill’s impacts on water systems. However, in recent negotiating sessions, the author has stated he will not accept a water tax as a funding source. Based on those representations, ACWA has moved from an “oppose unless amended” to a “watch” position. **The bill passed the Assembly Appropriations Committee, but was placed in the inactive file on September 3.**

**SB 223 (Dodd) – Water Service Terminations:** SB 223 is a follow on bill to SB 998, which, among other things, required all water systems with 200 or more service connections to adopt a policy regarding water service turnoffs and to delay any termination of service until at least 60 days after the bill is delinquent. SB 223 would apply SB 998 requires to water systems with between 15 and 200 service connections. The bill also makes changes to SB 998 that will also impact larger systems, including:

- Require adoption of an arrearage management plan that would extend for a maximum of 12 months and include forgiveness of at least one-twelfth of the delinquent balance



with each consecutive on-time payment of the monthly charge for water service only. Forgiveness of the full delinquent balance under the arrearage management plan would be required to take place at the final consecutive on-time payment under the plan. The water system would be required to notify the customer of the availability of the arrearage management plan as an alternative payment arrangement alternative.

- The bill would also extend the service turnoff prohibition to at least 120 days of nonpayment and would specify that the amount of the delinquency, excluding late charges and interest, would have to be at least \$400 to trigger discontinuation of service.
- The bill would require a water system to waive fees for disconnection and reconnection of service to a low-income customer.
- The bill would also require that a water system waive all late fees, interest charges, and penalties on delinquent bills every 12 months.
- The bill would also establish that the water systems would be required to release all liens, and would not obtain any new lien, for delinquent amounts owed for residential water service when the customer is enrolled in an amortization agreement, alternative payment schedule, or arrearage management plan, or a plan for deferred or reduced payment.
- For systems that provide water audits or have the capacity to do so, a free water audit offered to low-income residential customers households with water usage that is above the annual average volume usage of their customer class.
- Additional reporting requirements would be imposed by the bill in a system's annual reporting to the State Water Board, as follows:
  - The number of accounts for which water service was restored within 36 hours of the time of disconnection.
  - The number of accounts for which water service was restored between 36 hours and seven days from the time of disconnection.
  - The number of accounts for which water service was restored more than seven days after disconnection.
  - The number of accounts for customers who fell behind on their water bills during the year, the median amount of household water debt that is outstanding at the end of each annual reporting cycle, and the overall amount of household water debt that is outstanding at the end of each annual reporting cycle.
  - The number of accounts for customers who are enrolled in a water affordability program at the end of each annual reporting cycle.

SB 223 poses a number of problems, including possible violations of Proposition 218 in connection with any debt forgiveness and waiver of reconnection charges an agency would

otherwise incur. Also, SB 223 is being put forth before SB 998 even had an opportunity to take effect. SB 223 will result in changes to the policy each agency has adopted, with resulting preparation and translation costs. This is another bill that warrants great attention as the session progresses.

The bill was amended on April 5. Among the changes made are: (1) water suppliers not regulated by the PUC would not be required to offer arrearage management plans, but would have to evaluate the extent to which the supplier can offer an arrearage management plan without using ratepayer funds from customers not enrolled in the plan; (2) if the supplier determines it cannot offer an arrearage management plan, it must consider alternatives, including offering longer repayment periods, increasing benefits under a low-income rate assistance program or altering shutoff policies; (3) the length of time that must pass before service could be terminated for non-payment is shortened from 120 days to 90 days; (4) the threshold of unpaid charges before service could be terminated is reduced from \$400 to \$250; (5) a water supplier is no longer required to release all liens, but the supplier would still be prohibited from recording any new liens; (6) for any future liens imposed for non-payment, the water supplier must inform the customer how a lien operates, provide assurance that the lien will not be foreclosed as long as the customer is enrolled in a repayment plan, and confirm the lien will be released when the past due amount is paid in full.

The bill was further amended on April 20 to require the Public Utilities Commission to consider whether to establish a pilot program for PUC-regulated water systems to establish arrearage management plans. Those amendments also require that if an urban and community water system determines it cannot provide an arrearage management plan, it must consider various alternatives to such a plan, as mentioned in item (2) of the prior paragraph.

Even with the April 5 and April 20 amendments, significant problems remain with the bill. For instance, any water supplier with sufficient non-rate revenues will be required to offer arrearage management plans (i.e., debt forgiveness). Also, the bill would result in the Legislature usurping local authority with respect to the most appropriate use of those non-rate revenues. ACWA has taken an **oppose** position on the bill. **The passed the Senate Energy, Utilities and Communications and Environmental Quality Committees, but was held in the Senate Appropriations and is likely dead.**

**SB 230 (Portantino) – Constituents of Emerging Concern:** SB 230 would require the State Water Resources Control Board to establish a dedicated program called the Constituents of Emerging Concern Program to assess the state of information and recommend areas for further study on: (i) the occurrence of constituents of emerging concern (CECs) in drinking water sources and treated drinking water; (ii) fate, transportation, and biodegradation of CECs; (iii) water treatment and laboratory analyses; and (iv) the potential effects on public health of CECs in drinking water sources and treated drinking water. The bill would require the State Water Board to convene a Science Advisory Panel to review and provide recommendations to the State Water Board on CECs for further action.

The bill would establish the CECs Action Fund, and would require money in the fund to be used, upon appropriation by the Legislature, for costs associated with implementing and

administering the program. The bill would limit sources of funding to federal contributions, voluntary contributions, gifts, grants, bequests, transfers by the Legislature from the General Fund, and funding from authorized general obligation bond acts. The bill would authorize the State Water Board, upon an appropriation by the Legislature, to provide financial assistance to public water systems serving fewer than 10,000 individuals and located in disadvantaged communities, if the costs associated with testing drinking water in compliance with CECs monitoring requirements would impose a financial hardship.

The bill would take a unified, consistent, and science-based approach to improving the understanding of CEC's by establishing a program that would gather and develop information surrounding these CEC's and identifying which CEC's warrant further action. In addition, SB 230 would specify the sources of funding for its program. **The bill passed the Senate Environment Quality Committee and is now pending in the Senate Appropriations Committee. It is now a two-year bill due to its significant costs.**

**SB 268 (Archuleta) – Board of Directors – Lower San Gabriel River Recreation and Park District:** Existing law authorizes the establishment of the Lower Los Angeles River Recreation and Park District by petition or resolution submitted to the Los Angeles County LAFCO before January 1, 2021. Existing law authorizes 10 specified city councils to each appoint one member, and the Los Angeles County Board of Supervisors to appoint 2 members. Existing law authorizes the city councils of the Cities of Commerce, Downey, Montebello, and Pico Rivera to jointly appoint one member to serve a 2-year term on the initial board of directors of the district. This bill would authorize the city councils of the Cities of Commerce, Downey, Montebello, and Pico Rivera to each appoint one member to the initial board of directors of the district, rather than to jointly appoint one member to serve a 2-year term. The bill would authorize the Los Angeles County Board of Supervisors to appoint 3 members, rather than 2 members, to serve on the initial board of directors of the district. The bill would also extend the deadline to submit to LAFCO the petition or resolution establishing the district from January 1, 2020, to January 1, 2024. The bill would remove the authorization for the city council of the City of Montebello to appoint a member to the district's initial board of directors and would authorize the Governor to appoint one public member to the initial board of directors. **The bill was signed into law on October 9.**

**SB 273 (Hertzberg) – Water Quality – Municipal Wastewater Agencies:** This bill would authorize municipal wastewater agencies (which includes special districts and joint powers agencies) to enter into voluntary agreements with entities responsible for stormwater management – including municipal, industrial, and commercial stormwater dischargers – to more effectively manage stormwater and dry weather runoff. The bill would allow a municipal wastewater agency to acquire, construct, expand, operate, maintain, and provide facilities to divert stormwater and dry weather runoff from the stormwater system to the wastewater collection system; manage and treat stormwater and runoff; discharge treated urban stormwater runoff to the stormwater drainage system or receiving waters; and reuse captured stormwater and runoff for a beneficial use. The bill would supplement the existing authority of all municipal wastewater agencies to enter into agreements that would allow them to divert and treat stormwater and dry weather runoff, which will benefits water recycling and reuse. **The bill was signed into law on September 23.**

**SB 274 (Wieckowski) – Brown Act:** This bill would require a local agency with an internet website to e-mail a copy of, or provide a website link to, the agenda or a copy of all documents constituting the agenda packet if a person requests that the items be delivered by e-mail. If the local agency determines that it is technologically infeasible to send a copy of the documents or a link to a website that contains the documents by e-mail or by other electronic means, the bill would require the agency to send by mail a copy of the agenda or a website link to the agenda and mail a copy of all other documents constituting the agenda packet. The bill would provide an alternative method for local agencies to deliver requested agenda and/or agenda documents. This could have the benefit of reducing staff time necessary to mail requested documents. Agencies could also set up an automated system for the public to receive the agenda documents via e-mail. **The bill was signed into law on October 9.**

**SB 278 (Leyva) – Cal-PERS – Reporting Error Liability:** This bill, which was signed into law on September 27, imposes new liability on employers when Cal-PERS identifies an error in reporting compensation that has been agreed upon between the employer and a recognized employee organization that results in the reduction of a retiree's, survivor's or beneficiary's pension benefits. SB 278 shifts liability for such errors to the employer, who must repay any overpayments to Cal-PERS and pay a penalty of 20% of the present value of the lifetime loss of pension benefits attributed to the disallowed compensation. Ninety percent of that penalty goes to the retiree and the other 10% goes to Cal-PERS. The new law can be applied retroactively, to reportable compensation dating back to January 1, 2017. Although SB 278 applies only to compensation that is subject of negotiations with a recognized employee organization, it is likely to be expanded in the future to cover all employees.

**SB 294 (Leyva) – Public Employee Retirement – Leave of Absence Service Credit:** This bill has been amended and now only applies to school districts.

**SB 318 (Melendez) – Development Fees – Auditor Standards:** The Mitigation Fee Act, authorizes a local agency to retain an independent auditor if requested to conduct an audit to determine whether a development fee or charge (including capacity charges or connection fees) is reasonable. This bill would provide that the independent auditor to be used must be a certified public accountant, or a firm of certified public accountants. The bill would prohibit the local agency from retaining an independent auditor that the local agency contracted with for any reason during the preceding 10 years. The bill would also prohibit an independent auditor that is retained by a local agency to conduct the audit from soliciting or accepting employment from the local agency for 5 years following the completion of the audit and all subsequent challenges related to the audit. **The bill is now pending in the Senate Governance and Finance Committee and is likely dead.**

**SB 319 (Melendez) – Development Fees – Audit:** As discussed with respect to SB 318, the Mitigation Fee Act authorizes a person to request an audit under Government Code Section 66022 to determine whether a fee or charge levied by a local agency exceeds the amount reasonably necessary to cover the cost of any product, public facility, or service provided by the local agency. If the local agency does not comply with disclosure requirement for three consecutive years, the Mitigation Fee Act requires the local agency to pay the cost of the audit.

This bill, additionally, would require that audit to include each consecutive year the local agency did not previously comply with the disclosure requirement. **The bill was signed into law on September 28.**

**SB 323 (Caballero) – Water and Sewer Fees – Legal Actions:** Under existing law, it is not clear what statute of limitations applies to a challenge to water rates or what form of legal action must be utilized to challenge those rates. This bill would require that any such legal action must be commenced within 120 days of the effective date of the ordinance, resolution, or motion adopting the new or increased rates and/or charges. The bill would also require that any action that is brought to challenge the rates and/or charges must be brought as a reverse validation action. This bill will provide certainty to water agencies in adopting rates and will provide a relatively short time frame for any actions to be brought to challenge rates. The March 17 amendments provide that the bill will apply to any fees or charges adopted after January 1, 2022. The bill was further amended on June 23 to add a requirement that an agency's Proposition 218 notice must include language regarding 120-day limitation period. The August 16 amendments state that the 120 day period starts to run on the later of the effective date of the rate change or the date of final passage of the ordinance, resolution or motion. **The bill was signed into law on September 22.**

**SB 347 (Caballero) – California Tree Fund:** As amended on March 7, this bill would provide eligible recipients, including special districts, with grants for urban forestry activities, including water conservation, improved water quality and stormwater capture projects. This bill would be funded through a voluntary contribution on personal income tax forms. The bill would benefit water suppliers that implement multi-benefit green infrastructure projects. **The bill was signed into law on July 16.**

**SB 351 (Caballero) - Water Innovation Act of 2021:** This bill, the Water Innovation Act of 2021, would create the Office of Water Innovation at the California Water Commission for the furtherance of new water-related technologies and other innovative approaches in the water sector. The bill would require the office, by December 31, 2023, to take various actions (including establishing an interagency team to increase collaboration and to engage affected stakeholders) to advance innovation in the water sector. The bill would further create the Water Innovation Fund, with all moneys available, upon appropriation, to the Department of Water Resources, the State Water Resources Control Board, or other state agencies for the furtherance of water innovation. **The bill passed the Senate Natural Resources and Water Committee but did not advance out of the Senate Appropriations Committee and is likely dead.**

**SB 372 (Leyva) – Zero Emission Vehicles – Fleet Purchasing Assistance Program:** This bill is similar to AB 1110 discussed above in establishing a program to facilitate the acquisition of zero-emission fleet vehicles. Under this bill, the California Pollution Control Financing Authority would establish the program and would be required to make financing tools and non-financial support to operators of medium- and heavy-duty fleet vehicles. The July 12 amendments require the Air Resources Board, in developing and implementing the program, to consult with various stakeholders regarding specified program components, develop and design financing tools and nonfinancial supports that are most appropriate for different sizes and sectors of medium- and heavy-duty vehicle fleets, and ensure that the financial tools and nonfinancial

supports required pursuant to the program are available to operators of medium- and heavy-duty fleets by January 1, 2023. The bill would require the Financing Authority to develop, in consultation with the Air Resources Board, a data collection and dissemination strategy for the program and to track project implementation and report project outcomes to the Air Resources Board on at least an annual basis. The bill would require the Air Resources Board to provide on its internet website information regarding the potential financing and grant options and other technical assistance available through the program.

ACWA has taken a **favor** position on this bill. **The bill was signed into law on October**

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**SB 378 (Gonzalez) – Broadband Infrastructure Development Permit Processing:** As gutted and amended, this bill would require a local agency to allow trenching for the installation of fiber infrastructure for broadband infrastructure. However, the bill does not clearly require such installation to comply with the Dig Alert requirements and does not specify any minimum spacing requirements for such fiber conduit in relation to existing water and sewer lines. Although several additional amendments have been accepted, the bill still does not address that spacing issue. ACWA has taken a **not favor unless amended** position on this bill. **The bill was signed into law on October 8.**

**SB 403 (Gonzalez) – Consolidation of Drinking Water Systems – Disadvantaged Communities:** This bill would authorize the state board to also order consolidation where a water system serving a disadvantaged community is at risk of failing to provide an adequate supply of safe drinking water or where a disadvantaged community is substantially reliant on domestic wells that are at risk of failing to provide an adequate supply of safe drinking water. This bill would require the state board to conduct outreach to ratepayers and residents served by an at-risk water system and to consider any specified petitions submitted by members of a disadvantaged community served by the at-risk water system before ordering the consolidation of the at-risk water system, as prescribed.

The bill was amended on April 27 to specify that it applies to an “at-risk” water system, which is defined to be a system with 3,300 or fewer connections, serves a disadvantaged community and is at risk of consistently failing to provide an adequate supply of safe drinking water under the State Water Board’s Drinking Water Needs Assessment. The April 27 amendments also would authorize the State Water Board to prioritize consolidation of an at-risk water system that has historically been overburdened by pollution and industrial development or faced other environmental justice hurdles, and would require a finding that a disadvantaged community, in whole or in part, is substantially reliant on at-risk domestic wells to be based on inspection or testing of the domestic wells.

The bill was amended on June 8 to add provisions with respect to the public process that must be followed in connection with any consolidation. Further amendments were made on July 8 that, among other things, added a requirement for any domestic wells to be consolidated, there must be an imminent risk of failure to provide a safe drinking water supply. **The bill was signed into law on September 23.**

**SB 426 (Susan Rubio) – MS4 Permits – Financial Capability Analysis:** This bill was gutted and amended on March 1 and now would require the State Water Board to establish financial capability assessment guidelines for MS4 permittees by July 1, 2022. The bill is a reintroduction of AB 2364 (Blanca Rubio) from the last legislative session and is in response to the Regional Water Quality Control Boards’ failure to consider the costs local jurisdictions face in complying with MS4 permit requirements. **The bill was placed in the Assembly inactive file on June 1.**

**SB 427 (Eggman) – Water Theft Penalties:** Existing law authorizes the legislative body of a local agency to make, by ordinance, any violation of an ordinance subject to an administrative fine or penalty and limits the maximum fine or penalty amounts for infractions, to \$100 for the first violation, \$200 for a second violation of the same ordinance within one year of the first violation, and \$500 for each additional violation of the same ordinance within one year of the first violation.

This bill would authorize the legislative body of a local agency to make, by ordinance, any violation of an ordinance regarding water theft subject to a fine not exceeding \$1,000 for a first violation; a fine not exceeding \$2,000 for a second violation of the same ordinance within one year; and a fine not exceeding \$5,000 [revised to \$3,000 by March 25 amendments] for each additional violation of the same ordinance within one year. The bill would define “water theft” as an action to divert, tamper, or reconnect water utility services, as defined in Section 498 of the Penal Code.

The March 25 amendments require the local agency to include administrative procedures to govern the imposition, enforcement, collection and review by the agency of any such fines or penalties for water theft, and to establish a process for granting a hardship waiver to reduce the amount of the fine. Those amendments also added specific penalties for water theft committed via meter tampering, as follows: not to exceed \$130 for the first violation; not to exceed \$700 for a second violation within one year of the first violation; and not to exceed \$1,300 for a third and any subsequent violation within one year of the first violation. **The bill was signed into law on July 23.**

**SB 448 (Melendez) – Emergency Powers – Limitation:** This bill would enact the Emergency Power Limitation Act, which would require an emergency order issued by the Governor, a political subdivision, a city or a county to be narrowly tailored to serve a compelling public health or safety purpose and be limited in duration, applicability, and scope. The bill would authorize any person to bring an action to invalidate or enjoin enforcement of an emergency order that is allegedly unlawful. The bill would prohibit a state agency from issuing an emergency order that infringes on an express constitutional right (as defined in the bill) in a nontrivial manner, and would require that an emergency order issued by the Governor that infringes on an express constitutional right expire within 30 days if the Legislature is in session at the time the order is issued or within 7 days if the Legislature is not then in session. **The bill is pending in the Senate Governmental Organization and Judiciary Committees and is likely dead.**

**SB 526 (Min) – Lead User Service Lines:** Existing law requires, by July 1, 2018, a community water system to compile an inventory of known lead user service lines in use in its distribution

system and identify areas that may have lead user service lines in use in its distribution system. Existing law requires, by July 1, 2020, a community water system with known lead user service lines in use in its distribution system to provide a timeline for replacement of those lines to the State Water Resources Control Board. Existing law requires the state board to review and approve an established timeline. Existing law authorizes the State Board to enforce these requirements, and a violation is considered a violation of the California Safe Drinking Water Act, subjecting the violator to specified civil and criminal penalties. This bill would, until January 1, 2025, require a community water system to remove or replace the full lead user service line, if the community water system disturbs, removes, or replaces any portion of it. The bill would apply the above-described enforcement provisions to a violation of the requirements of the bill. **The bill is pending in the Senate Environmental Quality Committee and is likely dead.**

**SB 552 (Hertzberg) – Drought Planning – Small Water Systems:** This bill would require small water suppliers (serving between 15 and 2,999 service connections), and non-transient non-community water systems that are schools, no later than December 31, 2022, to develop and submit to the Division of Drinking Water an Emergency Response Plan that includes specified drought-planning elements. The bill would require these water systems to report specified water supply condition information to the State Board through the Electronic Annual Reporting System, and to include water system risk and water shortage information in the water systems' Consumer Confidence Reports. The bill would require the State Water Board, in partnership with the Department of Water Resources no later than December 31, 2022, to conduct an assessment of drought and emergency water shortage resiliency measures for small water systems and non-transient non-community water systems that are schools, among other tasks.

This bill would require a county to establish a standing county drought and water shortage task force to facilitate drought and water shortage preparedness for state small water systems and domestic wells within the county's jurisdiction, and include potential drought and water shortage risk and proposed interim and long-term solutions as an element in an existing county plan.

The June 14 amendments add reporting requirements for the Department of Water Resources to meet during a drought emergency and would require a county to update its well permit application to include a checkbox to determine if the reason for the well permit application is due to a dry well, or due to a well that is actively failing or at risk of failing due to drought and water shortage, and to report to the Department of Water Resources and any groundwater sustainability agencies within its jurisdiction a summary of information on well permits, including the number and locations of both dry wells and wells that are actively failing or at risk of failing due to drought and water shortage. **The bill was signed into law on September 23.**

**SB 594 (Glazer) – Redistricting:** The bill was gutted and amended on August 16. The amendments added various provisions to tie statewide, city and county election-related deadlines to the state redistricting deadline established in the California Constitution. With respect to special districts, the amendments provide that for a district that has a board election on the same date as the 2022 statewide general election (i.e., November 8, 2022), the district must adjust its



division boundaries based on the 2020 census on or before **April 17, 2022**. The bill would give local governments more time to redistrict following release of the 2020 census data, which was delayed by COVID-19, than is provided under existing law. **The bill was signed into law on September 27.**

**SB 626 (Dodd) – Department of Water Resources – Construction Methods:** This bill would authorize the Department of Water Resources to utilize the Construction Manager/General Contractor construction method, except for the procurement for the design or construction of through-Delta conveyance facilities of the Sacramento-San Joaquin Delta. The April 5 amendments address DWR’s possible use of the design-build method, and also address DWR’s construction inspection services. **The bill was signed into law on September 23.**

**SB 657 (Ochoa Bogh) – Employment – Electronic Documents:** The bill would authorize an employee working from home to receive legally required notices and postings electronically and sign or acknowledge certain documents electronically. The bill was amended on April 12 and April 22 to instead provide that in any instance in which an employer is required to physically post information, the employer may also distribute that information to employees by email with the document or documents attached, but such e-mail distribution does not alter the employer’s existing obligation to physically display a required posting. **The bill was signed into law on July 16.**

**SB 776 (Gonzalez) – Safe Drinking Water and Water Quality:** As amended on March 10, this former spot bill, which is sponsored by the State Water Resources Control Board, would make various changes to allow the State Water Board to more efficiently administer the Safe and Affordable Drinking Water Fund, such as allowing the State Board to make advance payments of up to \$10,000. However, the bill also contains new provisions concerning enforcement and cost recovery, including new monetary penalties and exemptions of certain State Board actions, like general monitoring orders, from the requirements of the Administrative Procedures Act. The April 19 amendments would require all moneys collected pursuant to the added enforcement provisions be deposited into a fund from which the financial assistance agreement that is the subject of the action originated, unless the State Water Board determines that deposit in another fund would be more effective for providing financial assistance for the same or substantially similar purpose.

The bill was amended on July 14 to provide that the State Water Board’s issuance of a notification level, response level or definition of a confirmed detection would not be subject to the Administrative Procedures Act. However, with respect to the notification and response level issues, the current public process adopted under AB 2560, passed in 2020, would still apply. **The bill was signed into law on September 16.**